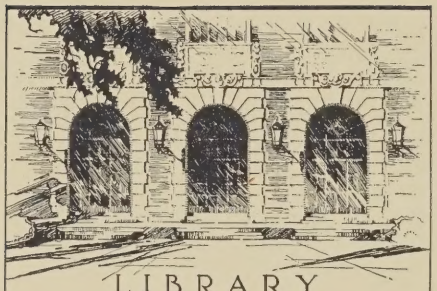

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COMMONWEALTH OF PENNSYLVANIA

Legislative Journal.

Extraordinary Session of 1942.

Vol. 26. HARRISBURG, PA., TUESDAY, FEBRUARY 17, 1942. No. 1.

SENATE

TUESDAY, February 17, 1942, 3 o'clock, P. M. Eastern War Time.

This being the day and hour fixed by the Governor of the Commonwealth in his Proclamation, convening the General Assembly in Extraordinary Session, the members of the Senate assembled in the Senate Chamber.

The PRESIDENT. (Lieutenant-Governor Samuel S. Lewis) called the Senate to order at 3 o'clock, p. m., Eastern War Time.

PRAYER

The PRESIDENT. In the absence of the regular Chaplain, whom you all know is in the army we will be led in prayer by the Senator from Berks, Dr. RUTH.

Dr. RUTH. Almighty God, Our Heavenly Father, as we are convening this session of the Senate, we, first of all, want to thank Thee that thou hast given life and health to each one of us to permit us to return to our duties. We pray that as we meet the prescribed work that is laid out for us, we may have the wisdom and courage to carry it through speedily and to Thy Honor and Glory.

As we are facing the greatest crisis in our national life, within our life time, we ask that we may have the same faith and courage and strength that our fathers had of old, so that we may meet it to Thine honor and glory. Amen.

ROLL CALL

The PRESIDENT. The Chief Clerk will call the roll.

The Chief Clerk called the roll and the following Senators were present:

Joseph M. Barr
Charles A. P. Bartlett
Clarence D. Becker
Jacob W. Carr
Anthony Cavalcante
Leroy E. Chapman
Edward J. Coleman
John Fremont Cox
Paul M. Crider
Montgomery F. Crowe
George A. Deitrick
John H. Dent
Anthony J. DiSilvestro
Charles H. Ealy
Franklin Spencer Edmonds
Louis H. Farrell
Edward R. Frey
James A. Geltz
John J. Haluska
Weldon B. Heyburn
Frederick L. Homsher
Howard I. James
H. Jerome Jaspan
A. Evans Kephart
Henry E. Lanius
A. H. Letzler
Charles R. Mallery
John J. McCreesh
Bernard B. McGinnis
J. K. McQuiddy
Robert M. Miller
Leo C. Mundy
J. Albert Reed
Frank W. Ruth
George B. Scarlett
John G. Snowden
George B. Stevenson
Israel Stiefel
O. J. Tallman
M. Harvey Taylor
J. Fred Thomas
Cyrus B. Tyler
Geo. N. Wade
John M. Walker
G. Harold Watkins
Henry I. Wilson
Thomas B. Wilson
George Woodward
Joseph Ziesenheim

ABSENT

Harry Shapiro

The PRESIDENT. Forty-nine members having answered to their name a quorum of the Senate is present. The Senate is ready to proceed with the business of the session.

LEAVE OF ABSENCE

Mr. Stiefel asked and obtained leave of absence for the Senator from Philadelphia, Mr. SHAPIRO.

PROCLAMATION OF THE GOVERNOR

The PRESIDENT. The Clerk will read the Proclamation of the Governor.

The Clerk read the Proclamation of the Governor as follows:

In the Name and by Authority of the
COMMONWEALTH OF PENNSYLVANIA
GOVERNOR'S OFFICE

Proclamation

By virtue of the authority vested in me by Article IV, Section 12 of the Constitution, I, Arthur H. James, Governor of the Commonwealth of Pennsylvania, do hereby convene the General Assembly in extraordinary session, to meet in the Capitol, at Harrisburg, on Tuesday, February seventeenth, one thousand nine hundred forty-two, at three o'clock post meridian of that day, to consider legislation upon the following subjects:

1. Congressional reapportionment.

2. Postponement of the Parole Law approved the sixth day of August, one thousand nine hundred forty-one, P. L. 861.

3. Such further subjects as I, by Supplement to this Proclamation, shall further designate for their consideration.

GIVEN under my hand and the Great Seal of the State, at the City of Harrisburg, this tenth day of February, in the year of our Lord, one thousand nine hundred forty-two, and of the Commonwealth the one hundred sixty-sixth.

ARTHUR H. JAMES

By the Governor:
S. M. O'Hara
Secretary of the Commonwealth

The PRESIDENT. The Clerk will also read the Supplemental Proclamation by the Governor.

It was read as follows:

In the Name and by Authority of the
COMMONWEALTH OF PENNSYLVANIA
GOVERNOR'S OFFICE
Harrisburg, Pa.

SUPPLEMENTAL PROCLAMATION

WHEREAS, An Extraordinary Session of the General Assembly of the Commonwealth of Pennsylvania has been called. under authority of Article IV, Section 12, of the Constitution, to meet in the Capitol at Harrisburg, on Tuesday, February seventeenth, one thousand nine hundred and forty-two, at three o'clock post meridian of that day:

NOW, THEREFORE, I, ARTHUR H. JAMES, Governor of the Commonwealth, do hereby designate the following additional subjects for the consideration of the General Assembly:

1. Legislation authorizing the suspension or modification of existing laws that interfere with the prosecution of any war in which this Nation is, or may become, engaged.

2. Legislation authorizing political subdivisions to make appropriations to local or district Councils of Defense; confirming and validating appropriations heretofore made for defense purposes; and permitting political subdivisions to acquire funds for these purposes by borrowing or by taxation.

3. Legislation relating to the prevention of sabotage.

4. Legislation providing for and facilitating the mobilization and use of fire-fighting forces and equipment for National defense purposes.

5. Legislation relating to air-raid precautions and blackouts.

6. Liberalization of the Unemployment Compensation Law.

7. Legislation authorizing the appointment of substitute fiduciaries where existing fiduciaries are in military service, or allowing remaining fiduciaries to act where co-fiduciaries are in the military service.

8. Cession by the Commonwealth of Pennsylvania to the United States of America of jurisdiction over certain land acquired by the United States of America in the Borough of Eddystone, Delaware County, for the establishment of a plant to produce steel forgings and other articles necessary for National defense.

9. Revision of benefits payable to dependents under the provisions of the Act of June 7, 1917, P. L. 600, as amended.

10. Legislation authorizing the Department of Highways to construct, replace or repair bridges in cities of the third class which form connecting links on State highways necessary for national defense in cases where Federal funds and city funds are available for such purposes.

11. Legislation authorizing building and loan associations to act as fiscal agents of the United States Government for the sale of United States Defense Bonds and Stamps.

12. Legislation extending the time within which writs of election may issue for holding special elections to fill vacancies occurring in either House of the General Assembly, and the time within which nominations therefor may be filed.

13. Appropriation to the Department of Justice for the conduct of parole work of the Board of Pardons.

14. Appropriation for the expenses of the Legislative Committee on Congressional Reapportionment.

15. Appropriation for the expenses of the Special Session.

GIVEN under my hand and the Great Seal of the State, at the City of Harrisburg, this seventeenth day of February in the year of our Lord, one thousand nine hundred and forty-two, and of the Commonwealth the one hundred sixty-sixth.

ARTHUR H. JAMES

By the Governor:
S. M. O'Hara
Secretary of the Commonwealth

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced presented communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows:

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 17, 1942.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

If it meets with the approval of the General Assembly, I should like to address the Members in Joint Session today at 8:30 p. m.

ARTHUR H. JAMES

COMMUNICATION FROM THE SECRETARY OF GOVERNOR

The Secretary to the Governor being introduced pre-

sented communication in writing from himself, the Honorable J. Paul Pedigo, which was read as follows:

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, Pa., February 5, 1942.

SUBJECT: Change of Standard Time.

TO: All Department Heads under the Governor's Jurisdiction.

FROM: J. Paul Pedigo,
Secretary to the Governor.

The Governor directs me to call your attention to the fact that as a result of the Act of Congress approved January 20, 1942, and in accordance with the provisions of Section 1 of the Pennsylvania Act of Assembly approved April 13, 1887, as amended, the standard of time in Pennsylvania will be advanced one hour beginning at 2 o'clock antemeridian on Monday, February 9, 1942, and, therefore, all State transactions are to be conducted in accordance with the new standard of time.

Unlike the situation under so-called Daylight Saving Time, when the clocks of the Commonwealth of Pennsylvania remained on Eastern Standard Time, in this instance all official time in Pennsylvania changes in accordance with the Act of Congress.

(Signed)
J. PAUL PEDIGO.

AUTHORIZING PAYMENT OF SALARIES OF MEMBERS OF THE GENERAL ASSEMBLY

Mr. HENRY I. WILSON offered the following resolution which was twice read, considered and agreed to:

In the Senate, February 17, 1942.

Resolved (if the House of Representatives concur), That the State Treasurer be and is hereby authorized to pay on warrant of the Auditor General to each member of the General Assembly the sum of $250.00 on account of the salary of $500.00, and $50.00 in postage to which each member is entitled for an Extraordinary Session of the General Assembly by virtue of the provisions of the Act of Assembly approved the 2d day of June, A. D. 1933, P. L. 1422, and as amended by Act of Assembly approved the 28th day of May A. D. 1937, P. L. 999, and the balance of said $500.00, namely $250.00, on the day of final adjournment of the Extraordinary Session of the General Assembly, convened in session on call of the Governor, February 10, 1942.

Ordered, That the Clerk present the same to the House of Representatives for concurrence.

POSTAGE ON THE LEGISLATIVE JOURNAL

Mr. BARTLETT offered the following resolution which was twice read, considered and agreed to:

In the Senate, February 17, 1942.

Resolved (if the House of Representatives concur), That the Chief Clerks of the Senate and House of Representatives make arrangement for the necessary postage so that the Legislative Journal may be mailed according to the requirements of the Post Office Department, and the Appropriations Committee provide for the cost of the same in the bill providing for the expenses of the Extraordinary Session.

Ordered, That the Clerk present the same to the House of Representatives for concurrence.

ADOPTION OF RULES

Mr. TYLER offered the following resolution which was twice read, considered and agreed to:

In the Senate, February 17, 1942.

Resolved, That the standing rules of the Senate during the regular session of 1941 be adopted for the government of the Senate for the present Extraordinary Session.

COMMITTEE TO NOTIFY THE GOVERNOR

Mr. HEYBURN offered the following resolution which was twice read, considered and agreed to:

In the Senate, February 17, 1942.

Resolved (if the House of Representatives concur), That a committee of three on the part of the Senate be appointed to act with a similar committee on the part of the House (if the House shall appoint such Committee) to wait upon his Excellency the Governor and inform him that the General Assembly is convened in Extraordinary Session in conformity with the Proclamation of February 10, 1942, and is ready to receive any communications he may have to make.

Ordered, That the Clerk present the same to the House of Representatives for concurrence.

NOTIFICATION TO THE HOUSE

Mr. DEITRICK offered the following resolution which was twice read, considered and agreed to:

In the Senate, February 17, 1942.

Resolved, That a Committee of three be appointed to inform the House of Representatives that the Senate is now in session and ready to proceed to business.

The PRESIDENT. The Chair announces that the President Pro Tempore has appointed as said Committee the Senator from Northumberland, Mr. Deitrick, the Senator from Butler, Mr. Carr and the Senator from Allegheny, Mr. Barr.

RESOLUTION THAT HOUSE AND SENATE MEET IN JOINT SESSION

Mr. BECKER offered the following resolution which was twice read, considered and agreed to:

In the Senate, February 17, 1942.

Resolved (if the House of Representatives concur), That the Senate and House of Representatives meet in Joint Session on Tuesday, February 17, 1942, at 8:30 p. m., in the hall of the House for the purpose of hearing an address by His Excellency the Governor of the Commonwealth.

Ordered, That the Clerk present the same to the House of Representatives for concurrence.

PRESIDENT PRO TEMPORE TO APPOINT STANDING AND SPECIAL COMMITTEES

Mr. CHAPMAN offered the following resolution which was twice read, considered and agreed to:

In the Senate, February 17, 1942.

Resolved, That the President Pro Tempore of the Senate be authorized to appoint all special and standing committees of the Senate during the Extraordinary Session and shall be ex officio a member of all standing, special and joint legislative committees.

SALARIES OF OFFICERS AND EMPLOYES

Mr. WATKINS offered the following resolution which was twice read, considered and agreed to:

In the Senate, February 17, 1942.

Resolved, That the Chief Clerk of the Senate approve orders for the payment of salaries and wages only to such officers and employes of the Senate as we are specifically authorized by law and who actually perform the duties of the positions to which they have been elected or appointed.

DISPOSITION OF PETITIONS, MEMORIALS AND REMONSTRANCES

Mr. WADE offered the following resolution which was twice read, considered and agreed to:

In the Senate, February 17, 1942.

Resolved, That all petitons, memorials, and remonstrances be presented by handing the same to the Chief Clerk properly endorsed with the name thereon, in accordance with the practice of the last Regular Session.

RESOLUTION AUTHORIZING APPOINTMENTS BY THE GOVERNOR DURING THE INTERIM

Mr. CRIDER offered the following resolution which was twice read, considered and agreed to:

In the Senate, February 17, 1942.

Resolved, That the list of appointments which may be sent to the Senate by the Governor as having been made since the last regular session, be printed for the use of the Senate under the direction of the Chief Clerk.

CONGRATULATIONS TO THE LIEUTENANT-GOVERNOR SAMUEL S. LEWIS ON HIS BIRTHDAY

The PRESIDENT PRO TEMPORE (Hon. Charles H. Ealy, in the Chair).

Mr. TAYLOR offered the following resolution which was twice read, considered and agreed to:

In the Senate, February 17, 1942.

Whereas, The Senate of Pennsylvania regards with esteem and respect its Presiding Officer, the Lieutenant-Governor of the Commonwealth, the Honorable Samuel S. Lewis, who regardless of politics or personality, has conducted himself on the rostrum of this body with utmost fairness and with due regard to the best traditions of the office; and

Whereas, The members of the Senate learn with pleasure that this, the opening day of the Special Session of 1942, coincides with the birthday of Lieutenant-Governor Lewis; be it therefore

Resolved, That the Senate hereby extend to him on this happy occasion this token of its regard, together with the wish of the members that the Lieutenant-Governor will find as much pleasure in his duties as they have had in observing his uniform kindness and consideration in all his personal relationships, and that they join in wishing him long life, happiness and continued service to his fellow citizens.

The PRESIDENT PRO TEMPORE. Are there any remarks?

Mr. CAVALCANTE. Mr. President Pro Tempore, I would like to know whether the Lieutenant-Governor has his birth certificate.

The PRESIDENT PRO TEMPORE. Will the Lieutenant-Governor permit himself to be interrogated?

The LIEUTENANT-GOVERNOR. I will.

Mr. DENT. Mr. President, I look with a little suspicion upon this resolution, because of the identity of the sponsor, who has a peculiar knack of going out and getting the Democrats to do something innocently, and then later using it. As I understand it—of course, it is all right with me—this is endorsement in support of our Lieutenant-Governor as the next Governor of the State of Pennsylvania.

The PRESIDENT. Mr. Ealy and members of the Senate, I appreciate all of the nice things that the resolution contains, and I want to assure you that during this Special Session, which I hope will be brief, I purpose conducting the office of presiding officer of this body on the same high plane and in the impartial manner that I have during the three previous sessions. If I succeed in doing that and continue to hold the esteem and personal friendship of every one of the members, which I think I have, I will be amply repaid.

I think there should have been an amendment to the resolution, asking that the precedent established last year be continued, and I will say that if the session continues sufficiently long to permit an outing such as we had last year, you are all invited, so that may be an inducement not to adjourn as promptly as I would like.

Thank you.

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the Chair.

PERMISSION TO ADDRESS THE SENATE

Mr. DENT. Mr. President I ask permission to address the Senate.

The PRESIDENT. The gentleman from Westmoreland will proceed.

Mr. DENT. Mr. President, I intend to present a resolution at this time, and because of the urgency of the matter that it covers, I would like, by way of explanation, to just say a few words relative to the subject matter.

During the last session of the Legislature we passed a bill known as the Tallman Act, relating to the subject of civil service in this state. Because of certain provisions of that act, there is a controversy now between the Social Security Board in Washington and the Governor of the Commonwealth, and because of this controversy thousands of employes of the state who work in the Unemployment Compensation Division are in jeopardy of losing proper payments of their salaries and wages.

This whole argument, as I understand it, as a witness at a hearing in Washington on Monday a week ago, resolves itself around the contents of a bill passed by this General Assembly, and the purpose of that bill, or, rather, the intent of the Legislature. It covers the subject of a hearing before an impartial board before the dismissal of a certified civil service employe.

I believet hat the members of the General Assembly fully intended that any person who is working under a civil service status should be entitled to the simple principles involved in civil service employ, that is, that they must be given an impartial hearing prior to their dismissal, but somehow or other, Section 807 of Act 286 contains these words:

"Notwithstanding the provisions of this Act, the Governor may upon recommendation of the appointing authorities suspend or remove the director or any employe if he deems such action to be to the best interest of the public service."

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Now, Mr. President, the Social Security Board takes the position with the Secretary of Labor and Industry that sub-section (b) of the same section of this act specifically states that "all employes under civil service shall enjoy the right of having an impartial hearing before an impartial board before dismissal." That is contained in the law at the present time, but by construction the Attorney General has stated that the Governor has the right to fire any employe without giving him a hearing.

I think the question is too trivial and too self-centered to allow thousands of employes to be without their pay on their regular pay day, because of this argument, and therefore I introduce this resolution which clearly and merely states that the intent of the Legislature was and is that an employe who is employed under the civil service status will be given an impartial hearing before a board.

Therefore, Mr. President, I introduce this resolution and ask that it be given immediate consideration.

RESOLUTION URGING PENNSYLVANIA MERIT SYSTEM CONFORM WITH SOCIAL SECURITY BOARD

Mr. DENT offered the following resolution which was twice read:

Whereas, The members of the General Assembly, during the 1941 regular session, passed Senate Bill 653, later approved by the Governor as Act No. 286, establishing a unified civil service system in Pennsylvania for the employes the Bureau of Employment and Unemployment Compensation in the Department of Labor and Industry, Liquor Control Board, and the Department of Public Assistance; and

Whereas, The members of the General Assembly and the officials of the State Administration knew at that time that Federal grants for the administration of the Bureau of Employment and Unemployment Compensation and Federal grants to the Department of Public Assistance for old age assistance and aid to dependent children were contingent upon the employes in these two agencies being employed or removed on a merit system basis which met the requirements of the rules and regulations adopted by the Social Security Board; and

Whereas, It was the intent and understanding of the members of the General Assembly that the passage of this act would permit of the appointment, promotion, demotion or removal of employes in these agencies on a merit system basis in conformity with the rules and regulations adopted November 1, 1939, by the Social Security Board which contain therein a clause stating "In the event of removal, permanent employes will have the right of appeal to an impartial body through an established procedure provided for in the merit system rules"; and

Whereas, It has now come to our attention that the Social Security Board is withholding administrative funds for the payment of the salaries of approximately 1600 employes in the Bureau of Employment and Unemployment Compensation and is contemplating withholding the grants to the Department of Public Assistance for the payment of the Federal government's share of old age assistance and aid to dependent children due to the fact the State Administrators or the Governor have not to date furnished them with an established procedure providing for a hearing in the event an appointing authority recommends to the Governor the removal of any permanent civil service employe; and

Whereas, The State Administration, by correspondence with the Social Security Board and by testimony of a representative of the Attorney General's Office presented at a hearing before the Social Security Board on February 9, 1942, has stated that if an appointing authority gave the Social Security Board a satisfactory assurance of giving civil service employes a fair hearing before recommending removal by the Governor, such assurance would be contravening the purposes and intent of the Legislature giving the Governor power of removal as set forth in Section 807 (c) of Act 286, and that he could not legally provide the Social Security Board with such an assurance of following some satisfactory established procedure; and

Whereas, It is the belief of the members of the General Assembly that any merit or civil service system should not prohibit any appointing authority from giving any civil service employe an opportunity for a hearing before recommending to the Governor that he be removed; and

Whereas, Senate Bill No. 653, Act No. 286, Section 807 (c) reads as follows: "Notwithstanding the provisions of this act, the Governor may, upon recommendation of the appointing authority, suspend or remove the director and any employe, if he deems such action to the best interests of the public service"; and

Whereas, The members of the General Assembly did not intend, when passing Senate Bill 653, that the powers and prerogatives granted under the above-quoted section would prevent any appointing authority or the Governor from giving any civil service employe a fair hearing before removal or prevent any such appointing authority or the Governor from conforming to the rules and regulations of the Social Security Board which require an established procedure for a fair hearing before removal; Therefore, Be It

Resolved, (if the House Concur), That the General Assembly of the Commonwealth of Pennsylvania reiterates its legislative intent that there is nothing contained in Section 807 (c) of Act No. 236 which prohibits or prevents any appointing authority or the Governor from establishing a satisfactory procedure for a hearing before removal or from furnishing the Social Security Board with a copy of such procedure for a hearing in order to confirm with its rules and regulations; And Be It Further

Resolved, That it is the intent of the members of the General Assembly that fair civil service procedure should at all times give an employe an opportunity to be heard before removal; And Be It Also Further

Resolved, That the members of the General Assembly urge upon the appointing authorities and the Governor that they forthwith establish such satisfactory procedure to bring Pennsylvania's merit system in complete conformity with the rules and regulations of the Social Security Board so that the salaries for the period ending February 14, 1942, can be paid to these employes and thereby safeguard the issuance of unemployment compensation payments to some 70,000 unemployed in this Commonwealth and safeguard the grants to the aged and the dependent children of Pennsylvania.

On the question,

Will the Senate agree to the resolution?

Mr. TALLMAN. Mr. President, I want first to object to immediate consideration of the resolution which has been offered. In connection with the subject matter of that resolution, I should like to discuss several matters pertaining not only to the act of 1941 but also some of the history which preceded that bill coming to the attention of this Legislature.

The members, or at least some of the members of this

Senate, will remember that a similar piece of legislation was introduced by me in the Senate in the Session of 1939. It will also be remembered that that bill was vetoed, after it had passed both houses, by the Governor for reasons among which was that the Governor did not approve of the provisions of the bill with regard to the administrator and the inability of the Governor to remove that particular official.

An interesting thing to be remembered about the veto message concerning the 1939 bill is that the Governor at that time served notice that he was interested in some provision in a bill of that nature for the removal of civil service employes for the good of the service.

At the time that the 1941 session drew near I again became interested in the introduction of that kind of legislation. I was sincerely interested in it and for that reason in the early part of that session, if my memory serves me rightly, in March of 1941, I went to Washington to discuss with members of the Civil Service Board legislation which I had at that time introduced.

I want to make certain and have it understood that my purpose, among other things, in introducing that kind of legislation was partially and for the most part in an effort to end the ceaseless and trivial arguing between the Federal Social Security Board and the various departments of the Commonwealth of Pennsylvania and an effort to end, if you please, the very same thing the gentleman from Westmoreland complained about in the resolution which he has just now presented.

With that thought in mind I went to Washington and sat with a group of persons in the Social Security Board offices, specifically in the office of Oscar M. Powell, executive director of the Social Security Board, and also with representatives of the various departments having charge, when social security payments, unemployment compensation payments, relief, and other matters were discussed. We discussed the bill which later was enacted by the Legislature.

During the course of that conversation in Mr. Powell's office this very provision in this act was brought up and discussed. If my memory serves me rightly at this moment I would say that after the matter had been generally discussed, after opposition had been voiced, to that particular portion of the act, all of the other persons in the room withdrew from that conference with the exception of Mr. Powell, myself, and Mr. Donaghy, who was acting as Secretary of the Civil Service Investigating Committee, appointed at the 1939 Session of this Legislature.

Mr. Powell at that time made a statement that so far as the Social Security Board was concerned, while it was out of sympathy and felt that such a provision in an Act was not in accordance with its belief of what a good civil service bill ought to represent, that he did understand the situation in Pennsylvania, that he was cognizant of the attitude of the Governor in the situation, and that he would rather have a bill and that the Social Security Board would rather have a bill with that provision in it than no bill at all to correct the inconsistencies and the wrongs in the Commonwealth.

I submit to the members of this Senate and to this Legislature that the Social Security Board, speaking through Mr. Powell, had cognizance of this situation when that statement was made, and that, when this whole matter was discussed with the Social Security Board in Washington, it is acting in bad faith toward the citizenry of Pennsylvania when it raises the objection that it has now raised to that piece of legislation.

I was also present at a conference which Mr. Powell attended in the Governor's office at a subsequent time and I believe that the board which has charge of these matters—I can not think of the name of it at the moment—in the unemployment compensation division, the members of that board were present.

This subject came up for discussion at that time. Mr. Powell and the Governor entered into a discussion of it at that time. There was nothing by way of conclusion reached, as I recall it, and I want to speak fairly about the matter; I do not think there was anything conclusive reached, but it was understood, and it was also understood at the time that the conference committee sat in that room all night on a Saturday night during the last days of the session, when a member of the Social Security Board was present, an attorney representing that board sat with us; it was understood and it was discussed that that provision was to be a part of this bill.

I do not know, Mr. President, I do not know to this day and no one has said that that power has been abused by the Governor since that bill has become effective. I have not heard of any people being discharged. I do not know whether it is so or not I am merely saying I have not heard of it, but I do say now that a resolution of this kind is out of order and certainly ought not to be considered immediately by reason of that background in connection with this bill.

I want to say again, Mr. President, that the Social Security Board is not keeping faith with the people of Pennsylvania. I do not want to be accused of making political statements or statements that might be construed to be political, because I presented that bill in good faith. I discussed that bill on the floor of this Senate and that matter was brought up here, you will all remember, when the bill was on final passage in the Senate.

I do not want to be accused of making that kind of a statement because I am sincerely interested in this matter of civil service, but it does seem to me that the action of the board in Washington is pretty much the kind of action that they have pursued consistently and constantly with relation to a lot of the funds that are being administered by the State of Pennsylvania and other states, as far as that is concerned, and I suspect, although I dislike to suspect it, that the Social Security Board is making a supreme effort to grab away from the people of Pennsylvania the right to administer the unemployment compensation fund and the right to keep the money that is paid into that fund within the confines of this commonwealth and I suspect that this is one of the ways in which they best find it convenient to lay hold of that fund.

Therefore, Mr. President, I want to voice my serious and sincere objection to immediate consideration of the resolution.

Mr. DENT. Mr. President, I would like to clear up a few matters here relatve to this resolution and the importance of this resolution at this time.

First of all, whether the Federal Government is to

blame or the Governor is to blame has nothing to do with the fact that the employes are not going to get paid.

I only know that when this bill was before us it contained the following clause and still contains that provision, page 24 of Act 286, Section 807, sub-section (b), and this is the sub-section that the Federal Government agreed to, and said that a bill in this form would be agreeable to them and there would be no stoppage of funds if this act were lived up to according to the letter of the law.

Sub-section (b) says: "Demoted or furloughed employes shall have such rights of notice and hearing similar to those provided under this section for removed employes as shall be prescribed in the rules of the commission."

The Legislature I believe fully intended, and I think the sponsor of the bill fully intended, at least if he believes in civil service he certainly must believe in having some protection surrounding an employe who has civil service status in the state.

I believe the sponsor meant that every person, who after a proper and fair examination receives a civil service status in the state, that that person can not be removed by some sort of a proceeding whereby he can not have a hearing before an impartial board.

The Federal Government provides funds also for the Department of Public Assistance in this state. There has been no stoppage of funds to the Department of Public Assistance for the payment of its employes, simply because the director of the Department of Public Assistance has assured the Federal Government that no employe will be recommended for discharge unless he has had and received a hearing before himself or a board that he designated.

That is all they ask in the matter of unemployment compensation. They do not restrict the Governor in his dismissal of employes; they do not say that the recommendation of the board must be accepted; they only say that they must have a hearing and they only say that because the provisions are contained in their own rules and regulations and the law of the Federal Congress and they would be violating the law of the Federal Congress if they did not demand that the State of Pennsylvania give a hearing to employes under the unemployment compensation act.

Regardless, Mr. President, of what any person says about an understanding with the Federal Government, there is written word from the Social Security Board, dated June 20, 1941, in a letter to the leader of the House Democratic group or the majority group, in which it is stated that the amendments that are required by the Federal Social Security Board are contained in paragraph No. 2, from which I will quote:

"The standards of the Social Security Board require that permanent employes not be subject to removal except for cause unless separated for reasons of curtailment of work or lack of funds, and that permanent employes have the right of appeal to an impartial body."

That letter was written June 20, 1941, and it was the understanding of the majority of the House that the bill that we passed, P. L. 286, contained that provisions by taking sub-section (b) of Section 807 of the law, which specifically states that an employe will be given a hearing before an impartial board.

All this resolution does is to clarify the situation and say that the intent of the Legislature was that an employe who had civil service status would be entitled to a hearing before an impartial board. If you do not want them to have a hearing, then defeat the resolution, and you go right back to pork barrel politics, which is exactly the point I made when the act was up here for discussion.

I said then and I say now that civil service under that act is a mockery unless some protection is given employes under civil service. I personally do not care for civil service, I do not believe in it particularly because it creates another burden upon the tax payers—when they once get into a job you can not get them out.

However, if you are going to have civil service you must have restrictions and guards whereby a person who takes an examination in an honest effort may have some protection for himself or herself in order that his or her job can not be taken away at the caprice of a Governor.

Why, do you know if this situation exists as it does today and is allowed to continue, do you realize if the Governor of the State of Pennsylvania happens to be Democrat next year he can fire every Republican, and there are a lot of them, because under the provisions of this act he needs no cause whatever, he has to account to nobody, nor does the director of any department have to account to anybody. He can dismiss any person on civil service. Now, if that is civil service then I do not know what civil service is.

On the question,

Will the Senate agree to the resolution?

The PRESIDENT. There having been objection, the resolution is referred to the Committee on Workmen's Compensation.

COMMITTEE FROM HOUSE INFORMING THE SENATE HOUSE IS IN SESSION

A Committee on the part of the House of Representatives being introduced informed the Senate that the House of Representatives is in Session pursuant to the call of His Excellency, the Governor of the Commonwealth, and is ready to proceed with the duties of the Session.

COMMITTEE APPOINTED TO NOTIFY THE GOVERNOR

The PRESIDENT. The Chair announces that the President Pro Tempore has appointed as said Committee on the part of the Senate to notify the Governor that the Senate is convened and is ready to receive any communications he may have to make, the following members; the senator from Delaware, Mr. Heyburn; the Senator from Philadelphia, Mr. Farrell, and the Senator from Washington, Mr. Reed.

OFFICERS AND EMPLOYES OF THE SENATE ELECTED

Mr. CHAPMAN offered the following resolution which was twice read, considered and agreed to:

In the Senate, February 17, 1942

Resolved That the following persons be elected officers and employes of the Senate, Extraordinary Session of 1942, to fill existing vacancies:

CHAPLAIN

Edwin S. Wallace. Vice Burleigh A. Peters.

EXECUTIVE CLERK

Mrs. Melissa Wernle. Vice Mrs. Bessie B. Everett.

ASSISTANT SERGEANTS-AT-ARMS

W. D. Benney. Vice A. L. Cotton.
J. B. Smith. Vice Firn J. Glenn.
Miss Marian L. Ertzman. Vice Betty Graham.

CLERKS TO COMMITTEE

Arthur Rice, Jr. Vice Clark U. Bach.
Thomas R. Beagle. Vice Richard F. Heylmun.

TRANSCRIBING CLERK

William G. Shortz. Vice William T. Jones.

CUSTODIAN, COMMITTEE ROOMS

Stewart E. Chrispen. Vice Jack Feigles.

CHIEF PAGE

Benjamin H. Foltz. Vice Herbert V. Eynon.

PAGE

Alfred Sherman. Vice Robert D. Weiss.

NOMINATIONS BY THE GOVERNOR

NOTARIES PUBLIC

The Secretary to the Governor being introduced, presented in writing from His Excellency, the Governor of the Commonwealth, nominations for appointment as Notaries Public, and Commissioner of Deeds.

CONSIDERATION OF EXECUTIVE NOMINATIONS

Mr. JAMES. Mr. President, I move that the Senate do now proceed to the consideration of Nominations for appointment as Notaries Public and Commissioner of Deeds, sent to the Senate, February 17, 1942, by His Excellency, the Governor of the Commonwealth.

Mr. GELTZ. Mr. President, I second the motion.

The motion was agreed to.

The Nominations were read as follows:

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, Pa., February 17, 1942.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, the following named persons to be Notaries Public for the Commonwealth of Pennsylvania for the term of four years, to compute from the date of their confirmation:

ADAMS COUNTY

Tipton, Miss Evelyn I., Gettysburg
Conover, Samuel D., Gettysburg

ALLEGHENY COUNTY

Boschert, M. H., Pittsburgh
Jordan, Miss Alma A., Pittsburgh
Youngk, Wm. E., Pittsburgh
Calig, George Louis, Pittsburgh
Ciotola, Jos. A., Pittsburgh
Duckworth, Fergus E., Jr., Pittsburgh
Faris, Charles T., Pittsburgh
Jones, H. S., Pittsburgh
McAlister, Miss Ida, Emsworth
McDermott, Miss Mary B., Pittsburgh
Muzyk, Miss Olga, Pittsburgh
Yecies, Sidney, McKeesport
Zalen, Miss Ann, Mifflin Twp.
Roth, Miss Helen G., Pittsburgh
Hosmer, Miss Ann, Pittsburgh
Scott, Mrs. Ada R., Pittsburgh
Sloop, Miss Lois E., Pittsburgh
Whitaker, Kenneth R., Dravosburg
Casley, Miss Miriam, Wilkinsburg
Pilston, Geo. Jr., East Deer Twp.
MacLaughlin, Miss Edna M., Pittsburgh
Sell, Roland J., Pittsburgh
Wiggins, W. W., Pittsburgh
Donnelly, Mrs. Esther, Pittsburgh
Patrick, J. J., Pittsburgh
Cullen, Miss Esther M., Pittsburgh
Hicks, R. H., Pittsburgh
Schertler, Joseph O., Pittsburgh
Hetzel, Wm. H., Pittsburgh
Applebaum, Geo. E., Pittsburgh
Clear, Charles C., Wilkinsburg
George, Miss M. Diane, Pittsburgh
Lampert, Walter J., Pittsburgh
Jones, R. J., Pittsburgh
Logan, E. B., Avalon
Wilkins, Miss Alice M., Pittsburgh
Ewing, Horace E., Pittsburgh
McDougall, Mrs. Bertha H., Coraopolis
McGinnis, Miss Marie A., Pittsburgh
Petrie, Mrs. Virginia H., Pittsburgh
Hoffman, Edward L., Pittsburgh
Hoffman, John M., Dormant
Murray, C. R., Pittsburgh
Cunningham, H. M., Turtle Creek
Hesse, Miss Elsie E., Pittsburgh
June, Charles K., Pittsburgh
Stewart, J. P., Pittsburgh
Brunner, E. A., Millvale
Huttinger, Edw. W., Jr., Pittsburgh
Stark, Miss Edna B., East Pittsburgh
Jolliffe, Mrs. Marie E., Pittsburgh
Gardner, Frank O., Pittsburgh
Garvey, James R., Homestead
Moll, Miss Minnie I., Pittsburgh
Bane, Donald M., Pittsburgh
Connolly, Miss Catherine E., Pittsburgh
Hoffman, Miss Willma V., Pittsburgh
Richards, Mrs. Margaret M., Pittsburgh
Thomas, Miss Evelyn, Pittsburgh
Fedeli, James A., Pittsburgh
Mooney, James L., Pittsburgh
Skonetzni, Edward A., Pittsburgh
Walters, Miss Helen B., Pittsburgh
Anderson, Mrs. Marie C., Pittsburgh
Nalitz, Miss Jean Ann, Pittsburgh
McCann, Miss Anna E., McKeesport
Murphy, Mrs. Marie C., Pittsburgh
Regester, Alvin J., McKeesport
Spine, P. R., Stowe Twp.
Fletcher, T. P., Pittsburgh
Jones, Donald S., Pittsburgh
Thayer, Richard L., Pittsburgh
Bowman, John R., Bridgeville
Byland, Miss Betty J., Pittsburgh
Eger, Joseph S., McKeesport
Eifler, Raymond E., Pittsburgh
Scott, Miss Elveria G., Pittsburgh
Swan, R. Kenneth, Sewickley
Cook, Mrs. Agnes J., Pittsburgh
McKinley, D. F., Pittsburgh
Bingham, Robert J., Pittsburgh
Hermansdorfer, A. F., Pittsburgh
Lindberg, Miss Pauline H., Swissvale

DePinto, Daniel, Pittsburgh
Haas, Henry C., Pittsburgh
Lampe, Miss Jane, Greentree
Thatcher, Albert J., Pittsburgh
Cirino, Miss Johanna, Pittsburgh
Grozman, Miss Rae, Pittsburgh
Kelsch, Norbert S., McKees Rocks
Schreiber, Miss Frieda J., Pittsburgh
Spurlock, William F., Pittsburgh
Brown, Walter R., East McKeesport
Kerstien, Lawrence J., Pittsburgh
Meyer, Oscar J., Turtle Creek
Yortis, Mrs. Gertrude S., Pittsburgh
Evans, Oliver C., Glassport
Foltz, J. J., Wilkinsburg
Leicher, William, Millvale
Chantler, Mrs. Margaret L., Pittsburgh
Cooper, Ben S., Pittsburgh
Hillenbrand, S. R., Pittsburgh
Shaw, Dickson C., Pittsburgh
Smith, Thomas T., Mifflin Twp.
Ackerman, Frank H., Whitaker
Bellman, Miss Nevada M., Pittsburgh
Berry, William L., Mount Oliver
Boston, Robert D., Pittsburgh
Burick, Miss Olga, Pittsburgh
France, George C., Pittsburgh
Mueller, C. H., Pittsburgh
O'Kane, Mrs. Pauline, Pittsburgh
Ryland, J. J., Pittsburgh
Tumminello, Mrs. Mary V., Pittsburgh
Downey, William J., Homestead
Greenhalgh, Emil L., Homestead
Hall, Walter C., Pittsburgh
Mehovics, Miss Helen G., Pittsburgh
Sullivan, T. Gerald, McKeesport
Worley, J. Howard, Pittsburgh
Anderson, Miss Virginia C., Pittsburgh
Dietrich, Mrs. Gertrude B., Pittsburgh
Evey, Edmund H., Bethel Twp.
McDonal, Edgar F., Glassport
Rogner, Miss Ethel D., Pittsburgh
Sciullo, Miss Vera, Pittsburgh
Studt, Mrs. Jessie B., Pittsburgh
Yunk, E. H., Pittsburgh
Derr, E. Robt., West View
Egli, Mrs. Ann, Dormont
Gibson, Miss Mabel C., Pittsburgh
Rectenwald, Harry, Pittsburgh
Ryan, Miss Mary Jane, Pittsburgh
Hopkins, C. C., Munhall
McBeth, Arthur R., Brentwood.
O'Shea, Mrs. Viola B., Wilkinsburg.
Morrison, Frank A., Pittsburgh.
Koch, Harry G., Marshall Twp.
Hockelberg, Roy P., Dravosburg.
Woessner, Charles F., Pittsburgh.
Eichenser, B., Mount Lebanon Twp.
Blair, Miss Sara L., Scott Twp.

ARMSTRONG COUNTY

Jones, James G. Kittanning.

BEAVER COUNTY

Mennell, Vernon G., Rochester Twp.
Lester, Miss Dorothy V., Monaca.
Morrow, Gilbert L., Beaver.
Ours, Mrs. Dorothy, Pulaski Twp.
Matsko, Miss Anne F., Center Twp.
Moore, Eugene N., Aliquippa.
Wagoner, Mrs. Inez, Beaver Falls.
Groscost, Miss Lucille, Beaver Falls.
Tenor, Theodore A., Beaver Falls.
Bergmann, R. C., Ambridge.
Ifft, Fred T., New Brighton.
Dalzell, Mrs. Ethel E., New Brighton.
Skapik, Martin S. J., Ambridge.
Stammelbach, Albert E., Beaver.
Martsolf, Philip, Rochester.

BEDFORD COUNTY

McCahan, W. H., Broad Top Twp.

BERKS COUNTY

Seyler, Mrs. Kathryn M., Muhlenberg Twp.
Aloff, Jack, Reading
Blood, Miss Elsie M., Birdsboro.
Webber, John A., Reading.
Weigley, Miss Catharine M., Reading.
Franks, Miss Helen G., Reading
Jones, Miss Ruth L., Reading.
Harkness, Mrs. Marie B., Reading.
Boland, Lawrence F., Temple.
Eckel, Miss May H., Reading.
Gillespie, Mrs. Frances Law, Reading.
Shirk, Norman S., Reading.

BLAIR COUNTY

Makibbin, Miss Betty, Altoona.
Weber, Miss Lydia K., Hollidaysburg.
Hennessy, Mrs. Bertha K., Altoona.
Wills, M. E., Altoona.
Richards, Miss M. Alice, Altoona.
Eby, Joseph B., Altoona.
Lynch, Miss Jane A., Tyrone.
Clark, Randolph M., Altoona.
Poet, Milton F., Altoona.

BRADFORD COUNTY

Karschner, Howard, Wyalusing.

BUCKS COUNTY

Kulonda, Miss Anne, Bristol.
George, Mrs. Regina F., Perkasie.
Hower, Robert V., Warminster Twp.
Molloy, Miss Margaret R., Warminster Twp.
Lynn, Leo L., Bristol Twp.
Davenport, Mrs. Anna T., Langhorne.
Kirk, Miss Rachel K., Doylestown.

BUTLER COUNTY

Rankin, W. P., Butler Twp.
Yost, F. G., Butler Twp.
Baker, Miss Edyth M., Zelienople.
Marshall, John H., Butler.
Campbell, R. Eugene, Butler.
Logan, Miss Helen G., Butler.
Sholes, Eber C., Butler.

CAMBRIA COUNTY

Crocker, Miss Edna M., Johnstown.
Ressler, James F., Johnstown.
Langham, Miss Louise E., Johnstown.
Berkey, Mrs. R. M., Johnstown.
King, Andrew, Scalp Level.
Govekar, Miss Jennie, Johnstown.
Meier, Mrs. Katherine G., Johnstown.
Leabhart, J. W., Johnstown.
Miller, John I., Johnstown.
McKivigan, Miss Grace, Spangler.

CAMERON COUNTY

Gallaher, Geo. F., Emporium.

CARBON COUNTY

Ziegler, Allen W., East Penn Twp.

CENTRE COUNTY

Tiffany, Herbert T., State College.

Gibboney, Mrs. Vertie C., Bellefonte.
Holmes, John L., State College.

CHESTER COUNTY

Armstrong, Miss Catharine, Tredyffrin Twp.
Thompson, Paul L., Coatesville.
Herley, Louis P., Coatesville.
McDade, Miss Teresa A., Phoenixville.
McCullough, Miss Anne, Malvern.

CLARION COUNTY

Harvey, Mrs. Mary A., Clarion.

CLEARFIELD COUNTY

Gingher, Mrs. M. M., Clearfield.
Rogers, Forest R., DuBois.
Laing, J. W., Coalport.

CLINTON COUNTY

Martin, H. H., Jr., Flemington.

COLUMBIA COUNTY

Gross, Alfred H., Millvile.
Kostenbauder, Harry, Jr., Conyngham Twp.

CRAWFORD COUNTY

Cook, Perry J., Titusville.
Hazen, Victor L., Vernon Twp.
Sook, George L., Meadville.
Peters, J. C., Cambridge Springs.
Sprankle, Miss Lora J., Meadville.
Crouch, Harry R., Meadville.
Herrington, Mrs. Mary R., Meadville.
Maloney, Max B., Meadville.
Warfel, Joseph L., Meadville.
Salen, Miss Marjorie L., Geneva.

CUMBERLAND COUNTY

Nelson, R. B., New Cumberland.
Deatrick, Mrs. Elinor S., Mount Holly Springs.
Irvine, Lynn McCrea, Mechanicsburg.
Laughlin, Mrs. Veryl R., Mount Holly Springs.

DAUPHIN COUNTY

Reinbold, Miss Marion E., Harrisburg.
Kramer, Edward F., Harrisburg.
Creager, Mrs. Henrietta W., Harrisburg.
Dean, Marshall H., Harrisburg.
Blackburn, Mrs. Sylvia W., Harrisburg.
Sweeney, Miss M. Eileen, Harrisburg.
Acri, James J., Harrisburg.
Warfield, Gordon R., Harrisburg.
Patterson, Miss Flora A., Harrisburg.
Mechling, Miss Josephine J., Harrisburg.
Schimmel, Mrs. Alice M., Harrisburg.
Updegrove, J. Arthur, Williamstown.
Fink, Henry, Harrisburg.

DELAWARE COUNTY

Lyon, Mrs. Frances K., Aldan.
Schwatt, Mrs. Hazel W., Springfield Twp.
Walter, Lloyd A., Upper Darby Twp.
Wolf, Mrs. Margaret M., Prospect Park.
Campbell, William M., Media.
Hoffman, Charles, Chester.
Bates, George J., Yeadon.
Rodenboh, Elwood H., Newtown Twp.
Stickreth, Mrs. H. A., Chester.
Olson, Miss Lilly C., Yeadon.
Rosen, Morris, Upper Darby Twp.
Haycraft, Mrs. Mae C., Lansdowne.
Fenza, Henry, Chester.
Aursler, Russell H., Haverford Twp.
Winchell, Miss Elsie M., Media.
Smith, George V., Chester.
Derrickson, Miss Elizabeth M., Chester.
Warwick, Samuel C., Chester.
Bunce, Joseph R., Chester.
Lawrence, Mrs. Marion L., Middletown Twp.
Ottey, Albin P., Media.
Cooper, Gordon, Lansdowne.
Blake, Denis A., Clifton Heights.

ELK COUNTY

Harvey, Charles T., St. Marys.

ERIE COUNTY

Zinck, Mrs. Florence K., Erie.
Munz, Miss Dolores A., Erie.
Schaaf, Robert A., Erie.
Oja, Miss Elvira W., Erie.
Page, M. L., Erie.
Dixon, Miss Gertrude M., Erie.
Moore, Miss Edith E., North East.
Rice, Miss Margaret H., Erie.
Tabb, Miss Winifred M., Erie
Walther, A. P., Erie
Portenier, D. E., Erie
Simpson, Miss Beatrice M., Erie
Crowe, Miss Madeline M., Erie
Griewahn, Henry F., Erie
Rupp, Clarence J., Erie
Franz, Mrs. Gertrude, Erie
Hoenel, Miss Pauline, Millcreek Twp.
Horth, Floyd M., Erie
Murphy, Miss Dorothy V., Erie

FAYETTE COUNTY

Griffin, Willard A., Jr., Brownsville
Moore, John W., North Union Twp.
Stewart, Miss Ethel E., Point Marion
Grossman, Miss Lillian, Brownsville
Simons, William H., Menallen Twp.
Porter, Kenneth, Brownsville

FRANKLIN COUNTY

Harper, A. C., Mercersburg
Wilder, Mrs. Frances B., Chambersburg

GREENE COUNTY

Kerr, S. L., Cumberland Twp.

JEFFERSON COUNTY

Heasly, Mrs. Agnes A., Brookville
Ohl, G. R., Summerville
Porter, Harold A., Brookville

LACKAWANNA COUNTY

Eshelman, W. C., Dunmore
Olver, Fred A., Carbondale
Eckersley, Robert N., Scranton
Dushney, Miss Mildred A., Blakely
Quinn, Miss Mary A., Scranton
Geklinsky, Frank S., Scranton
Williams, Mrs. Alice C., Dunmore
Carter, Miss Mildred H., Carbondale
Mittelman, Samuel K., Scranton

LANCASTER COUNTY

Hopkins, Henry C., Lancaster
Zarker, A. B., Lancaster
Renninger, Miss V. G., New Holland
Wisner, Miss Miriam E., Lancaster
Conrad, Mrs. Rebecca Gene, Lancaster
Menefee, Sam W., Jr., Manheim Twp.
Brown, Charles I., Lancaster
Huber, Miss Katharine A., Lancaster

LAWRENCE COUNTY

Bradley, Mrs. Dorothy L., Neshannock Twp.
Toepfer, Miss Margaret A., New Castle
Long, Mrs. Sara J., New Castle
Ailey, Mont L., New Castle
Robinson, Miss Margaret J., New Castle

LEBANON COUNTY

Meiser, Miss Mae I., Lebanon
Webber, Mrs. Mae I., Myerstown
Poorman, Ernest, Lebanon
Kettering, Miss Elizabeth V., Lebanon
Layser, Miss Ferne R., Lebanon

LEHIGH COUNTY

Ernst, Miss Margaret J., Allentown
Pfeiffer, Joseph A., Allentown
Smith, Harrison M., Allentown
Grote, Miss Helen M., Bethlehem
Campbell, A. E., Catasauqua
Miller, Miss Beatrice M., Allentown
Rutman, Miss Frances H., Allentown
Diehl, Mrs. Hilda M., Allentown
Nurnberg, Miss Evelyn, Allentown
Benner, Miss E. Ruth, Allentown
Taylor, Miss S. Elizabeth, Allentown
Heller, F. E., Bethlehem

LUZERNE COUNTY

Jones, Miss Ann M., Wilkes-Barre
Malavecky, Charles A., Wilkes-Barre
Briggs, Miss Lottie J., Wilkes-Barre
Flussi, Harry V., Plains Twp.
Hildebrand, Miss Ferneley I., Hazleton
Swingle, Miss Helen M., Duryea
Bisher, Miss Lila, Wilkes-Barre
Wilson, Mrs. Caroline D., Freeland
Mitchell, S. Keene, Jr., Wilkes-Barre
Price, Jones D., Wilkes-Barre
Smith, Fred E., Shickshinny
Kearns, Miss Carol M., Wilkes-Barre
Johnson, Maurice M., Avoca
Farley, Eugene, Hazleton
Mains, Charles V., Plymouth
Piccone, Arthur J., Forty Fort
Lupco, Jos. A., Nanticoke

LYCOMING COUNTY

Millhouse, Mrs. Elsie, South Williamsport
Forman, Milton, Williamsport
Fraser, Miss Elizabeth P., Williamsport
Kersteter, Miss Grace E., Williamsport

McKEAN COUNTY

McBride, Mrs. Maxine W., Bradford
Moore, Mrs. Esther C., Bradford
O'Day, Mrs. Betty White, Bradford

MERCER COUNTY

Thomas, D. E., Sharon
Stahl, Simon J., Farrell
Lininger, Miss Ruth A., Sharon
Elliott, James A., Wheatland
Endres, M. G., Mercer
McKay, Miss Catherine M., Grove City
Tallarico, Miss Sinia J., Farrell
Kerber, R. L., Sharon

MIFFLIN COUNTY

Ganoe, Paul A., Derry Twp.

MONROE COUNTY

Buck, Nevin L., Stroudsburg
Shotwell, Mrs. Blanche K., East Stroudsburg
Masters, J. C., East Stroudsburg

MONTGOMERY COUNTY

Walton, Clyde C., Lansdale
Thomas, Mrs. Elsie Boorse, Lansdale
Battis, Mrs. Alice, Hatboro
Miller, Miss Margaret C., Jenkintown
Sheen, Mrs. E. E., Springfield Twp.
Crawford, Harold R., Upper Providence Twp.
Gowland, Robert T., Lower Merion Twp.
Megay, Harold W., Lansdale
Byrd, Miss Ercelle G., Lower Merion Twp.
Garner, Walter G., Hatboro
Moyer, Mrs. Emma F., Souderton
Oberholtzer, Earle M., West Norriton Twp.
Umstead, Miss Dorothy B., Ambler
Potts, Robert T., Norristown
Phillips, J. Charles, Springfield Twp.
Schwartzer, Miss Louise, North Wales
Crimmins, Joseph M., Norristown

NORTHAMPTON COUNTY

Mertz, Mrs. Margaret G., Bethlehem
Wirth, Miss Leona B., Bethlehem
Boyle, Miss Sarah R., Bethlehem
Metzgar, Llyod T., Easton
Bachman, Robert S., Wilson
Raudenbush, Mrs. Mary, Bethlehem
Moser, Miss Margaret A., Nazareth
Moffat, T. R., Bethlehem

NORTHUMBERLAND COUNTY

Heath, Miss Nora S., Shamokin
Stripay, Miss Ann M., Mount Carmel
Beck, Herbert J., Sunbury
Shaffer, Miss Irma M., Northumberland
Wagner, Miss Mildred F., Shamokin
Menepace, Charles M., Mount Carmel
Miscavige, Anthony V., Mount Carmel

PHILADELPHIA COUNTY

Farrar, J. Harry
Leiber, Mitchell
Williams, Miss Mary
Clokey, Samuel
Cunningham, J. P.
Damerau, Richard W.
Heiges, Curvan B.
Hoffman, Miss M. Louise
Reape, Martin J.
Schneeberg, Chas.
Barber, John
Clements, Mrs. Marie R.
Feraco, A. J.
Ferguson, Edward J.
Gottschalk, Timothy M.
Ladner, Mrs. Mary L.
Lawler, Miss Mary R.
MacPeek, Mrs. Marion C.
Martin, Charles B.
Mathewson, Craig C.
McIntyre, Miss Florence B.
Hall, John C.
Phillips, Miss Emily A.
Pingelli, Vincent A.
Skaroff, Herman L.
Spigler, Mrs. Lenora S.
Enoch, Miss Adeline E.
Gause, Henry C.
Schneider, Charles W.
Senatore, Frank A.

Everson, William E.
Field, Eugene M.
Carver, Goodwin
Doner, Isadore
Mattson, Miss Beatrice
Green, Miss Jeanette
Mayers, Stanley P.
Monson, Robert B.
Wiesmann, August H.
Doherty, Miss Ethel M.
Early, W. Burts
Farrell, Miss Agnes M.
Ferguson, John J.
Krauss, Paul A.
Murphy, Miss Frances A.
Grotz, Miss Caroline M.
Johnson, Miss Alice E.
Berger, Ernest A.
Diamond, Miss Lillian L.
Holstein, Miss Marjorie H.
Van Osten, Thomas W.
Berlinger, William G., Jr.
Collins, Arthur F.
Greenbarg, Miss Ruth V.
Heffernan, D. Bernard
Williamson, Miss Dorothy E.
de Fonteny, Miss Irene M.
Mullen, Mrs. Mary E.
O'Donoghue, Miss C.
Turner, Mrs. Bessie C.
Carson, Miss Dorothy F.
McPeak, Miss Margaret V.
Moesta, Miss Emma M.
Cohen, Sylvan M.
Earle, Mrs. Viola M.
Wilson, Ross L.
Iannaccone, Miss Louise L.
Traficante, Phillip J.
Frizell, Joseph F.
Blake, Miss Sarah E.
Elder, George F. S.
Madden, Lawrence J., Jr.
Millington, Raymond L.
Schurgot, Emil
Wecht, Charles C.
Pandolfi, Livio
Landberg, John N.
Tomlinson, Mrs. Mary
Griggs, Miss Theresa C.
Murray, Miss Grace A.
Shadle, Luther W.
Doran, Elwood S.
Bowles, Miss Katharine F.
Doyle, Wm. J., Jr.
Malloy, Leo J.
Bircks, John W.
Brockel, Miss Lulu K.
McCall, John
Pagano, Mrs. Rose A.
Stein, Mrs. Esther V.
Borbidge, Mrs. Jane C.
Cree, John J.
Dickinson, Francis M.
Douglass, Frank E., Jr.
Henry, Harry S.
Jackson, E. Thornton, Jr.
Pattison, Thos. T.
Sawyer, Mrs. Mabel C.
Schwartz, Mrs. Anna B.
Doak, Joseph
Smallwood, Percy S.
Uhlman, Harry W.
Flacker, Harry
Kimbel, Wm. K.
Klein, William H.
Lingle, Ralph A.
Phillips, Raymond A.
Rafferty, Daniel J.
Wikler, Miss Esther
Brandt, Robert J.
Buob, Fred P., Jr.
Frank H. Albert
Harris, Julian J.
Rubin, Morton A.
Barron, Miss Anna M.
Dunn, John J.
Menzies, Robert Forgan
Smith, Walter J.
Zirin, David S.
MacDonald, George H.
Mauger, Walter E.
Camara, Mrs. Clara P.
Gunson, Miss Ruth M.
Keller, William S.
Pettit, Silas W.
Butterworth, Mrs. Kathryn H.
Cohen, Michael M.
Farquhar, John
Flick, Manuel A.
Krotzer, Miss Edith M.
Wershaw, Mrs. Mary N.
Fox, Harold A.
Kratzinger, Mrs. Catharine
Conners, Raymond J.
Kaplan, Miss Gertrude
Wagner, Edward E.
Taylor, Meyer.
Brandolini, T. A.
Carney, Raymond A.
Dukes, Thomas J.
Marcino, William M.
Maxwell, Miss Lillian E.
Barber, Jos. E.
Herman, Mrs. Miriam R.
Smiley, Elmer.
Bright, W. Harry.
Heavelow, John C.
Sokolic, Miss Freda.
Jones, Mrs. Josephine F.

POTTER COUNTY

Welsh, Robert C., Austin.

SCHUYLKILL COUNTY

Domson, Charles L., Mahanoy City.
Heller, Miss Dorothea L., Pottsville.
Gross, Christ, Minersville.
Burke, Edmond F., Shenandoah.
Sims, Miss Mary, Mahanoy City.
Lock, Philip, McAdoo.
Ziff, Mrs. Hannah R., West Penn Twp.
Halka, Joseph A., Mahanoy City.

SOMERSET COUNTY

Egolf, Mrs. Grace I., Somerset.

SUSQUEHANNA COUNTY

Collins, Judson S., Susquehanna.
Clair, William A., Montrose.
Ticknor, Mrs. Esther J., Hallstead.

UNION COUNTY

Mack, Miss Grace E., Hartley Twp.

VENANGO COUNTY

Moyer, Miss Orpha, Oil City.
Powers, Martin J., Franklin.

WARREN COUNTY

Morrison, Raymond F., Warren.
Meddock, Mrs. Ruby Y., Clarendon.

WASHINGTON COUNTY

Burrough, Miss Betty I., Washington.
Rankin, A. K., Cecil Twp.
Bowden, Miss Mary M., West Brownsville.
Emery, Mrs. Margaret S., Washington.
Pell, Miss Josephine, Canonsburg.
Bertovich, Joseph, Smith Twp.
Gluch, John J., Allenport.
LeClair, Arthur A., Allenport.
Davis, Mrs. Myrtle B., Washington.

WESTMORELAND COUNTY

Gorr, Miss W. Minerva, Latrobe.
Clawson, Mrs. Sara B., West Newton.
Rohrdan, Walter J., New Kensington.
Crowell, Miss June L., Scottdale.
Burns, John P., Scottdale.
Garan, Miss Margaret, Latrobe.
Rauth, Albert G., Rostraver Twp.
Hillsman, Mrs. Hazel D., Monessen.
McAfee, Miss Nancy L., Greensburg.
Weiss, David H., Monessen.
Szpakowski, Miss Emma F., New Kensington.

WYOMING COUNTY

Clapper, Mrs. Vera M., Laceyville.

YORK COUNTY

Bupp, Miss Helen E., York.
Gates, Miss Marion, York.
Whitcomb, Miss Elsie E., York.
Bollinger, Lloyd V., New Freedom.
Gohn, Miss Shirley M., York.
Eisensmith, Miss Vera M., Red Lion.
Linker, Miss Mary A., York.
Ziegler, Edwin H., York.
Bowers, C. E., Springettsbury Twp.

ARTHUR H. JAMES.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, Pa., February 17, 1942.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, the following named persons to be Commissioners of Deeds, for the term of five years, to compute from the dates set opposite their names:

Frank J. Bloom, Atlantic City, New Jersey, July 21, 1941.
Miss Marion Carr, Washington, District of Columbia, Oct. 9, 1941.

ARTHUR H. JAMES.

Commonwealth of Pennsylvania,,
Governor's Office, Harrisburg, February 17, 1942.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

Chas. R. Dalfonso, Pittsburgh, 7127 Hamilton Avenue.
Miss Lillian B. King, Pittsburgh, 545 William Penn Way.

CUMBERLAND COUNTY

John McCrea, Newville.

DELAWARE COUNTY

Miss Catherine M. Finusane, Upper Darby Twp., Garrett Rd. at Lansdowne Ave., Drexel Hill.

LEHIGH COUNTY

Miss Jennie D. Casazza, Allentown.
Miss Lillian M. Long, Allentown.

MONTGOMERY COUNTY

Leon Walt, Royersford.

PHILADELPHIA COUNTY

John S. McCloy, Phila., 303 Vine St.

YORK COUNTY

C. D. Krout, Seven Valleys.

ARTHUR H. JAMES.

Commonwealth of Pennsylvania,,
Governor's Office, Harrisburg, February 17, 1942.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

Theodore Dempsey, Pittsburgh, Philadelphia Bldg., 435 Sixth Ave.
Daniel L. Dougherty, Pittsburgh, 5539 Walnut St.
Mrs. Essie L. Ellis, Pittsburgh, c/o Pittsburgh Plate Glass Co., Grant Bldg.
Miss Hazel D. Hofmann, Pittsburgh, Coal Operators Casualty Co., Oliver Bldg.
Harry H. Lutton, Pittsburgh, 435 Sixth Ave.
J. R. Pierpoint, Clairton.
Darwin D. Smith, Pittsburgh, 435 Sixth Ave.
Walter T. Zinsser, Pittsburgh, 4106 Butler St.

BEAVER COUNTY

Miss G. L. McCormick, Ambridge.

CAMBRIA COUNTY

Dean F. Cook, Johnstown.

ELK COUNTY

E. E. Haskins, Jay Twp., Weedville.

JEFFERSON COUNTY

Frank Tantlinger, Brockway.

LANCASTER COUNTY

H. J. Eshelman, Jr., Lancaster.

LUZERNE COUNTY

Miss Florence C. Teufel, Hazleton.

MONROE COUNTY

Mrs. Ida Jollowsky, Stroud Twp., West Main St., Stroudsburg.

MONTGOMERY COUNTY

Miss Dorothea M. Staley, Conshohocken.

PHILADELPHIA COUNTY

Salvatore Amoroso, Phila., 1804 South 22d St.
Miss Evelyn M. Berger, Phila., Girard Trust Co., 1400 South Penn Square.
Lawrence Berman, Phila., 1404 W. Cheltenham Ave.
Andrew W. Bruestle, Phila., 219 N. Broad St.
Mrs. Kathryn T. Carberry, Phila., 1423 W. Erie Ave.
Mrs. M. Grogan Doxey, Phila., Suite 1405, 1616 Walnut Street.

Henry Drizin, Phila., 709 Heymann Bldg., 213-215 S. Broad St.
Miss Hannah Groskin, Phila., 1634 W. Susquehanna Ave.
Paul A. Leis, Phila., North Phila. Trust Co., 3713 Germantown Ave.
Miss Mary T. Storey, Phila., 1219 Packard Bldg.
Miss Florence A. Taylor, Phila., Real Estate Trust Bldg.
Miss Anna T. Wallace, Phila., 1717 N. Delaware Ave.

SOMERSET COUNTY

Miss A. Catherine Barnhart, Somerset.
Mrs. Ruth G. Maurer, Boswell.

TIOGA COUNTY

Leon S. Moshier, Wellsboro.

UNION COUNTY

Miss Edith Erdley, Lewisburg.

WASHINGTON COUNTY

C. Glenn Wonsettler, Canton Twp., 80 Pennsylvania Ave., Washington.

WESTMORELAND COUNTY

D. S. Bauer, Greensburg.
William P. Parker, West Newton.

ARTHUR H. JAMES.

Commonwealth of Pennsylvania,,
Governor's Office, Harrisburg, February 17, 1942.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

ADAMS COUNTY

H. W. Knouse, Bendersville.

ALLEGHENY COUNTY

Miss Nelle M. Allen, Pittsburgh, Clark Building, 717 Liberty Avenue.
Miss Jean F. Beckes, Pittsburgh, 105 26th Street.
John W. Bowen, Shaler Twp., 1427 Evergreen Ave., Millvale.
Miss Josephine A. Churchill, Pittsburgh, 81 St. Nicholas Building.
John R. Cribbs, Verona.
Miss Mabel Detrick, Pittsburgh, Seventh Avenue Hotel.
Wm. G. Douglas, Coraopolis.
Mrs. Sarah A. Favo, Oakmont.
Thomas H. Field, McKeesport.
Stephan A. Findura, McKeesport.
Mrs. S. Marie Haidle, Elizabeth Twp., Buena Vista.
Miss Marie S. Hamilton, Pittsburgh, Arrott Building, 4th Ave. and Wood Street.
Mrs. Dorothy M. Hartz, Homestead.
John J. Hess, Jr., Pittsburgh, 919 Chartiers Ave.
Mrs. Martha W. Johnson, Pittsburgh, Koppers Building.
Louis F. Keough, Braddock.
Miss Cecelia Letki, Pittsburgh, 918 Jones Law Bldg.
John H. Mayfield, McKeesport.
Miss Irene F. Miller, Pittsburgh, 3530 Forbes Street.
Michael D. Murray, Turtle Creek.
Harry L. Neff, Pittsburgh, 106 Federal St., North Side.
Patrick F. O'Connor, Braddock.
Jas. C. Peacock, Scott Twp., 310 Carothers Ave., Carnegie.
Wayne F. Peckman, Elizabeth Twp., Boston-Greenock Road, Greenock.
Miss Gertrude Pogan, Pittsburgh, 906 First National Bank Bldg., 511 Wood Street.
Miss Jean Robinson, Pittsburgh, 712 Magee Building, Fourth Avenue.
Bernard F. Schneider, Mount Oliver.
Frank Scurich, Upper St. Clair Twp., Bridgement Place, R. D. No. 2, Bridgeville.
Norton B. Searight, Pittsburgh, 308 Commonwealth Building.
Paul D. Shanks, Neville Twp., 7107 Grand Ave., Neville Branch, Pittsburgh.
Miss Helen L. Simpson, Pittsburgh, 901 Law and Finance Building.
Austin Story, Robinson Twp., R. D. No. 1, Coraopolis.
Andrew E. Strichko, Munhall.
Robert B. Watkins, Pittsburgh, 5843 Forward Ave.
John B. Whalen, Port Vue.

BEAVER COUNTY

Frank H. Helfenbine, West Mayfield.
John B. Prather, Monaca.
Joseph T. Sanders, West Mayfield.
E. J. Vorpe, Chippewa Twp., Darlington Road, R. D. No. 2, Beaver Falls.

BERKS COUNTY

W. M. Anspach, Strausstown.
Miss J. A. Golden, Reading.
Henry K. Grim, Boyertown.
Miss Dorothy M. Haas, Reading.
Paul M. Hamm, Hamburg.
Edward M. Hughes, Reading.
Warren W. Kochel, Laureldale.
Miss Margaret Rummel, Reading.
Mrs. Isabel Zehner, Reading.
Mrs. Ruby M. Handy, Doylestown.
Miss Irna A. Phillips, Newtown.
Miss Dorothy Simons, Doylestown.

BUTLER COUNTY

James H. Collins, Winfield Twp., Cabot.
Oliver M. Maurhoff, Saxonburg.
Mrs. Marjorie D. Robb, Butler.
Miss Gloria H. Staples, Butler.

CAMBRIA COUNTY

Robert L. Pringle, Johnstown.

CARBON COUNTY

Arland I. Messinger, East Penn Twp., East Penn. Airport, Andreas.

CHESTER COUNTY

Miss E. R. Ashby, Easttown Twp., Berwyn.
J. Frank Coley, Phoenixville.
Mrs. M. K. Holland, Coatesville.
Miss S. V. Russell, Oxford.
Charles E. Shank, Willistown Twp., Malvern.
Vernon B. Speakman, Paperville.

CLEARFIELD COUNTY

Regis J. Maloney, DuBois.

CLINTON COUNTY

Mrs. Anne H. Wilson, Lock Haven.

DAUPHIN COUNTY

Miss Margaret D. Baylin, Harrisburg.
Miss Alice G. Finton, Harrisburg.
H. Sherrick Hess, Steelton.

DELAWARE COUNTY

Mrs. Eleanor G. Heffron, Chester.
Mrs. Naomi Hunt, Chester.
Mrs. Bertha E. Jackson, Radnor Twp., Wayne.

Harold Lesher, Upper Darby Twp., 264 Bayard Road, Upper Darby.
H. P. Livingstone, Haverford Twp., 112 Strathmore Road, Brookline, Upper Darby.
Joseph Mielcarek, Chester.
John J. O'Donnell, Marcus Hook.
Mrs. Irene M. Pierce, Media.
Miss Dorothy Rickards, Glenolden.
Harry L. Simon, Chester.
Miss Mayme Smith, Chester.
George Washington, Collingdale.

ERIE COUNTY

Clyde A. Ames, Erie.
M. J. Grimaldi, Erie.
Eugene J. Rastatter, Erie.
Mrs. Kathryn L. Russell, Erie.
A. Bruce Smith, Corry.
Harry H. Weining, Erie.

FAYETTE COUNTY

Charles S. Anderson, Dawson.
Howard B. Johnston, Brownsville.
Charles W. Laughery, North Union Twp., Box 44, R. D. 1, Uniontown.

FRANKLIN COUNTY

Mrs. Margaret T. McCarney, Washington Twp., Rouzerville.
Miss Mena D. Mentzer, Waynesboro.
John H. Wenger, Chambersburg.

HUNTINGDON COUNTY

J. Donald Appleby, Mount Union.

INDIANA COUNTY

Mrs. Estella M. Halley, Blairsville.
William L. Patterson, Young Twp., McIntyre.

JEFFERSON COUNTY

Mrs. E. VanBrunt Gibbons, Punxsutawney.

LACKAWANNA COUNTY

Thomas G. Davies, Scranton.
Miss Mary S. Hunter, Scranton.
Kenneth L. Polley, Scranton.

LANCASTER COUNTY

William C. Rehm, Lancaster.
Miss Alice M. Shultz, New Holland.

LEBANON COUNTY

Miss Jeanette M. Fox, Lebanon.
Daniel N. Kramer, Cleona.
John D. Shultz, Millcreek Twp., Sheridan.

LUZERNE COUNTY

Miss Janet R. Andreas, Wilkes-Barre.
James A. Caverly, Wilkes-Barre.
E. M. Hill, Wilkes-Barre.
Miss Ruth C. Muir, Wilkes-Barre.
Franklin L. Ross, Wilkes-Barre.
Mrs. Ida S. Steinhardt, Hazleton.

LYCOMING COUNTY

A. O. Langer, Williamsport.
Miss Alice L. Schanbacher, Williamsport.

McKEAN COUNTY

Mrs. Alyce D. Perkins, Bradford.
Victor J. Richmond, Bradford.

MERCER COUNTY

Miss Evelyn L. Keller, Hickory Twp., P. O. Box 541, Sharon.

MIFFLIN COUNTY

Miss Betty M. Sewers, Lewistown.

MONROE COUNTY

Mrs. Edna M. Mick, Barrett Twp., Cresco.

MONTGOMERY COUNTY

Mrs. Nellie C. Arcara, Cheltenham Twp., Northwestern National Bank Bldg., 8 East Glenside Ave., Glenside.
Miss Gertrude Berman, Pennsburg.
S. Thomas Bulfamonte, Norristown.
Ernest M. Delp, Lower Salford Twp., Harleysville.
Hubert J. Harze, Jr., Norristown.
Samuel F. Landis, Souderton.
Mrs. Margaret D. Martin, Norristown.
Andrew J. Myers, Jr., Cheltenham Twp., 503 Central Ave., Cheltenham.
Miss Elizabeth Shotzberger, Ambler.
George D. Sprankle, Lower Merion Twp., 120 Simpson Road, Ardmore.

NORTHAMPTON COUNTY

Miss Julia K. Heffelfinger, Bethlehem.
Warren J. Kellow, Easton.
Andrew J. Nagle, Nazareth.
Miss Fan M. Osterstock, Easton.
Joseph F. Payonk, Jr., Nazareth.
Mrs. Madeline Arnts Strout, Bangor.
Harry C. Woods, Bethlehem.

NORTHUMBERLAND COUNTY

Lewis S. Maurer, Shamokin.

PERRY COUNTY

Miss Mildred H. Elder, Marysville.

PHILADELPHIA COUNTY

Miss Leah H. Adler, Phila., 3759 Main Street.
Ellsworth Barber, Phila., 3620 North "G" Street.
Mrs. Carolyn L. Carroll, Phila., 1339 E. Luzerne Street.
Miss Yolanda L. Cicchitti, Phila., 804 Federal Street.
Eli L. Cooper, Phila., Phila. Saving Fund Building.
Mrs. Helen S. Dickson, Phila., 8031 Germantown Avenue.
William A. Doherty, Phila., 29 E. School House Lane, Germantown.
Miss Kathryne M. Donohoe, Phila., 3223 North Broad Street.
Mrs. Sarah T. Downs, Phila., 125 South 36th Street.
Geo. H. Eberwein, Phila., 731 Public Ledger Bldg.
Zvee Einbinder, Phila., Phila. Psychiatric Hospital, Ford Road and Monument Avenue.
John B. Fischer, Phila., 712 Market Street.
Samuel C. Flood, Phila., 3708 North Broad Street.
Nelson L. Fosbenner, Phila., 6940 Woodland Avenue.
David Frankel, Phila., 10th Street and Somerville Avenue.
Miss Suella Franklin, Phila., 3921 Wissahickon Ave.
Charles J. Fuery, Phila., 10th Street and Somerville Avenue.
Charles J. Gros, Phila., 7211 Frankford Avenue.
Edward J. Grubb, Phila., 113 West Dauphin Street.
Benjamin Haas, Phila., 4756 North 9th Street.
Edwin S. S. Hays, Phila., Wills Hospital, 1601 Spring Garden Street.
Martin L. Hoffman, Phila., Drexel Building.
Michael Incollingo, Phila., 605 W. Rising Sun Ave.
Rufus B. Johnson, Phila., 1322 Airdrie Street.
Miss Elsie Keichel, Phila., 20th St. and Indiana Avenue.
Rodman S. Kimbel, Phila., 5814 Torresdale Ave.
Jos. V. Klingel, Phila., 6407 Rising Sun Avenue.

John A. Lafferty, Phila., 664 E. Allegheny Ave.
Mrs. Anna K. Langan, Phila., 5202 Saul Street.
Miss Clara M. Lautenbach, Phila., 1201 Stephen Girard Bldg., 21 South 12th Street.
Philip Levin, Phila., 6545 N. Bouvier Street.
Miss Martha J. Mark, Phila., 1618 Lincoln-Liberty Building.
John J. Mathews, Phila., City Hall Annex, 13th and Filbert Streets.
Miss Rose Mazzeo, Phila., 2017 N. Front Street.
John Montefusco, Phila., 2138 W. Indiana Ave.
Cresson D. Murdock, Phila., 4416 N. Broad Street.
Miss Florence L. Mushler, Phila., 7319 Rising Sun Avenue.
Miss Dorothy J. Norris, Phila., 1319 Vine Street.
Miss Beatrice R. Noskin, Phila., 1621 Sansom Street.
John F. Oates, Phila., 2227 Bryn Mawr Avenue.
George Ovington, 3rd, Phila., 8101 Oxford Avenue.
William J. Paul, Phila., 2918 "E" Street.
Mrs. Winifred V. Reynolds, Phila., 5912 Torresdale Avenue.
Mrs. Mary F. Riesing, Phila., 1920 Cherry Street.
George Rosen, Phila., 5625 Chester Avenue.
Stanley C. Rzepski, Phila., 136-8 W. Girard Avenue.
Jack J. Sally, Phila., 628 Terminal Commerce Bldg., 401 N. Broad Street.
Robert E. Scullin, Phila., 1104 Girard Trust Bldg.
Miss Sara B. Segal, Phila., 4814 Woodland Avenue.
Mrs. Frances F. Silvert, Phila., 1622 W. Ruscomb Street.
Harold J. Stuempfle, Phila., 2230 S. Chadwick St.
Miss Ruth A. Tait, Phila., 8043 Frankford Ave.
Benj. E. Walker, Phila., 1334 South 22d St.
Mrs. Miriam A. Welsh, Phila., 2045 W. Hunting Park Avenue.
Joseph T. Wolpert, Phila., 10th St. and Somerville Avenue.
Harry E. Woodward, Phila., Central Bldg., 50 North 6th St.
Benjamin Zeft, Phila., 7973 Castor Ave.

SCHUYLKILL COUNTY

Hugh H. Hoke, Schuylkill Haven.

SOMERSET COUNTY

Stanley H. Bialek, Shade Twp., Cairnbrook.
John J. Walter, Boswell.

VENANGO COUNTY

Miss Mildred B. Greene, Oil City.

WARREN COUNTY

Miss Dorothy C. Allen, Warren.
Miss Freda M. Huber, Warren.
Ned Johnson, Mead Twp., P. O. Box No. 388, Warren.

WASHINGTON COUNTY

Roy Lewis Erikson, Monongahela.
Wm. Skillcorn, Sr., West Brownsville.
Ralph E. Woodburn, Claysville.

WAYNE COUNTY

Henry G. Soete, Honesdale.

WESTMORELAND COUNTY

Miss Helen A. Bates, Derry Twp., Box 146, Latrobe.
D. Y. Burkett, Vandergrift.
Miss Beatrice Hetler, Latrobe.
Chas. G. Houck, Unity Twp., Whitney.
Dick M. Reeser, New Kensington.
Miss V. Stevenson, Mount Pleasant.
C. E. Sunder, Jeannette.
Robert C. Umbarger, West Newton.
Paul S. Yancick, Irwin.

YORK COUNTY

Miss Marget G. Bisker, Hallam.
Mrs. Dorothy F. Miller, Hanover.
Hiram M. Peters, Red Lion.
C. K. Weaver, Dillsburg.

ARTHUR H. JAMES.

COMMISSIONER OF DEEDS

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 17, 1942.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Mrs. M. Annie McRae, 39 Fourth Street South, St. Petersburg, Florida, for appointment as Commissioner of Deeds for the Commonwealth of Pennsylvania, with residence in the State of Florida, for the term of five years, to compute from the date of confirmation.

ARTHUR H. JAMES.

By unanimous consent,

A motion was made by Mr. JAMES

That Rule 38, which requires nominations made by the Governor, to lie on the table one day be dispensed with, and the Senate do now resolve itself into Executive Session, for the purpose of acting upon all the nominations reported at to-day's session.

Which was agreed to.

Whereupon,

A motion was made by Mr. JAMES

That the Senate do advise and consent to the nominations reported.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Barr,	Ealy,	Letzler,	Stiefel,
Bartlett,	Edmonds,	Mallery,	Tallman,
Becker,	Farrell,	McCreesh,	Taylor,
Carr,	Frey,	McGinnis,	Thomas,
Cavalcante,	Geltz,	McQuiddy,	Tyler,
Chapman,	Haluska,	Miller,	Wade,
Coleman,	Heyburn,	Mundy,	Walker,
Cox,	Homsher,	Reed,	Watkins,
Crider,	James,	Ruth,	Wilson, H. I.,
Crowe,	Jaspan,	Scarlett,	Wilson, T. B.,
Deitrick,	Kephart,	Snowden,	Woodward,
Dent,	Lanius,	Stevenson,	Ziesenheim,
DiSilvestro,			

NAYS—0

Two-thirds a majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

Mr. JAMES. Mr. President, I move that the Executive Session do now rise.

Mr. GELTZ. Mr. President, I second the motion.

The motion was agreed to.

He also presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Executive Nominations.

NOMINATION AS MEMBER OF LYCOMING COUNTY BOARD OF ASSISTANCE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 17, 1942.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Rev. J. Ray Houser, 28 Huffman Avenue, Williamsport, Lycoming County, for appointment as a member of the Lycoming County Board of Assistance, until December 31, 1943, and until his successor is duly appointed and qualified, vice Rev. Ganse Little, resigned.

ARTHUR H. JAMES.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 17, 1942.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate, the following:

SECRETARY OF COMMERCE

Mark S. James, Pittsburgh, from July 18, 1941, until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified.

COMMISSIONER OF THE PENNSYLVANIA MOTOR POLICE

Lynn G. Adams, Harrisburg, from July 16, 1941, until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified.

MEMBER OF THE MILK CONTROL COMMISSION

John M. McKee, Camp Hill, from July 16, 1941, until May 1, 1945, and until his successor shall have been appointed and qualified.

MEMBERS OF THE REGISTRATION COMMISSION IN AND FOR THE CITY OF PHILADELPHIA

(Mrs.) Sara S. McNeil, Philadelphia, from August 1, 1941, until the first Monday of January, 1945, and until her successor is qualified.

Kendall H. Shoyer, Philadelphia, from August 1, 1941, until the first Monday of January, 1945, and until his successor is qualified.

Charles W. Sweeney, Philadelphia, from August 1, 1941, until the first Monday of January, 1945, and until his successor is qualified.

Victor E. Moore, Philadelphia, from August 1, 1941, until the first Monday of January, 1945, and until his successor is qualified.

Michael R. Kerwick, Philadelphia, from August 1, 1941, until the first Monday of January, 1945, and until his successor is qualified.

MEMBERS OF THE REGISTRATION COMMISSION IN AND FOR THE CITY OF PITTSBURGH

Robert J. Gumbert, Pittsburgh, from July 18, 1941, until the first Monday of January, 1945, or until his successor shall be duly qualified.

Edward M. Kenna, Pittsburgh, from July 18, 1941, until the first Monday of January, 1945, or until his successor shall be duly qualified.

W. Holmes Isler, Pittsburgh, from July 18, 1941, until the first Monday of January, 1945, or until his successor shall be duly qualified.

UNEMPLOYMENT COMPENSATION REFEREES

Michael J. Stack, Philadelphia, from July 16, 1941, until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified.

Charles C. McGovern, Pittsburgh, from July 16, 1941, until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified.

Michael J. Muldowney, Pittsburgh, from July 16, 1941, until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified.

WORKMEN'S COMPENSATION REFEREE

Alvin E. Dillman, Millvale, from September 26, 1941, to serve as a substitute for Thomas Anthony Thornton, for and during the period that Mr. Thornton shall be engaged in the military service of the United States, but not beyond the term for which Mr. Thornton was appointed, to wit, until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified.

MEMBER OF THE STATE ART COMMISSION

George M. Harding, Wynnewood, from September 17, 1941, until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified.

MEMBERS OF THE BANKING BOARD

A. E. Mackintosh, Oil City, from September 16, 1941, until September 1, 1949, and until his successor is duly appointed and qualified.

A. C. Robinson, Pittsburgh, from September 16, 1941, until September 1, 1949, and until his successor is duly appointed and qualified.

MEMBER OF THE BUSHY RUN BATTLEFIELD COMMISSION

E. M. Dietrich, Irwin, from September 22, 1941, until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified.

MEMBERS OF THE BOARD OF TRUSTEES OF CALIFORNIA STATE TEACHERS' COLLEGE

Harry E. Price, Charleroi, from September 23, 1941, for the term of four years, and until his successor is qualified.

Ben G. Binns, Donora, from September 23, 1941, for the term of four years, and until his successor is qualified.

Earl W. Taylor, California, from September 23, 1941, for the term of four years, and until his successor is qualified.

(Mrs.) Margaret B. Thompson, Washington, from September 23, 1941, for the term of four years, and until her successor is qualified.

Jacob B. Schrock, Berlin, from September 23, 1941, for the term of four years, and until his successor is qualified.

Robert Williams, Fayette City, from September 23, 1941, for the term of four years, and until his successor is qualified.

D. C. Longanecker, Waynesburg, from September 23, 1941, for the term of four years, and until his successor is qualified.

Wilbur Van Bremen, South Greensburg, from September 23, 1941, for the term of four years, and until his successor is qualified.

MEMBERS OF THE BOARD OF TRUSTEES OF CHEYNEY TRAINING SCOOL FOR TEACHERS

Albert L. Bailey, Jr., West Chester from September 17, 1941, for the term of four years, and until his successor is qualified.

William M. Maier, Bryn Mawr, from September 17, 1941, for the term of four years, and until his successor is qualified.

James M. Brittain, Haverford, from September 17, 1941, for the term of four years, and until his successor is qualified.

Alfred H. Williams, Wallingford, from September 17, 1941, for the term of four years, and until his successor is qualified.

MEMBER OF THE COMMISSION TO EXAMINE AND REPORT UPON THE ECONOMIC, CULTURAL, HEALTH AND LIVING CONDITIONS OF THE URBAN COLORED POPULATION OF THE STATE

Mark S. James, Pittsburgh, from January 20, 1942, until annulled.

MEMBER OF THE DELAWARE RIVER JOINT COMMISSION

Thomas B. Smith, Glenside, from July 16, 1941, for the term of five years, and until his successor shall have been appointed and qualified.

MEMBERS OF THE BOARD OF TRUSTEES OF EASTERN STATE PENITENTIARY

John P. Hallahan, Lansdowne, from November 13, 1941, for the term of four years, and until his successor is qualified.

George Schmidt, Philadelphia, from November 13, 1941, for the term of four years, and until his successor is qualified.

MEMBER OF THE BOARD OF TRUSTEES OF EAST STROUDSBURG STATE TEACHERS' COLLEGE

Randall J. Marsh, Stroudsburg, from January 23, 1942, for the term of four years, and until his successor is qualified.

MEMBER OF THE BOARD OF TRUSTEES OF FARVIEW STATE HOSPITAL

Edmund Lewis, Scranton, from November 18, 1941, for the term of four years, and until his successor is qualified.

MEMBERS OF THE BOARD OF FISH COMMISSIONERS

Edgar W. Nicholson, Philadelphia, from July 16, 1941, for the term of six years, and until his successor is qualified.

John L. Neiger, Scranton, from July 16, 1941, for the term of six years, and until his successor is qualified.

Joseph Critchfield, Ursina, from July 16, 1941, for the term of six years and until his successor is qualified.

Clifford J Welsh, Erie, from July 16, 1941, for the term of six years, and until his successor is qualified.

Charles A. Mensch, Bellefonte, from December 2, 1941, for the term of six years, and until his successor is qualified.

MEMBER OF THE STATE BOARD OF HOUSING

J. E. Burns, Oil City, from January 9, 1942, until August 17, 1943, and until his successor is appointed and qualified.

MEMBERS OF THE BOARD OF TRUSTEES OF MILLERSVILLE STATE TEACHERS' COLLEGE

J. F. Aierstock, Lancaster, from September 18, 1941, for the term of four years, and until his successor is qualified.

Allen P. Brightbill, Jonestown, from September 18, 1941, for the term of four years, and until his successor is qualified.

Samuel S. Wenger, Paradise, from September 18, 1941, for the term of four years, and until his successor is qualified.

George S. Mann, Millersville, from September 18, 1941, for the term of four years, and until his successor is qualified.

Harry N. Nissly, Mount Joy, from September 18, 1941, for the term of four years, and until his succesor is qualified.

(Mrs.) Anna L. Atlee, Millersville, from September 18, 1941, for the term of four years, and until her successor is qualified.

John L. Bowman, Denver, from September 18, 1941, for the term of four years, and until his successor is qualified.

(Miss) Ada M. Forry, Columbia, from September 18, 1941, for the term of four years, and until her successor is qualified.

H. C. Burgard, Manheim, from September 18, 1941, for the term of four years, and until his successor is qualified.

MEMBERS OF THE MINE INSPECTORS' EXAMINING BOARD FOR THE BITUMINOUS COAL MINES OF PENNSYLVANIA

Joseph Rymer, Irwin, from September 15, 1941, until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified.

Alfred E. Roberts, Revloc, from September 15, 1941, until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified.

Frank Dunbar, Mather, from September 15, 1941, until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified.

Harry Millward, Leckrone, from September 15, 1941, until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified.

William Goaziou, Ellsworth, from September 15, 1941, until the third Tuesday of January, 1943, and until his succesor shall have been appointed and qualified.

MEMBER OF THE BOARD OF TRUSTEES OF NANTICOKE STATE HOSPITAL

George Dzuris, Nanticoke, from January 5, 1942, for the term of four years, and until his successor is qualified.

MEMBER OF THE BOARD OF TRUSTEES OF PHILIPSBURG STATE HOSPITAL

Jonathan E. Hutchinson, Houtzdale, from August 1, 1941, for the term of four years, and until his successor is qualified.

MEMBER OF THE STATE BOARD OF PUBLIC ASSISTANCE

John A. Stevenson, Bryn Mawr, from January 20, 1942, until the third Tuesday of January, 1948.

MEMBER OF THE BOARD OF TRUSTEES OF SELINSGROVE STATE COLONY FOR EPILEPTICS

Edward A. Phillips, Milton, from September 17, 1941, for the term of four years, and until his successor is qualified.

MEMBERS OF THE BOARD OF TRUSTEES OF PENNSYLVANIA SOLDIERS' ORPHAN SCHOOL

E. C. Shannon, Columbia, from December 18, 1941, for the term of four years, and until his successor is qualified.

E. J. Stackpole, Jr., Dauphin, from December 18, 1941, for the term of four years, and until his successor is qualified.

Wilbur F. Brown. Waynesboro. from December 18, 1941, for the term of four years, and until his successor is qualified.

Paul N. Geyer, Chambersburg, from December 18, 1941, for the term of four years, and until his successor is qualified.

R. W. Lemaster, Shippensburg, from December 18, 1941, for the term of four years, and until his successor is qualified.

Wilbur S. Arbegast, Mechanicsburg, from December 18, 1941, for the term of four years, and until his successor is qualified.

(Mrs.) Myrtle M. Beyer, McKeesport, from December 18, 1941, for the term of four years, and until her successor is qualified.

J. F. Faust, Chambersburg, from February 9, 1942, for the term of four years, and until his succesor is qualified.

MEMBER OF THE BOARD OF TRUSTEES OF STATE INDUSTRIAL HOME FOR WOMEN

Frank Smith, Philadelphia, from October 30, 1941, for the term of four years, and until his successor is qualified.

PUBLIC ASSISTANCE BOARDS

Also the following persons to be MEMBERS OF THE COUNTY BOARDS OF ASSISTANCE, for the terms set opposite their names:

ADAMS COUNTY

(Mrs.) Mary K. McClean, Gettysburg, from December 22, 1941, until December 31, 1943.
(Mrs.) Maude S. Saby, Gettysburg, from January 1, 1942, until December 31, 1944.
Robert P. Smith, McSherrystown, from December 22, 1941, until December 31, 1943.

BEAVER COUNTY

Richard Holt West, Beaver, from January 1, 1942, until December 31, 1944.
Robert M. Crawford, Aliquippa, from December 22, 1941, until December 31, 1943.
(Mrs.) Rebecca R. Brown, Rochester, from January 1, 1942, until December 31, 1944.
Charles L. Wright, New Brighton, from February 4, 1942, until December 31, 1943, and until his successor is duly appointed and qualified.
Robert Ritchie, Beaver, from February 4, 1942, until December 31, 1943, and until his successor is duly appointed and qualified.

BEDFORD COUNTY

Albert Hoover, New Paris, from December 22, 1941, until December 31, 1943.
Robert Henry, Loysburg, from December 22, 1941, until December 31, 1943.
George S. Gorsuch, Yellow Creek, from January 1, 1942, until December 31, 1944.
James Blackburn, Saxton, from December 22, 1941, until December 31, 1943, and until his successor is duly appointed and qualified.
(Mrs.) Evelyn Sides, Hyndman, from January 1, 1942, until December 31, 1944, and until her successor is duly appointed and qualified.

BERKS COUNTY

Charles R. McCann, Reading, from January 1, 1942, until December 31, 1944.
(Mrs.) Bessie B. Worrall, Reading, from December 22, 1941, until December 31, 1943.
J. D. Edwards, Boyertown, from December 22, 1941, until December 31, 1943.
Matthew J. Boland, Reading, from January 1, 1942, until December 31, 1944.
Percy F. Hess, Hamburg, from January 16, 1942, until December 31, 1943, and until his successor is duly appointed and qualified.

BLAIR COUNTY

(Mrs.) Maude Colvin Lotz, Tyrone, from September 12, 1941, until December 31, 1941, and until her successor is duly appointed and qualified.
(Mrs.) Eva M. Montgomery, Altoona, from January 1, 1942, until December 31, 1944.
(Mrs.) Eliza Emily Garber, Roaring Spring, from December 22, 1941, until December 31, 1943.
John B. McCullough, Altoona, from January 23, 1942, until December 31, 1943, and until his successor is duly appointed and qualified.

BRADFORD COUNTY

John F. Beirne, Towanda, from January 1, 1942, until December 31, 1944.
(Mrs.) Florence B. Schrier, Athens, from December 22, 1941, until December 31, 1943.
Clayton H. Maryott, Monroeton, from January 1, 1942, until December 31, 1944.
(Mrs.) Marion M. Newman, Canton, from December 22, 1941, until December 31, 1943.
H. M. Turner, Towanda, from December 22, 1941, until December 31, 1943.

BUCKS COUNTY

(Mrs.) Edith Weamer, Quakertown, from December 22, 1941, until December 31, 1943.
(Mrs.) Lillian Williams, Langhorne, from January 1, 1942, until December 31, 1944.
(Mrs.) Elizabeth Mercer Roberts, Southampton, from December 22, 1941, until December 31, 1943.

BUTLER COUNTY

(Mrs.) Rebekah Miller Cypher, Butler, from January 23, 1942, until Decmeber 31, 1944, and until her successor is duly appointed and qualified.
Finley Hawk, Petrola, from January 23, 1942, until December 31, 1943, and until his successor is duly appointed and qualified.

CAMBRIA COUNTY

A. L. Hunt, Cresson, from December 22, 1941, until December 31, 1943.
(Mrs.) Mary M. Hays, Johnstown, from January 1, 1942, until December 31. 1944.
David S. Bantley, Johnstown, from January 1, 1942, until December 31, 1944.
John Allan Murray. Patton, from December 22, 1941, until December 31, 1943.

CAMERON COUNTY

L. N. Coppersmith, Emporium, from December 22, 1941, until December 31, 1943.
(Mrs.) Kathryn Daley, Driftwood, from December 22, 1941, until December 31, 1943.

CARBON COUNTY

Raymond F. Smith, Palmerton, from January 23, 1942, until December 31, 1943, and until his successor is duly appointed and qualified.

CENTRE COUNTY

William C. Thompson, Bellefonte, from December 22, 1941, until December 31, 1943.
Newton Hartswick, State College, from January 1, 1942, until December 31, 1944.
(Mrs.) Helen Oursler Beatty, Bellefonte, from December 22, 1941, until December 31, 1943.
James H. Holmes, State College, from January 1, 1942, until December 31, 1944.

CLARION COUNTY

(Miss) Jane H. Orr, Clarion, from January 1, 1942, until December 31, 1944.

CLEARFIELD COUNTY

George Ohs, Houtzdale, from January 1, 1942, until December 31, 1944.

COLUMBIA COUNTY

(Mrs.) Elsie Yorks Jones, Bloomsburg, from January 1, 1942, until December 31, 1944.
(Mrs.) Marguerite Fortner, Centralia, from January 1, 1942, until December 31, 1944.

Frank A. Creasy, Berwick, from December 22, 1941, until December 31, 1943.

CRAWFORD COUNTY

John A. McAndrew, Conneautville, from December 22, 1941, until December 31, 1943.

Edward I. Bates, Meadville, from December 22, 1941, until December 31, 1943.

CUMBERLAND COUNTY

(Mrs.) Emma E. Brownhill, Enola, from December 22, 1941, until December 31, 1943.

Ray E. Hutter, Mechanicsburg, from December 22, 1941, until December 31, 1943.

G. R. Fogelsonger, Shippensburg, from January 1, 1942, until December 31, 1944.

(Mrs.) Louise Bentz Carroll, Carlisle, from January 1, 1942, until December 31, 1944.

(Mrs.) Lottie M. Thompson, Camp Hill, from December 22, 1941, until December 31, 1943.

DAUPHIN COUNTY

Ezra F. Hershey, Hershey, from January 1, 1942, until December 31, 1944.

E. R. Eckenrode, Harrisburg, from December 22, 1941, until December 31, 1943.

(Mrs.) Anne Rupp, Steelton, from December 22, 1941, until December 31, 1943.

(Mrs.) Gabriella C. Gilbert, Harrisburg, from December 22, 1941, until December 31, 1943.

Harry S. Smeltzer, Harrisburg, from January 1, 1942, until December 31, 1944.

DELAWARE COUNTY

(Mrs.) Eleanor B. Lloyd, Haverford, from January 1, 1942, until December 31, 1944.

E. Wallace Chadwick, Chester, from January 1, 1942, until December 31, 1944.

(Mrs.) Doris Garvin Kinsley, Wallingford, from December 22, 1941, until December 31, 1943.

(Miss) Theresa A. Kelley, Chester, from December 22, 1941, until December 31, 1943.

ELK COUNTY

Carl W. Asplund, St. Marys, from January 1, 1942, until December 31, 1944.

John F. Joyce, St. Marys, from December 22, 1941, until December 31, 1943.

C. H. Frederick, Ridgway, from January 9, 1942, until December 31, 1944, and until his successor is duly appointed and qualified.

ERIE COUNTY

Edward G. Baker, Erie, from September 5, 1941, until December 31, 1943, and until his successor is duly appointed and qualified.

Norbert D. Gannon, Erie, from January 1, 1942, until December 31, 1944.

(Mrs.) Rachel Spencer, Erie, from December 22, 1941, until December 31, 1943.

Hover S. Brown, Erie, from January 1, 1942, until December 31, 1944.

FAYETTE COUNTY

(Mrs.) Cordelia Hibbs, Farmington, from September 3, 1941, until December 31, 1943, and until her successor is duly appointed and qualified.

Charles M. Shank, Masontown, from September 24, 1941, until December 31, 1941, and until his successor is duly appointed and qualified.

(Mrs.) Louise L. Whipp, Point Marion, from September 24, 1941, until December 31, 1942, and until her successor is duly appointed and qualified.

(Mrs.) Maude S. Reynolds, Uniontown, from September 24, 1941, until December 31, 1943, and until her successor is duly appointed and qualified.

John Farrell, Uniontown, from January 1, 1942, until December 31, 1944.

FOREST COUNTY

J. Orr Carson, West Hickory, from January 1, 1942, until December 31, 1944.

Robert Pickens, Marienville, from January 1, 1942, until December 31, 1944.

L. E. Moore, East Hickory, from December 22, 1941, until December 31, 1943.

F. F. Spencer, Truemans, from December 22, 1941, until December 31, 1943.

(Mrs.) Louise E. Phillips, Endeavor, from December 22, 1941, until December 31, 1943.

FRANKLIN COUNTY

Lee L. Steiger, Mercersburg, from January 1, 1942, until December 31, 1944.

(Miss) Rhoda Berger, Cove Gap, from January 1, 1942, until December 31, 1944.

FULTON COUNTY

George S. Grissinger, McConnellsburg, from December 22, 1941, until December 31, 1943.

John W. Kelso, McConnellsburg, from December 22, 1941, until December 31, 1943.

Wilson L. Nace, McConnellsburg, from January 1, 1942, until December 31, 1944.

Harvey E. Comerer, Thompson Township, from January 1, 1942, until December 31, 1944.

HUNTINGDON COUNTY

R. E. Long, Mount Union, from January 1, 1942, until December 31, 1944.

(Mrs.) Keturah Ketterman, Entriken, from December 22, 1941, until December 31, 1943.

M. M. Geissinger, Huntingdon, from January 1, 1942, until December 31, 1944.

Mrs. Minnie Rudy, Huntingdon, from February 5, 1942, until December 31, 1943, and until her successor is duly appointed and qualified.

INDIANA COUNTY

W. L. Benz, Blairsville, from January 1, 1942, until December 31, 1944.

Paul B. Hasinger, Indiana, from January 1, 1942, until December 31, 1944.

Ernest C. Fletcher, Saltsburg, from December 22, 1941, until December 31, 1943.

Harold Nesbitt, Clymer, from December 22, 1941, until December 31, 1943.

JUNIATA COUNTY

Joseph Sieber, McAlisterville, from December 22, 1941, until December 31, 1943.

Geo. G. Dawe, Mifflintown, from December 22, 1941, until December 31, 1943.

Francis L. Cooper, Spruce Hill, from January 1, 1942, until December 31, 1944.

(Mrs.) Alida Johnson, Mifflin, from January 1, 1942, until December 31, 1944.

LANCASTER COUNTY

(Mrs.) Irene Weidman, Ephrata, from September 16, 1941, until December 31, 1942, and until her succesor is duly appointed and qualified.

Francis P. Sharpless, Lancaster, from September 16, 1941, until December 31, 1941, and until his successor is duly appointed and qualified.

V. W. Dippell, Lancaster, from December 22, 1941, until December 31, 1943.

(Miss) Bess McGowan, Christiana, from December 22, 1941, until December 31, 1943.

Wm. E. Alexander, Lancaster, from January 1, 1942, until December 31, 1944.

George W. Hensel, Jr., Quarryville, from December 22, 1941, until December 31, 1943.

LAWRENCE COUNTY

Ivor Richards, New Castle, from July 16, 1941, until December 31, 1942, and until his successor is duly appointed and qualified.

Sam Taylor, New Castle, from July 16, 1941, until December 31, 1942, and until his successor is duly appointed and qualified.

Lloyd Strayer, New Castle, from July 16, 1941, until December 31, 1941, and until his successor is duly appointed and qualified.

(Mrs.) Rose Fazzone, New Castle, from July 16, 1941, until December 31, 1941, and until her successor is duly appointed and qualified.

Ray B. Johnston, Ellwood City, from July 16, 1941, until December 31, 1943.

Fred Vaughn, New Castle, from July 16, 1941, until December 31, 1943.

Scott S. Brest, New Galilee, from July 16, 1941, until December 31, 1943.

LEBANON COUNTY

Earnest Williams, Annville, from January 14, 1942, until December 31, 1944, and until his successor is duly appointed and qualified.

LEHIGH COUNTY

William A. Gibson, Allentown, from January 1, 1942, until December 31, 1944.

(Mrs.) Ruth Siegfried, Allentown, from December 22, 1941, until December 31, 1943.

(Mrs.) Eva Krum, Slatington, from December 22, 1941, until December 31, 1943.

(Mrs.) Ruth Thornburg, Fountain Hill, from December 22, 1941, until December 31, 1943.

LYCOMING COUNTY

William H. Hough, Williamsport, from December 22, 1941, until December 31, 1943.

Clair W. Bishop, Williamsport, from January 1, 1942, until December 31, 1944.

Stuart B. Gibson, Williamsport, from January 1, 1942, until December 31, 1944.

(Mrs.) Marjorie Nicholson, Muncy, from December 22, 1941, until December 31, 1943.

McKEAN COUNTY

Francis DeCaria, Bradford, from December 22, 1941, until December 31, 1943.

Chris H. Messerly, Bradford, from January 1, 1942, until December 31, 1944.

John Adrian Skooglund, Kane, from January 1, 1942, until December 31. 1944.

Edward Eugene Drake, Smethport, from December 22, 1941, until December 31, 1943.

William M. Reese, Port Allegany, from December 22, 1941, until December 31, 1943.

MERCER COUNTY

John V. Wherry, Grove City, from January 1, 1942, until December 31, 1944.

MIFFLIN COUNTY

Harold P. Hanna, Lewistown, from December 22, 1941, until December 31, 1943.

T. C. Matthews, Lewistown, from December 22, 1941, until December 31, 1943.

(Mrs.) Beulah Gill, Burnham, from December 22, 1941, until December 31, 1943.

MONROE COUNTY

(Mrs.) Helen W. Hoffman, Stroudsburg, from December 22, 1941, until December 31, 1943.

(Mrs.) Hazel S. Achterman, Stroudsburg, from December 22, 1941, until December 31, 1943.

(Mrs.) Elmira Shafer, Gilbert, from December 22, 1941, until December 31, 1943.

Harry L. Sutton, East Stroudsburg, from January 1, 1942, until December 31, 1944.

Andrew W. Lewis, Mountainhome, from January 28, 1942, until December 31, 1944, and until his successor is duly appointed and qualified.

MONTGOMERY COUNTY

Henry P. Friend, Norristown, from July 30, 1941, until December 31, 1943, and until his successor is duly appointed and qualified.

William E. Wills, King of Prussia, from January 1, 1942, until December 31, 1944.

(Miss) Marjorie N. MacCoy, Haverford, from January 1, 1942, until December 31, 1944.

(Mrs.) Lillian L. Strauss, Elkins Park, from December 22, 1941, until December 31, 1943.

Paul T. Moyer, Lansdale, from December 22, 1941, until December 31, 1943.

NORTHAMPTON COUNTY

Henry A. Miller, Northampton, from January 1, 1942, until December 31, 1944.

Arthur Stoddard, Bangor, from January 1, 1942, until December 31, 1944.

William P. Gano, Nazareth, from December 22, 1941, until December 31, 1943.

Orion H. Reeves, Easton, from December 22, 1941, until December 31, 1943.

Merrill Miles Moore, Bethlehem, from December 22, 1941, until December 31, 1943.

PERRY COUNTY

Edward S. Glass, Duncannon, from January 1, 1942, until December 31, 1944.

Herman Shoemaker, Liverpool, from January 1, 1942, until December 31, 1944.

Lynn McMillen, Loysville, from December 22, 1941, until December 31, 1943.

(Mrs.) Ella M. Gray, Blain, from December 22, 1941, until December 31, 1943.

(Miss) Marion Shull, Newport, from December 22, 1941, until December 31, 1943.

PIKE COUNTY

(Mrs.) Gertrude A. Bihl, Lackawaxen, from December 22, 1941, until December 31, 1943.

(Mrs.) Nina Hopps, Greentown, from December 22, 1941, until December 31, 1943.

(Mrs.) Carolyn S. Ludwig, Milford, from January 1, 1942, until December 31, 1944.

Leland Ryder, Matamoras, from December 22, 1941, until December 31, 1943.

William Weintz, Matamoras, from January 1, 1942, until December 31, 1944.

POTTER COUNTY

Robert R. Lewis, Coudersport, from December 22, 1941, until December 31, 1943.

(Mrs.) Lilah Curry Wandall, Coudersport, from January 1, 1942, until December 31, 1944.

Garrie W. Benson, Galeton, from December 22, 1941, until December 31, 1943.

W. Arthur Ham, Galeton, from December 22, 1941, until December 31, 1943.

SCHUYLKILL COUNTY

Harvey Luckenbill, Orwigsburg, from December 22, 1941, until December 31, 1943.

Andrew H. Riddle, Mahanoy City, from December 22, 1941, until December 31, 1943.
John E. Schlottman, Pottsville, from January 1, 1942, until December 31, 1944.
C. T. Straughn, Shenandoah, from December 22, 1941, until December 31, 1943.
Bernard McGinley, Middleport, from January 1, 1942, until December 31, 1944.

SNYDER COUNTY

G. A. Rhoads, Shamokin Dam, from January 1, 1942, until December 31, 1944.
Charles F. Wagner, McClure, from January 1, 1942, until December 31, 1944.
Lee Fisher, Selinsgrove, from December 22, 1941, until December 31, 1943.
(Mrs.) Clara Reigle, Paxtonville, from December 22, 1941, until December 31, 1943.
J. Howard Burns, Selinsgrove, from January 14, 1942, until December 31, 1943, and until his successor is duly appointed and qualified.

SULLIVAN COUNTY

B. T. Martin, Dushore, from January 1, 1942, until December 31, 1944.
J. H. Dieffenbach, Colley, from December 22, 1941, until December 31, 1943.
Edward M. Williams, Wheelerville, from December 22, 1941, until December 31, 1943.
Edward B. Wright, Forksville, from December 22, 1941, until December 31, 1943.

SUSQUEHANNA COUNTY

A. D. Kehren, Forest City, from January 1, 1942, until December 31, 1944.
Byron Benninger, Dimock, from January 19, 1942, until December 31, 1944, and until his successor is duly appointed and qualified.

TIOGA COUNTY

(Mrs.) Edna Mae Fleitz, Mansfield, from December 22, 1941, until December 31, 1943.
Fred A. Jupenlaz, Covington, from January 1, 1942, until December 31, 1944.
M. A. Welch, Mansfield, from December 22, 1941, until December 31, 1943.
(Mrs.) Hazel M. Parsells, Cowanesque, from January 1, 1942, until December 31, 1944.

UNION COUNTY

Arthur A. Eisenhauer, Lewisburg, from December 22, 1941, until December 31, 1943.
Hiram Walter, Lewisburg, from December 22, 1941, until December 31, 1943.

VENANGO COUNTY

E. P. Boyle, Oil City, from December 22, 1941, until December 31, 1943.
H. Carl Wasson, Franklin, from January 1, 1942, until December 31, 1944.
(Mrs.) Hanna L. Hollister, Franklin, from December 22, 1941, until December 31, 1943.
W. Edward Walz, Oil City, from January 1, 1942, until December 31, 1944.

WASHINGTON COUNTY

(Miss) Ann Mesta, Finleyville, from January 5, 1942, until December 31, 1943, and until her successor is duly appointed and qualified.

WAYNE COUNTY

Neil Keene, Waymart, from January 1, 1942, until December 31, 1944.

Roy N. Howe, Lake Ariel, from January 1, 1942, until December 31, 1944.

WYOMING COUNTY

William A. Kelley, Center Moreland, from January 1, 1942, until December 31, 1944.
Basil Nichols, Falls, from December 22, 1941, until December 31, 1943.
(Mrs.) Lula Gilmore, Noxen, from December 22, 1941, until December 31, 1943.
(Mrs.) Esther Englemier, Osterhout, from December 22, 1941, until December 31, 1943.

YORK COUNTY

Clyde S. Buckingham, York, from January 1, 1942, until December 31, 1944.
Charles E. Kephart, York Haven, from January 1, 1942, until December 31, 1944.
H. C. Ulmer, York, from December 22, 1941, until December 31, 1943.
(Mrs.) Nellie B. Neely, High Rock, from December 22, 1941, until December 31, 1943.
(Mrs.) Kathryn R. Fix, York, from December 22, 1941, until December 31, 1943.

"ARTHUR H. JAMES.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced presented communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows:

REASONS FOR PARDONS

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 17, 1942.

To the Honorable, the General Assembly of the Commonwealth of Pennsylvania:

I have the honor to present herewith the reasons for pardons granted by me from January 17, 1941 to date.

ARTHUR H. JAMES.

(For reasons see Appendix.)

BILLS INTRODUCED

Mr. WOODWARD read in his place and presented to the Chair, Senate Bill No. 1, entitled:

A Joint Resolution proposing an amendment to section one of Article nine of the Constitution of the Commonwealth of Pennsylvania.

Which was committed to the Committee on Constitutional Changes.

He also read in his place and presented to the Chair, Senate Bill No. 2, entitled:

A Joint Resolution proposing an amendment to article fourteen of the Constitution of the Commonwealth of Pennsylvania, abolishing County of Philadelphia as a separate political entity and providing for administering of county functions by City of Philadelphia.

Which was committed to the Committee on Constitutional Changes.

He also read in his place and presented to the Chair, Senate Bill No. 3, entitled:

A Joint Resolution proposing an amendment to article nine, section eight of the Constitution of the Common-

wealth of Pennsylvania, further regulating indebtedness of political subdivisions.

Which was committed to the Committee on Constitutional Changes.

Mr. DENT. Mr. President, pursuant to the Supplemental Proclamation of the Governor, the sixth item is a call for liberalization of the Unemployment Compensation Law. On February 5, 1942, on behalf of the Committee on Joint State Government, as Chairman of the Unemployment Compensation Study Committee, I addressed a letter to the Governor calling attention to certain inequalities in the State Unemployment Compensation Law that ought to be amended.

I therefore present to the Chair a series of bills, the subject matter of which has been already called to the attention of the Governor and I am sure comes within the call. There will be other bills tomorrow that will fill out the entire string. However I want to present to the Chair for the record a statement made to the Governor by the Joint State Government Commission and ask that it be spread upon the record.

The PRESIDENT. If there is no objection the communication will be spread upon the record.

SENATE OF PENNSYLVANIA

February 4, 1942.

Hon. Arthur H. James, Governor
Harrisburg, Pennsylvania.

Dear Sir:—

During the month of October the Committee studying Unemployment Compensation addressed a Communication to your office relative to the subject of Unemployment Compensation and the necessity for certain amendments.

The Committee asked that this subject be given your attention with the aim in view of including certain amendments in the call for a special session, if one is called.

We believe we have ironed out certain amendments which should have the approval of all concerned because they deal with the Administration of the Act as well as providing certain protections for persons entering our armed forces in this hour of peril.

The specific amendments are included in the attached statement.

You will note that we have separated the various amendments into a series of bills instead of trying to put all the eggs in one basket.

No matter how much we talk about non-controversial measures we usually get into a dogfight over some features of a bill so we have put the related subjects into separate bills.

If the Committee can be of any service, please get in touch with Mr. Moomaw, Director of Joint State Government Commission or myself.

Respectfully,

JOHN H. DENT, Chairman
Compensation Study Committee

RECOMMENDATIONS FOR AMENDING THE PENNSYLVANIA UNEMPLOYMENT COMPENSATION LAW BY THE COMMITTEE ON COMPENSATION OF THE JOINT STATE GOVERNMENT COMMISSION

(1) To modify the definition of "employer" to include a "successor in interest clause." This provision is recommended to prohibit evasion of the law by changes in ownership.

To include employers of nonresident employes by election. The present nonresident employes do not have unemployment compensation protection and such an amendment would allow employers voluntary election to bring the nonresident employe under the coverage of the Pennsylvania Law.

(2) An amendment to bring the State law into conformity with certain amendments of the Federal Act, by making further exclusions.

a. Domestic service in college clubs, fraternities, etc.
b. Casual labor, not in the course of the employer's business.
c. Service performed for an organization exempt from Federal Income Tax under certain conditions.
d. Services performed in the employ of agricultural organizations.
e. Services performed in the employ of voluntary employees beneficiary association.
f. Services performed by a student for his college or university, under certain conditions.
g. Services performed for an instrumentality of a foreign government, under certain conditions.
h. Services performed for a foreign government.
i. Services performed as a student nurse, under certain conditions.
j. Services performed by a minor under the age of 18, in the delivery of newspapers or shopping news.

(3) Recommendations to bring the State law into conformity with the amendments of the Federal Act by including:

a. Services performed in the employ of religious, charitable, etc., organizations carrying on propaganda for Legislation.
b. Services performed in the employ of an instrumentality of the United States Government not wholly owned by the United States, and not exempt from Federal Income Tax. This amendment would affect the employe of National Banks.
c. Service which constitutes employment performed during one-half or more of any pay period.

(4) An amendment re-defining "Total Unemployment" as "no work for which remuneration is paid," and allowing earnings of $3.00 per week and still be eligible to receive unemployment compensation.

(5) An amendment to modify the definition of wages by, (a) adopting the Federal definition, (b) by exempting allowances paid to draftees and volunteers, and (c) by insuring the benefit rates of those entering the service.

(6) An amendment to:

a. Provide a compulsory advisory council.
b. Authorize the department to study Experiment Rating.
c. To provide for the destruction of obsolete reports and records.

(7) An amendment to increase the effectiveness of collecting contributions.

a. By setting contribution rate at 2.7% without relation to Federal credits.

b. By authorizing the department to assess delinquent employers for the estimated amount of contribution payable, this assessment to constitute a judgment, when filed with the court.

c. By simplifying the computation of interest to "1% per month or fraction thereof."

d. By authorizing the department to establish liens against delinquent employers.

(8) An amendment extending the power in collection of contribution.

a. By authorizing Department to compromise delinquent contributions, penalties, and interest, etc., such power given to the Department would enable the settlement of small claims when approved by the Attorney General.

(9) An amendment authorizing the Commonwealth to enter into interstate agreements to handle refunds and adjustments.

(10) An amendment to simplify determination of earnings for benefits. The present law requires that the claimant shall have earned in his base year, wages of thirteen times his weekly compensation amount. It is recommended to simplify this formula by requiring that a flat eligibility amount of $100 be earned in the base year.

(11) An amendment to modify the provisions for ineligibility for compensation of those leaving work "without good cause." The present law does not define good cause for leaving employment, where continuing such employment would be injurious to health or safety, or where the working conditions are unbearable.

(12) An amendment to provide a system of payment of accrued benefits to the surviving spouse, children or parents of deceased claimants.

(13) An amendment to reduce the waiting period to two weeks, to increase the weekly benefit rate to $9.00 minimum, $18.00 maximum, and the maximum number of payments of sixteen weeks.

(14) An amendment to simplify appeal procedure.

a. By permitting use of after-discovered evidence.

b. By permitting the use of after-discovered evidence applying to finality of decisions.

c. By providing for payment of the uncontested amount of benefits.

d. By permitting the delivery of the "notice of decision" in person or by mail, replacing the present method of compulsory mailing.

e. By establishing precedents on decisions regarding compensation by the Board of Review.

f. To enforce the repayment of compensation paid to claimants, by granting the Department the right of subrogation in NLRB awards.

BILLS INTRODUCED

Mr. DENT read in his place and presented to the Chair, Senate Bill No. 4, entitled:

An Act to further amend clause (i) of section four of the act, approved the fifth day of December, one thousand nine hundred thirty-six (1937, P. L. 2897), entitled "An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry and its existing and newly created agencies with personnel (with certain exceptions) selected on a civil service basis; requiring employers to keep records and make reports, and certain employers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons; providing procedure and administrative details for the determination, payment and collection of such contributions and the payment of such compensation; providing for cooperation with the Federal Government and its agencies; creating certain special funds in the custody of the State Treasurer; and prescribing penalties," by further defining employers subject to the provisions of the act.

Which was committed to the Committee on Workmen's Compensation.

He also read in his place and presented to the Chair, Senate Bill No. 5, entitled:

An Act to amend clause (s) of section four of the act, approved the fifth day of December, one thousand nine hundred thirty-six (1937, P. L. 2897), entitled "An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry and its existing and newly created agencies with personnel (with certain exceptions) selected on a civil service basis; requiring employers to keep records and make reports, and certain employers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons; providing procedure and administrative details for the determination, payment and collection of such contributions and the payment of such compensation; providing for cooperation with the Federal Government and its agencies; creating certain special funds in the custody of the State Treasurer; and prescribing penalties," by further defining the term "total unemployment" as used therein.

Which was committed to the Committee on Workmen's Compensation.

He also read in his place and presented to the Chair, Senate Bill No. 6, entitled:

An Act to further amend clause (u) of section four of, and to add section four hundred seven to, the act, approved the fifth day of December, one thousand nine hundred thirty-six (1937, P. L. 2897), entitled "An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry and its existing and newly created agencies with personnel (with certain exceptions) selected on a civil service basis; requiring employers to keep records and make reports, and certain employers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons; providing procedure and administrative details for the determination, payment and collection of such contributions and the payment of such compensation; providing for cooperation with the Federal Government and its agencies; creating certain special funds in the custody of the State Treasurer; and prescribing penalties," further defining the term "wages" and the rights of employes in military or naval service.

Which was committed to the Committee on Workmen's Compensation.

He also read in his place and presented to the Chair, Senate Bill No. 7, entitled:

An Act to amend section two hundred four of, and to add section two hundred nine to, the act approved the fifth day of December, one thousand nine hundred thirty-six (1937, P. L. 2897), entitled "An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry and its existing and newly created agencies with personnel (with certain exceptions) selected on a civil service basis; requiring employers to keep records and make reports, and certain em-

ployers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons; providing procedure and administrative details for the determination, payment and collection of such contributions and the payment of such compensation; providing for cooperation with the Federal Government and its agencies; creating certain special funds in the custody of the State Treasurer; and prescribing penalties," by creating a State Advisory Council; imposing powers and duties thereon; and permittnig the department under certain conditions to dispose of obsolete records.

Which was committed to the Committee on Workmen's Compensation.

He also read in his place and presented to the Chair, Senate Bill No. 8, entitled:

An Act to further amend the act approved the fifth day of December, one thousand nine hundred and thirty-six (1937, P. L. 2897), entitled "An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry and its existing and newly created agencies with personnel (with certain exceptions) selected on a civil service basis; requiring employers to keep records and make reports, and certain employers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons; providing procedure and administrative details for the determination, payment and collection of such contributions and the payment of such compensation; providing for cooperation with the Federal Government and its agencies; creating certain special funds in the custody of the State Treasurer; and prescribing penalties," by further regulating contributions to be made by employers to the unemployment compensation fund; imposing duties on employers to make certain reports to the department; authorizing assessments by the department on certain employers; making contributions due the department a lien on the property and franchises of the employer under certain conditions and further regulating the manner by which contributions can be collected by the department.

Which was committed to the Committee on Workmen's Compensation.

He also read in his place and presented to the Chair, Senate Bill No. 9, entitled:

An Act to amend clause (b) of section four hundred two and section four hundred three of the act, approved the fifth day of December, one thousand nine hundred thirty-six (1937, P. L. 2897), entitled "An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry and its existing and newly created agencies with personnel (with certain exceptions) selected on a civil service basis; requiring employers to keep records and make reports, and certain employers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons; providing procedure and administrative details for the determination, payment and collection of such contributions and the payment of such compensation; providing for cooperation with the Federal Government and its agencies; creating certain special funds in the custody of the State Treasurer; and prescribing penalties," by further providing as to the circumstances under which the voluntary leaving of work renders an employe ineligible for compensation, and by providing for the payment of accrued benefits due to deceased employes to the surviving spouse, children or parents without letters testamentary or of administration in the discretion of the department.

Which was committed to the Committee on Workmen's Compensation.

He also read in his place and presented to the Chair, Senate Bill No. 10, entitled:

An Act to amend clause (a) of section four hundred one of the act approved the fifth day of December, one thousand nine hundred and thirty-six (1937, P. L. 2897), entitled "An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry and its existing and newly created agencies with personnel (with certain exceptions) selected on a civil service basis; requiring employers to keep records and make reports, and certain employers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons; providing procedure and administrative details for the determination, payment and collection of such contributions and the payment of such compensation; providing for cooperation with the Federal Government and its agencies; creating certain special funds in the custody of the State Treasurer; and prescribing penalties," further defining qualifications required of an employe eligible for compensation.

Which was committed to the Committee on Workmen's Compensation.

He also read in his place and presented to the Chair, Senate Bill No. 11, entitled:

An Act to add section three hundred and twelve to article three of the act approved the fifth day of December, one thousand nine hundred and thirty-six (1937, P. L. 2897), entitled "An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry and its existing and newly created agencies with personnel (with certain exceptions) selected on a civil service basis; requiring employers to keep records and make reports, and certain employers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons; providing procedure and administrative details for the determination, payment and collection of such contributions and the payment of such compensation; providing for cooperation with the Federal Government and its agencies; creating certain special funds in the custody of the State Treasurer; and prescribing penalties," authorizing the department to cooperate with all agencies in the United States engaged in the administration of unemployment compensation laws and authorizing reciprocal adjustments and refunds between the department and all such agencies.

Which was committed to the Committee on Workmen's Compensation.

REPORT OF COMMITTEE OF NOTIFICATION TO THE GOVERNOR

Mr. HEYBURN. Mr. President, the Committee appointed by the Senate to notify His Excellency, the Governor, that the Senate is now in Session reports that they have completed their mission, and that the Governor stated he hopes we will enjoy the Session and that it will be brief.

The PRESIDENT. The Committee is discharged with the thanks of the Senate.

HOUSE MESSAGE

The Clerk of the House of Representatives being introduced informed the Senate that the House has concurred in resolution from the Senate as follows:

In the Senate, February 17, 1942.

Resolved (if the House of Representatives concur), That

the Senate and House of Representatives meet in Joint Session on Tuesday, February 17, 1942, at 8:30 p. m. in the hall of the House for the purpose of hearing an address by His Excellency the Governor of the Commonwealth.

COMMITTEE TO ESCORT THE GOVERNOR TO THE HALL OF THE HOUSE

Mr. EDMONDS offered the following resolution which was twice read, considered and agreed to:

In the Senate, February 17, 1942.

Resolved (if the House of Representatives concur), That a committee of three on the part of the Senate be appointed to act with a similar committee on the part of the House (if the House shall appoint such committee) to escort the Governor to the hall of the House to address the members of the General Assembly in Joint Session at 8:30 p. m. on Tuesday, February 17, 1942, pursuant to a concurrent resolution already adopted by the Senate and House of Representatives.

Ordered, That the Clerk present the same to the House of Representatives for concurrence.

The PRESIDENT. The President Pro Tempore announces the appointment of the following committee: The Senator from Montgomery, Mr. Edmonds; the Senator from Monroe, Mr. Crowe, and the Senator from Berks, Mr. Ruth.

He also informed the Senate that the House has concured in resolution from the Senate as follows:

Resolved (if the House of Representatives concur), That the Chief Clerks of the Senate and House of Representatives make arrangement for the necessary postage so that the Legislative Journal may be mailed according to the requirements of the Post Office Department, and the Appropriations Committee provide for the cost of the same in the bill providing for the expenses of the Extraordinary Session.

He also informed the Senate that the House has concurred in resolution from the Senate as follows:

In the Senate, February 17, 1942.

Resolved (if the House of Representatives concur), That the State Treasurer be and is hereby authorized to pay on warrant of the Auditor General to each member of the General Assembly the sum of $250 on account of the salary of $500 or $50 in postage to which each member is entitled for an Extraordinary Session of the General Assembly by virtue of the provisions of the Act of Assembly approved the 2d day of June, A. D. 1933, P. L. 1422, and as amended by Act of Assembly approved the 28th day of May A. D. 1937, P. L. 999, and the balance of said $500, namely $250, on the day of final adjournment of the Extraordinary Session of the General Assembly, convened in session on call of the Governor, February 10, 1942.

He also informed the Senate that the House has concurred in resolution from the Senate as follows:

In the Senate, February 17, 1942.

Resolved (if the House of Representatives concur), That a committee of three on the part of the Senate be appointed to act with a similar committee on the part of the House (if the House shall appoint such Committee) to wait upon his Excellency the Governor and inform him that the General Assembly is convened in Extraordinary Session in conformity with the Proclamation of February 10, 1942, and is ready to receive any communications he may have to make.

RECESS

Mr. GELTZ. Mr. President, I move that the Senate do now take a recess until 8:00 o'clock, p. m.

Mr. TALLMAN. Mr. President, I second the motion.

The motion was agreed to.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed the Senate will be in order.

SENATE PROCEEDS TO HOUSE OF REPRESENTATIVES TO HEAR GOVERNOR'S MESSAGE

A committee on the part of the House of Representatives being introduced informed the Senate that the Committee on the part of the House of Representatives is now ready to escort the Senate to the Hall of the House to attend the Joint Session of the General Assembly.

Whereupon,

The President and members of the Senate proceeded to the hall of the House of Representatives.

SENATE RETURNS FROM THE HOUSE OF REPRESENTATIVES

After some time the President and Senators returned to the Senate Chamber.

EMPLOYES OF THE SENATE ELECTED TO FILL VACANCIES

Mr. CHAPMAN offered the following resolution which was twice read, considered and agreed to:

In the Senate, February 17, 1942.

Resolved, That the following persons be elected officers and employes of the Senate, Extraordinary Session of 1942, to fill existing vacancies:

CLERK TO COMMITTEE

Pauline Jennings, Vice Edwin S. Wallace.

PASTER AND FOLDER

Elizabeth C. Barlup, Vice Levy Anderson.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced presented communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows:

APPROVED AND SIGNED CONCURRENT RESOLUTION

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 17, 1942.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed the following:

Senate Concurrent Resolution authorizing the State Treasurer to pay, on warrant of the Auditor General, to each member of the General Assembly the sum of $250.00 on account of the salary of $500.00, and $50.00 in postage to which each member is entitled for an Extraordinary Session of the General Assembly, and the balance of

$500.00, namely $250.00, on the day of final adjournment of the Extraordinary Session of the General Assembly, convened on call of the Governor dated February 10, 1942.

Also, Senate Concurrent Resolution authorizing the Chief Clerks of the Senate and House of Representatives to make arrangement for the necessary postage for mailing the Legislative Journal, and the Appropriations Committee to provide for the cost of the same in the bill providing for the expenses of the Extraordinary Session.

ARTHUR H. JAMES.

BILLS INTRODUCED

Mr. BECKER. Mr. President, I ask unanimous consent to introduce a bill at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. BECKER read in place and presented to the Chair, Senate Bill No. 12, entitled:

An Act to amend the act approved the sixth day of August, one thousand nine hundred and forty-one (1941 Appropriation Acts, page 98), entitled "A supplement to the act approved the sixteenth day of June, one thousand nine hundred forty-one (Appropriation Act Number 12-A), entitled 'An act to provide for the ordinary expenses of the Executive, Legislative and Judicial Departments of the Commonwealth, interest on the public debt, and the support of the public schools for two years beginning June first, one thousand nine hundred and forty-one, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first, one thousand nine hundred and forty-one,'" by increasing the appropriation to the Department of Justice for the parole work of the Board of Pardons.

Which was committed to the Committee on Appropriations.

Mr. THOMAS B. WILSON. Mr. President, I ask unanimous consent to introduce a bill at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. THOMAS B. WILSON read in place and presented to the Chair, Senate Bill No. 13, entitled:

An Act to amend Section 36 and to repeal Section 37 of the act approved the sixth day of August, one thousand nine hundred and forty-one (P. L. 861), entitled "An act to create a uniform and exclusive system for the administration of parole in this Commonwealth; establishing the 'Pennsylvania Board of Parole'; conferring and defining its jurisdiction, duties, powers and functions, including the supervision of persons placed upon probation in certain designated cases; providing for the method of appointment of its members; regulating the appointment removal and discharge of its officers, clerks and employes; dividing the Commonwealth into administrative districts for purposes of parole; fixing the salaries of members of the board and of certain other officers and employes thereof; making violations of certain provisions of this act misdemeanors; providing penalties therefor; and for other cognate purposes, and making an appropriation," by postponing the operation and effective date of the act and repealing the appropriation made by said act.

Which was committed to the Committee on State Government.

Mr. HOMSHER. Mr. President, I ask unanimous consent to introduce a bill at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. HOMSHER read in place and presented to the Chair, Senate Bill No. 14, entitled:

An Act authorizing the Governor of the Commonwealth of Pennsylvania, for a limited period of time, to suspend or modify the operation of laws, either in whole or in part, under certain circumstances, and in accordance with the recommendations of the State Council of Defense, during the existence of a war wherein the United States is engaged; and imposing duties and conferring powers upon the State Council of Defense.

Which was committed to the Committee on State Government.

Mr. JAMES. Mr. President, I ask unanimous consent to introduce a bill at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. JAMES read in place and presented to the Chair, Senate Bill No. 15, entitled:

An Act to protect property by making criminal certain unlawful entries or injuries to and interference with property and attempts or conspiracies to do so and providing penalties.

Which was committed to the Committee on Judiciary General.

ADJOURNMENT

Mr. GELTZ. Mr. President, I move that the Senate do now adjourn until Wednesday, February 18, 1942, at 1:30 o'clock, p. m. Eastern War Time.

Mr. SCARLETT. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 9:55 o'clock, p. m. Eastern War Time until Wednesday, February 18, 1942 at 1:30 o'clock, p. m. Eastern War Time.

HOUSE OF REPRESENTATIVES

TUESDAY, FEBRUARY 17, 1942

EXTRAORDINARY SESSION

The SPEAKER, the Honorable Elmer Kilroy, called the House to order.

The SPEAKER. This being the day and the hour fixed by His Excellency, the Governor of the Commonwealth in his Proclamation convening the General Assembly in Extraordinary Session by virtue of the authority conferred upon him under Article IV, Section 12 of the Constitution of Pennsylvania, the Members of the House of Representatives here assembled will come to order.

PRAYER

The Chaplain, Rev. Donald McFall, offered the following prayer:

Our Heavenly Father, we pause at the beginning of this Special Session to ask Thy blessing upon each member of this House of Representatives, upon our State Govern-

ment as a whole, and upon the momentous deliberations of this House in the days that lie ahead.

Bless, we pray Thee, our Nation—once at peace and now at war. Help us to recognize our responsibilities as citizens of a great Nation. As we have before us a year loaded with the vestments of war, may we be conscious of the many changes since last we met here. New phrases as, "Remember Pearl Harbor" and "All Out For Defense" remind us of the grim duty to which we are called. Planes, tanks, and ships, stamps, bonds, and registration—all have taken on new meaning. We think of our boys along the battle-fronts and in the camps—God bless them, every one.

May this Special Session be no exception of that which is expected of every American in this day. Let each member say within himself: "We are not here to play, to dream, to drift; For we are men with work to do and loads to lift."

Almighty God, may it please Thee to look with favor upon the President of these United States, the Governor of the State of Pennsylvania, and the Speaker of this House of Representatives, for we are aware of the fact that each plays an important part in the success or failure of the State and Nation in the execution of the affairs, which we pray Thee, may spell Victory. Amen.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor.

PROCLAMATIONS OF THE GOVERNOR

The SPEAKER. The Clerk will read the Proclamation and Supplement of the Governor.

The Clerk read the Proclamation and Supplement as follows:

In the Name and by Authority of the
COMMONWEALTH OF PENNSYLVANIA
Governor's Office

PROCLAMATION

By virtue of the authority vested in me by Article IV, Section 12 of the Constitution, I, Arthur H. James, Governor of the Commonwealth of Pennsylvania, do hereby convene the General Assembly in extraordinary session, to meet in the Capitol, at Harrisburg, on Tuesday, February seventeenth, one thousand nine hundred forty-two, at three o'clock post meridian of that day, to consider legislation upon the following subjects:

1. Congressional reapportionment.

2. Postponement of the Parole Law approved the sixth day of August, one thousand nine hundred forty-one, P. L. 861.

3. Such further subjects as I, by Supplement to this Proclamation, shall further designate for their consideration.

GIVEN under my hand and the Great Seal of the State, at the City of Harrisburg, this tenth day of February,

(SEAL)

in the year of our Lord, one thousand nine hundred forty-two, and of the Commonwealth the one hundred sixty-sixth.

ARTHUR H. JAMES.

By the Governor:
S. M. R. O'HARA,
Secretary of the Commonwealth.

In the Name and by Authority of the
COMMONWEALTH OF PENNSYLVANIA
Governor's Office
Harrisburg, Pa.

SUPPLEMENTAL PROCLAMATION

Whereas, An Extraordinary Session of the General Assembly of the Commonwealth of Pennsylvania has been called, under authority of Article IV, Section 12, of the Constitution, to meet in the Capitol at Harrisburg, on Tuesday, February seventeenth, one thousand nine hundred and forty-two, at three o'clock post meridian of that day:

Now, Therefore, I, ARTHUR H. JAMES, Governor of the Commonwealth, do hereby designate the following additional subjects for the consideration of the General Assembly:

1. Legislation authorizing the suspension or modification of existing laws that interfere with the prosecution of any war in which this Nation is, or may become, engaged.

2. Legislation authorizing political subdivisions to make appropriations to local or district Councils of Defense; confirming and validating appropriations heretofore made for defense purposes; and permitting political subdivisions to acquire funds for these purposes by borrowing or by taxation.

3. Legislation relating to the prevention of sabotage.

4. Legislation providing for and facilitating the mobilization and use of fire-fighting forces and equipment for National defense purposes.

5. Legislation relating to air-raid precautions and blackouts.

6. Liberalization of the Unemployment Compensation Law.

7. Legislation authorizing the appointment of substitute fiduciaries where exsiting fiduciaries are in military service, or allowing remaining fiduciaries to act where co-fiduciaries are in the military service.

8. Cession by the Commonwealth of Pennsylvania to the United States of America of jurisdiction over certain land acquired by the United States of America in the Borough of Eddystone, Delaware County, for the establishment of a plant to produce steel forgings and other articles necessary for National defense.

9. Revision of benefits payable to dependents under the provisions of the Act of June 7, 1917, P. L. 600, as amended.

10. Legislation authorizing the Department of Highways to construct, replace or repair bridges in cities of the third class which form connecting links on State highways necessary for national defense in cases where Federal funds and city funds are available for such purposes.

11. Legislation authorizing building and loan associations to act as fiscal agents of the United States Government for the sale of United States Defense Bonds and Stamps.

12. Legislation extending the time within which writs of election may issue for holding special elections to fill vacancies occurring in either House of the General Assembly, and the time within which nominations therefor may be filed.

13. Appropriation to the Department of Justice for the conduct of parole work of the Board of Pardons.

14. Appropriation for the expenses of the Legislative Committee on Congressional Reapportionment.

15. Appropriation for the expenses of the Special Session.

GIVEN under my hand and the Great Seal of the State, at the City of Harrisburg, this seventeenth day of February in the year of our Lord, one thousand nine hundred and forty-two, and of the Commonwealth the one hundred sixty-sixth.

(SEAL)

ARTHUR H. JAMES.

By the Governor:

S. M. R. O'HARA,
Secretary of the Commonwealth.

The SPEAKER. The Proclamation and Supplement will be spread upon the Journal of the House and printed in full in the Legislative Journal.

RESIGNATIONS

The SPEAKER. The Chair has received letters of resignation as members of this House of Representatives from the Honorable Wilson D. Gillette of the County of Bradford, the Honorable Robert E. Woodside, Jr., of the County of Dauphin, and the Honorable L. Kenneth Harkins of the County of Allegheny.

The Clerk will read the letters of resignation and their acknowledgments by the Speaker.

Wilson D. Gillette,
102 York Avenue,
Towanda, Pa.

Commonwealth of Pennsylvania,
House of Representatives, Harrisburg,

December 3, 1941.

Honorable Elmer Kilroy,
Speaker's Office,
Harrisburg, Pa.

My dear Mr. Speaker:

I herewith tender my resignation as a member of the House of Representatives from Bradford County, same to take effect as of today.

I have enjoyed many pleasant years of associations in the House of Representatives which I will always cherish.

Sincerely yours,

(Signed) WILSON D. GILLETTE.

cc—T. J. Callahan, Chief Clerk,
House of Representatives

December 3, 1941.

Hon. Wilson D. Gillette,
102 York Avenue,
Towanda, Pennsylvania.

Dear Mr. Gillette:

I hereby acknowledge your letter of resignation, dated December 3, 1941, as a member of the House of Representatives from the County of Bradford, effective as of this date. Your letter will be spread upon the Journals of the House at its next Session.

With my very best wishes, I am

Sincerely,

ELMER KILROY,
Speaker.

cc—T. J. Callahan, Chief Clerk,
House of Representatives

Commonwealth of Pennsylvania,
House of Representatives, Harrisburg,

December 31, 1941.

Hon. Elmer J. Kilroy, Speaker
House of Representatives,
Commonwealth of Pennsylvania,
Harrisburg, Pennsylvania.

My dear Mr. Speaker:

Having been elected Judge of the Court of Common Pleas of the Twelfth Judicial District of Pennsylvania, composed of the County of Dauphin, I hereby tender to you my resignation as a Representative in the General Assembly from the Second Legislative District of Dauphin County, as of this date.

I wish to take this opportunity to express to you my appreciation for the many courtesies extended to me by you as the Speaker of the House.

Through you I wish to also advise the Members of the House of the deep feeling of friendship I have for all of them. Although I naturally look forward to new opportunities of service on the Bench, I shall always have fondest memories of the many happy days spent in the Legislature.

Wishing you every happiness in the New Year, I remain

Respectfully yours,

(Signed) ROBERT E. WOODSIDE, Jr.

January 6, 1941.

Hon. Robert E. Woodside, Jr.
Judge of Court of Common Pleas,
Dauphin County Court,
Harrisburg, Pennsylvania.

Dear Judge:

I hereby acknowledge your letter of resignation as a member of the House of Representatives from the Second Legislative District of the County of Dauphin, effective the thirty-first day of December, 1941. When the House convenes your letter will be read and spread upon the Journals.

May you enjoy the best of health and happiness on your way to bigger and better things.

Sincerely,

ELMER KILROY,
Speaker

FORMER MEMBER INTRODUCED

The SPEAKER: The Chair observes the distinguished Judge Woodside in the hall of the House, and appoints as a committee the gentleman from Delaware, Mr. Turner, and the gentleman from Dauphin, Mr. Habbyshaw, to escort his Honor to the rostrum.

The SPEAKER. Gentlemen, this gives me a thrill. I made a campaign speech for the Judge in the primaries. I present to you the Honorable Robert E. Woodside Jr., Judge of the Common Pleas Court of Dauphin County.

REMARKS BY HONORABLE ROBERT E. WOODSIDE Jr.

Hon. ROBERT E. WOODSIDE. Mr. Speaker—I almost said "and fellow Members of the House." Last evening I met one of the Democratic members, who in the presence of Mr. Turner said, "Since we are rid of Woodside and Turner has a cold, this should be a very peaceful and enjoyable session." Then the Speaker invites me to come up here to say a few words and spoils the peace and quiet of the Session before it really gets under way.

For twenty years I was in some way or other associated with the Legislature, starting out as a page boy just twenty years ago. For ten years I was a member of this House. Although I naturally enjoy the work in which I am engaged at the present time, I do not think I need to tell you gentlemen how much I miss and will miss the the associations and the work that you are doing here.

You are meeting under different conditions at this time than at any of the many regular or special sessions in which we have sat before, because you are faced with world problems which have their bearing upon the legislation which you will have to deal with at this session. I miss the opportunity to serve with you and I want you

all to know how kindly I feel towards all of you. I do not think I need to tell you that because you can look around here and see much the older members think of this House of Representatives. Over here is "Herb" Cohen, Paul Lewis, Joe Ominsky, and Anne Brancato. Over here is David Perry, Bobby Moore, and back there is Congressman Gillette. I do not know who else because I have not been able to see all of the old members who have come back to see you in action.

I want you all to know that my heart will be with the House of Representatives no matter how long I am away from it.

The SPEAKER. The Chair thanks the Judge. For the information of the Members, if you have any trouble come down and see him.

The Chair would also like to ask honorable Congressman, Wilson D . Gillette, to take a bow.

RESIGNATIONS

The SPEAKER. The Chair lays before the House the following resignations.

The resignations were read by the Clerk.

L. Kenneth Harkins,
1403 Park Building,
Pittsburgh, Pa.

Commonwealth of Pennsylvania,
House of Representatives, Harrisburg, January 5, 1942.

Honorable Elmer Kilroy, Speaker
House of Representatives
Harrisburg, Pennsylvania.

Dear Mr. Speaker:

I submit herewith my resignation as a member of the House of Representatives from the Eleventh Representative District of Allegheny County, to take effect as of January 5, 1942. I am resigning because of my election as Judge of the County Court of Allegheny County, for a full ten year term, commencing the first Monday of January, 1942.

While I am of course happy because of my advancement, I shall miss the splendid associations and contacts with my many friends in the House of Representatives. Needless to say, I shall also miss your cheerful and helpful advice and friendship. Of course, I shall not forget you but shall look forward to greeting all of my colleagues soon, for I shall find time to visit the House of Representatives at the coming special session.

Wishing you and all of my fellow members a happy and prosperous New Year, I am, with kindest personal regards.

Very sincerely yours,

(Signed) L. KENNETH HARKINS.

January 6th, 1941.

Hon. L. Kenneth Harkins,
Judge of County Court of Allegheny County,
Pittsburgh, Pennsylvania.

Dear Ken:

I hereby acknowledge your letter of resignation as a member of the House of Representatives from the Eleventh Legislative District of Allegheny County, effective the fifth day of January, 1942. When the House convenes your letter will be read and spread upon the Journals.

May you enjoy the best of health and happiness on your way to bigger and better things.

Sincerely,

ELMER KILROY, Speaker.

Charles E. Voorhees
c/o Dr. E. W. Pinkham,
Sarasota, Florida.

Commonwealth of Pennsylvania,
House of Representatives, Harrisburg, February 14, 1942.

Speaker of House of Representatives,
Harrisburg, Pennsylvania.

Dear Mr. Speaker,

Because I have been sworn in as a 2nd Lieutenant in the Army of the United States and expect orders any day, I must resign my membership in the General Asselbly.

Sincerely yours,

(Signed) CHARLES E. VOORHEES.

February 17, 1942.

Lieutenant Charles E. Voorhees,
c/o Dr. E. W. Pinkham,
Sarasota, Florida.

Dear Charles:

I hereby acknowledge your letter of resignation as a member of the House of Representatives from the eighth Legislative District of the County of Philadelphia.

May you enjoy the best of health in your service as a Second Lieutenant in the United States Army.

With kind regards, I am,

Sincerely,

ELMER KILROY, Speaker.

WRITS OF ELECTION

The SPEAKER. The Chair issues writs of election for filling of the vacancies in the House of Representatives caused by the resignation of the Hon. Wilson D. Gillette, the Hon. Robert E. Woodside Jr., and the Hon. L. Kenneth Harkins. A writ of election will be issued in the case of the gentleman from Philadelphia, Mr. Voorhees, within the next ten days.

The writs of election will be spread upon the Journal of the House and printed in the Legislative Journal.

The writs of election were read by the Clerk as follows:

COMMONWEALTH OF PENNSYLVANIA, SS:

To Miss S. M. R. O'Hara, Serretary of the Commonwealth, and to George L. Roberts, John E. Snedeker and Spencer S. Gernert, constituting the Board of Elections of the County of Bradford:

Greeting! Whereas, A vacancy exists in the office of Representatives of the Commonwealth of Pennsylvania for the Legislative District composed of the County of Bradford, caused by reason of the resignation of Wilson D. Gillette, the Representative from said District, on the third day of December, one thousand nine hundred and forty-one:

Now, Therefore, I Elmer Kilroy, Speaker of the House of Representatives, by virtue of the authority vested in me by the Constitution of the State of Pennsylvania and by the Act of Assembly in such case made and provided, do hereby command you: That you cause an election to be held in the said County of Bradford on the nineteenth day of May, A. D. one thousand nine hundred and forty-two, to choose a person to represent said Legislative District in the House of Representatives of Pennsylvania for the remainder of the term expiring December first, one thousand nine hundred and forty-two, and that you give due and public notice of said election throughout said County and to at least one of the inspectors of each election district theerin, in the form and manner directed by law.

Given under my hand and seal at Harrisburg, Pennsyl-

vania, this 9th day of December, A. D. one thousand nine hundred and forty-one.

ELMER KILROY (SEAL)
Speaker of the House of Representatives.

ATTEST:

THOMAS J. CALLAHAN,
Chief Clerk of the House of Representatives.

Commonwealth of Pennsylvania }
County of Dauphin }

Frank J. Turano, being duly sworn according to law, says that he resides at Steelton, Dauphin County, Pennsylvania, that he is a Special Sergeant-at-Arms of the House of Representatives, Commonwealth of Pennsylvania.

That he served on the Board of Elections of Bradford County on the 9th day of December, 1941, at 9:46 o'clock P.M., by delivery to a member of said Board, George L. Roberts, at his home in Sayre, Pennsylvania, a writ for a special election for the office of Representative in the General Assembly for the County of Bradford, by command of the Honorable Elmer Kilroy, Speaker of the House of Representatives of the Commonwealth of Pennsylvania.

FRANK J. TURANO
Special Sergeant-at-Arms

Sworn and subscribed to before me this 12th day of December, 1941.
(Signed)
LEO R. POORMAN
Prothonotary
Dauphin County
(SEAL)

Commonwealth of Pennsylvania }
County of Dauphin }

Frank J. Turano, being duly sworn according to law, says that he resides at Steelton, Dauphin County, Pennsylvania, that he is a Special Sergeant-at-Arms of the House of Representatives, Commonwealth of Pennsylvania.

That he served on the Honorable S. M. R. O'Hara, Secretary of the Commonwealth, on the 11th day of December, 1941, at 1:15 o'clock, p. m., at her office in the Capitol Building, Harrisburg, a writ for a special election for the office of Representative in the General Assembly for the County of Bradford, by command of the Honorable Elmer Kilroy, Speaker of the House of Representatives of the Commonwealth of Pennsylvania.

FRANK J. TURANO
Special Sergeant-at-Arms

Sworn and subscribed to before me this 12th day of December, 1941.
(Signed)
LEO R. POORMAN
Prothonotary
Dauphin County
(SEAL)

COMMONWEALTH OF PENNSYLVANIA, SS:

To Miss S. M. R. O'Hara, Secretary of the Commonwealth, and to Thomas J. Nelley, Frank A. Slack, and James H. Lane, constituting the Board of Elections of the County of Dauphin:

Greeting: Whereas, A vacancy exists in the office of Representative of the Commonwealth of Pennsylvania for the Second Legislative District of the County of Dauphin, caused by reason of the resignation of Robert E. Woodside, Jr., the Representative from said District, on the thirty-first day of December, one thousand nine hundred and forty-one:

Now, Therefore, I Elmer Kilroy, Speaker of the House of Representatives, by virtue of the authority vested in me by the Constitution of the State of Pennsylvania and by the Act of Assembly in such case made and provided, do hereby command you: That you cause an election to be held in the said County of Dauphin on the nineteenth day of May, A. D. one thousand nine hundred and forty-two, to choose a person to represent said Legislative District in the House of Representatives of Pennsylvania for the remainder of the term expiring December first, one thousand nine hundred and forty-two, and that you give due and public notice of said election throughout said District and to at least one of the inspectors of each election district therein, in the form and manner directed by law.

Given under my hand and seal at Harrisburg Pennsylvania, this 8th day of January, A. D. one thousand nine hundred and forty-two.

ELMER KILROY
Speaker of the House of Representatives
(SEAL)

ATTEST:

THOMAS J. CALLAHAN
Chief Clerk of the House of Representatives

Commonwealth of Pennsylvania }
County of Dauphin }

Frank J. Turano being duly sworn according to law, says that he resides at Steelton, Dauphin County, Pennsylvania, that he is a Special Sergeant-at-Arms of the House of Representatives, Commonwealth of Pennsylvania.

That he served on the Board of Elections of Dauphin County, on the ninth day of January, 1942, at 2:30 o'clock, p. m., at its office in the Court House in Harrisburg, a writ for a special election for the office of Representative in the General Assembly for the Second Legislative District of the County of Dauphin, by command of the Honorable Elmer Kilroy, Speaker of the House of Representatives of the Commonwealth of Pennsylvania.

FRANK J. TURANO
Special Sergeant-at-Arms

Sworn and subscribed to before me this 12th day of January, 1942.
(Signed)
LEO R. POORMAN
Prothonotary
Dauphin County
(SEAL)

Commonwealth of Pennsylvania }
County of Dauphin }

Frank J. Turano being duly sworn according to law, says that he resides at Steelton, Dauphin County, Pennsylvania, that he is a Special Sergeant-at-Arms of the House of Representatives, Commonwealth of Pennsylvania.

That he served on the Honorable Gene D. Smith, Deputy Secretary of the Commonwealth of Pennsylvania, on the ninth day of January, 1942, at 2:50 o'clock, P. M., at his office in the Capitol Building in Harrisburg, a writ for a special election for the office of Representative in the General Assembly for the Second Legislative District of the County of Dauphin, by command of the Honorable Elmer Kilroy, Speaker of the House of Representatives of the Commonwealth of Pennsylvania.

FRANK J. TURANO
Special Sergeant-at-Arms

Sworn and subscribed to before me this 12th day of January, 1942.

LEO R. POORMAN
Prothonotary

COMMONWEALTH OF PENNSYLVANIA, ss:

To Miss S. M. R. O'Hara, Secretary of the Commonwealth, and to John J. Kene, George Rankin, Jr., and John S. Herron, constituting the Board of Elections of the County of Allegheny:

Greeting: Whereas, A vacancy exists in the office of Representative of the Commonwealth of Pennsylvania for the Eleventh Legislative District of the County of Allegheny, caused by reason of the resignation of L. Kenneth Harkins, the Representative from said District, on the fifth day of January, one thousand nine hundred and forty-two.

Now, Therefore, I, Elmer Kilroy, Speaker of the House of Representatives, by virtue of the authority vested in me by the Constitution of the State of Pennsylvania and by the Act of Assembly in such case made and provided, do hereby commend you: That you cause an election to be held in the said County of Allegheny on the nineteenth day of May, A. D. one thousand nine hundred and forty-two, to choose a person to represent said Legislative District in the House of Representatives of Pennsylvania for the remainder of the term expiring December first, one thousand nine hundred and forty-two, and that you give due and public notice of said election throughout said District and to at least one of the inspectors of each election district therein, in the form and manner directed by law.

Given under my hand and seal at Harrisburg, Pennsylvania, this 8th day of January, A. D. one thousand nine hundred and forty-two.

ELMER KILROY (SEAL)
Speaker of the House of Representatives

ATTEST:

THOMAS J. CALLAHAN
Chief Clerk of the House of Representatives

Commonwealth of Pennsylvania }
County of Dauphin }

Frank J. Turano being duly sworn according to law, says that he resides at Steelton, Dauphin County, Pennsylvania, that he is a Special Sergeant-at-Arms of the House of Representatives, Commonwealth of Pennsylvania.

That he served on the Honorable Gene D. Smith, Deputy Secretary of the Commonwealth of Pennsylvania, on the ninth day of January, 1942, at 2:53 o'clock, P. M., at his office in the Capitol Building in Harrisburg, a writ for a special election for the office of Representative in the General Assembly for the Eleventh Legislative District of the County of Allegheny by command of the Honorable Elmer Kilroy, Speaker of the House of Representatives of the Commonwealth of Pennsylvania.

FRANK J. TURANO
Special Sergeant-at-Arms

Sworn and subscribed to before me this 12th day of January, 1942.

LEO R. POORMAN
Prothonotary

Commonwealth of Pennsylvania }
County of Dauphin }

Frank J. Turano being duly sworn according to law, says that he resides at Steelton, Dauphin County, Pennsylvania, that he is a Special Sergeant-at-Arms of the House of Representatives, Commonwealth of Pennsylvania.

That he served Mr. M. W. Snyder, Secretary of the Board of Elections of Allegheny County, on the 13th day of January, 1942, at 9:15 o'clock, A. M., at its office in Pittsburgh, a writ for a special election for the office of Representative in the General Assembly for the Eleventh Legislative District of the County of Allegheny, by command of the Honorable Elmer Kilroy, Speaker of the House of Representatives of the Commonwealth of Pennsylvania.

FRANK J. TURANO
Special Sergeant-at-Arms

Sworn and subscribed to before me this 13th day of January, 1942.

LEO R. POORMAN
Prothonotary

NOTIFICATION FROM SENATE

A Committee on the part of the Senate being introduced informed the House that the Senate is now organized and ready to proceed with the business of the session.

ROLL CALL

The SPEAKER. The Clerk will call the roll.

The roll of the members was called by the Clerk and the following members answered as being present:

Achterman,	French,	Lyons,	Royer,
Auker,	Gallagher,	Malloy,	Rush,
Baker,	Gates,	Marks,	Sarge,
Balthaser,	Gerard,	Maxwell,	Sarraf,
Baugher,	Gillan,	McClanaghan,	Scanlon,
Bentley,	Goodwin,	McClester,	Schwab,
Bentzel,	Greenwood,	McDermott,	Serrill,
Boies,	Gross,	McDowell,	Shaffer,
Boney,	Gryskewicz,	McFall,	Shaw,
Boorse,	Gyger,	McIntosh,	Shepard,
Bower,	Habbyshaw,	McKinney,	Simons,
Bradley,	Haberlen,	McLanahan,	Skale,
Breth,	Haines,	McLane,	Snyder,
Bretherick,	Hall,	McMillen,	Sollenberger,
Brown,	Hamilton,	McSurdy,	Sorg,
Brunner, C. H.,	Hare,	Melchiorre,	Stambaugh,
Brunner, P. A.,	Harmuth,	Mihm,	Stank,
Burns,	Harris,	Modell,	Stine,
Burris,	Heatherington,	Mooney,	Stockham,
Chervenak,	Helm,	Moran,	Tarr,
Chudoff,	Hering,	Moul,	Tate,
Cochran,	Herman,	Muir,	Taylor,
Cohen, M. M.,	Hersch,	Munley,	Thompson, E. F.,
Cohen, R. E.,	Hewitt,	Nagel,	Thompson, R. L.,
Cook,	Hirsch,	Nunemacher,	Trout,
Cooper,	Holland,	O'Brien,	Turner,
Cordier,	Huntley,	O'Connor,	VanAllsburg,
Corrigan,	Imbrie,	O'Dare,	Verona,
Croop,	James,	O'Mullen,	Vincent,
Cullen,	Jefferson,	O'Neill,	Vogt,
Dalrymple,	Jones, G. E.,	Owens,	Voldow,
Dennison,	Jones, P. N.,	Petrosky,	Watkins,
DiGenova,	Keenan,	Pettit,	Weingartner,
Dix,	Kenehan,	Polaski,	Weiss,
Dolon,	Kline,	Polen,	Welsh, E. B.,
D'Ortona,	Knoble,	Powers,	Welsh, M. J.,
Duffy,	Kolankiewicz,	Prosen,	Wilkinson,
Early,	Komorofski,	Rausch,	Williams,
Eckels,	Krise,	Readinger,	Winner,
Elder,	Lee, E. A.,	Reagan,	Wolf,
Elliott,	Lee, T. H.,	Reese, R. E.,	Wood, L. H.,
Ely,	Leisey,	Regan,	Wood, N.,
Falkenstein,	Leonard,	Reynolds,	Woodring,
Finestone,	Lesko,	Rhea,	Wright,
Finnerty,	Levy,	Riley,	Yeakel,
Fiss,	Leydic,	Rooney,	Yester,
Fleming,	Lichtenwalter,	Rose, S.,	Young,
Fletcher,	Longo,	Rose, W. E.,	Kilroy,
Flynn,	Lovett,	Rosenfeld,	Speaker.
Foor,			

The SPEAKER. One hundred and ninety-nine members having answered to their names a quorum of the House is present. The House is ready to proceed with the business of the session.

LEAVE OF ABSENCE

By unanimous consent leave of absence was granted as follows:

Mr. McClanahgan for Mr. MONKS for today.

Mr. Ellwood B. Welsh for Mr. ALLMOND for the week and possibly next week on account of illness.

Mr. Habbyshaw for Mr. DAVID P. REESE on account of death in the family.

Charleston, So. Car.
Feb. 17, 1942, 11:29 A.

Thomas J. Callahan, Chief Clerk
House of Representatives,
Harrisburg, Penna.

In Charleston South Carolina on business starting home Wednesday by motor impossible to get to Harrisburg for this week's session.

(Signed) LAMBERT CADWALADER.

CONDOLENCE RESOLUTION

Messrs. HABBYSHAW and TAYLOR offered the following resolution which was twice read, considered and adopted:

In the House of Representatives,
February 17, 1942.

The day of the convening of the Extraordinary Session of the General Assembly marks also the final placing to rest of the mother of one of the members of the House of Representatives. Mrs. Ellen T. Reese died at her home in Harrisburg on Saturday, February fourteenth, and was buried this morning in St. John's Cemetery in Cumberland County. She was a native of Plymouth, but had resided in Harrisburg for the last twenty-three years.

Mrs. Reese was the widow of the Honorable David P. Reese, Sr., who served as a representative in this Assembly from Luzerne County during the legislative session of 1905, and the extraordinary session of 1906; therefore be it

Resolved, That this House hereby extend its deep-felt sympathy to one of its members, the Honorable David P. Reese, Jr., in this his day of bereavement and sorrow, and direct the Chief Clerk of the House to transmit to him a certified copy of this resolution.

PARLIAMENTARIAN APPOINTED

The SPEAKER. In compliance with the Act of Assembly approved the 28th day of May, 1931, as amended the speaker appoints S. Edward Moore of Cumberland County, as Parliamentarian.

QUESTION OF PERSONAL PRIVILEGE

Mr. BRETH. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman from Clearfield will state his question of personal privilege.

Mr. BRETH. Mr. Speaker, we find upon our desks a very glorious emblem of the United States and the State of Pennsylvania. The question of personal privilege to which I arise is that before photographs are taken I would request the Speaker to direct the Members how rightly to display these flags. There is a right way and a wrong way and rather than have a photograph publicized of this Honorable Assembly with some flags right and some flags wrong, it would be rather in order to have them all the right way.

The SPEAKER. For the information of the gentleman, the Chair believes that the photograph has been taken.

RULES OF THE HOUSE

Mr. READINGER offered the following resolution which was twice read, considered and adopted:

In the House of Representatives,
February 17, 1942.

Resolved, That the Rules adopted at the last Session of the House of Representatives, be the rules of this Extraordinary Session.

COMMITTEE TO WAIT UPON SENATE

Mr. McCLANAGHAN offered the following resolution which was twice read, considered and adopted:

In the House of Representatives,
February 17, 1942.

Resolved, That a committee of three be appointed by the Speaker to wait upon the Senate and inform that body that the House of Representatives is convened in Extraordinary Session, pursuant to the Call of His Excellency, the Governor of the Commonwealth, in his Proclamations dated Feb. 10, 1942 and Feb. 17, 1942, and is ready to proceed with the business of the Session.

APPOINTMENT OF COMMITTEE

The SPEAKER. The Chair appoints as a Committee to wait upon the Senate to inform that body that the House of Representatives is organized and ready to proceed with business, Messrs. McClanaghan, O'Connor and Hare.

The Committee will proceed in the performance of its duty.

COMMITTEE TO WAIT UPON GOVERNOR

Mr. McIntosh offered the following resolution which was twice read, considered and adopted:

In the House of Representatives,
February 17, 1942.

Resolved, That a committee of three be appointed by the Speaker to wait upon His Excellency, the Governor of the Commonwealth and inform him that the House of Representatives is convened in Extraordinary Session in conformity with his Proclamations of Feb. 10 and 17, 1942, and is ready to receive any communication he may wish to make.

COMMITTEE APPOINTED TO WAIT UPON GOVERNOR

The SPEAKER. The Chair appoints as a Committee to wait upon His Excellency, the Governor, Messrs. McIntosh, Baker and Norman Wood.

REPORT FROM COMMITTEE ON RULES

Mr. ACHTERMAN offered a report from the Committee on Rules which was twice read, considered and adopted.

In the House of Representatives,
February 17, 1942.

Resolved, That the Speaker of the House be authorized to appoint a Select Committee consisting of a Chairman, vice Chairman, and 42 members of this House to which committee all bills, resolutions and petitions introduced in the House at this Special Session shall be referred.

Signed by the Committee on Rules.

ELMER KILROY
CHARLES MELCHOIRE
ANTHONY J. GERARD
LEO A. ACHTERMAN
JAMES E. LOVETT
ALBERT S. READINGER

SELECT COMMITTEE APPOINTED

The SPEAKER. In accordance with the provisions of

a resolution adopted by the House February 17, 1942 the Speaker appoints the following members as the Select Committee for this Special Session.

Messrs. Leo A. Achterman, Chairman, Albert S. Readinger, Vice Chairman, Anthony J. Gerard, Martin C. Mihm, John J. Baker, Homer S. Brown, William L. Shaffer, Charles Melchiorre, Joseph M. O'Brien, John J. Finnerty, Reuben E. Cohen, Joseph A. Scanlon, James H. T. Tate, Marshall L. Shepard, John P. Corrigan, Clayton E. Moul, J. Nobel Hirsch, John F. Stank, James J. Malloy, Harry P. O'Neill, James J. McDermott, James E. Lovett, Carleton T. Woodring, Albert L. O'Conner, Russell E. Reese, Marshall M. Cohen, Reuben A. Nagel, George L. Baugher, Matthew J. Welsh, Joseph H. Vogt, George W. Dolon, Harris G. Breth, Fred P. Hare, F. H. Lichtenwalter, W. Stuart Helm, H. David Sarge, John E. Van Allsburg, Edwin Winner, Ellwood J. Turner, Ronald L. Thompson, Edwin A. Lee, Don Wilkinson, David P. Reese, W. W. Muir.

REPORT FROM COMMITTEE ON RULES

Mr. READINGER offered a report from the Committee on Rules which was twice read, considered and adopted as follows:

In the House of Representatives,
February 17, 1942.

Resolved, That Rule 13 of the House of Representatives which reads as follows:

"The House shall convene on Mondays at eight o'clock p. m. and on every other legislative day at the hour to which the House shall have adjourned by its action taken the previous legislative day.

Eastern standard time shall govern the sessions of the House."

be amended to read:

The House shall convene on Mondays at nine o'clock p. m. and on every other legislative day at the hour to which the House shall have adjourned by its action taken the previous legislative day.

Signed by the Committee on Rules

ELMER KILROY
CHARLES MELCHIORRE
ANTHONY J. GERARD
LEO A. ACHTERMAN
JAMES E. LOVETT
ALBERT S. READINGER

REPORT AND DISCHARGE OF COMMITTEE

Mr. McCLANAGHAN. Mr. Speaker, your committee appointed to wait upon His Excellency, the Governor, and inform him that the General Assembly is organized, has performed that duty.

The SPEAKER. The Committee is discharged with the thanks of the House.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

REQUEST TO ADDRESS JOINT ASSEMBLY

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 17, 1942.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

If it meets with the approval of the General Assembly, I should like to address the Members in Joint Session today at 8:30 p. m.

ARTHUR H. JAMES.

GOVERNOR INVITED TO ADDRESS JOINT ASSEMBLY

Mr. MELCHIORRE. Mr. Speaker, I move that the Governor be invited to the Hall of the House to address the General Assembly at a time to be fixed by concurrent resolution.

The motion was agreed to.

SENATE MESSAGES

RESOLUTION FOR CONCURRENCE

The Clerk of the Senate being introduced presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, February 17, 1942.

Resolved (if the House of Representatives concur), That the Senate and House of Representatives meet in Joint Session, Tuesday, February 17, 1942, at 8:30 p. m., in the Hall of the House for the purpose of hearing an address of His Excellency, the Governor of the Commonwealth.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

On the question,

Will the House concur in the resolution of the Senate?

It was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

RESOLUTION FOR CONCURRENCE

The Clerk of the Senate being introduced presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, February 17, 1942.

Resolved (if the House of Representatives concur), That a committee of three on the part of the Senate be appointed to act with a similar committee on the part of the House (if the House shall appoint such committee), to escort the Governor to the Hall of the House to address the Members of the General Assembly in Joint Session at 8:30 p. m. on Tuesday, February 17, 1942, pursuant to a concurrent resolution already adopted by the Senate and House of Representatives.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

On the question,

Will the House concur in the resolution of the Senate?

It was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

COMMITTEE APPOINTED TO ESCORT GOVERNOR

The SPEAKER. The Chair appoints as a Committee to act in conjunction with a similar committee on the part of the Senate to escort the Governor to the hall of the House, Messrs. Melchiorre, O'Neill and Reagan.

Ordered, That the Clerk inform the Senate accordingly.

REPORT AND DISCHARGE OF COMMITTEE

Mr. BRETH. Mr. Speaker, your committee appointed to wait upon the Governor and inform him that the House is organized and ready to proceed with business has performed that duty.

The SPEAKER. The Committee is discharged with the thanks of the House.

COMMITTEE TO ESCORT SENATE TO THE HALL OF THE HOUSE

Mr. GERARD, offered the following resolution which was twice read, considered and adopted:

In the House of Representatives,
February 17, 1942.

Resolved, That the Chair appoint a committee of two to escort the Members of the Senate to the Hall of the House this day at 8:30 o'clock, p. m., for the purpose of attending the Joint Session of the General Assembly.

COMMITTEE APPOINTED TO ESCORT SENATE

The SPEAKER. The Chair appoints as a Committee to escort the Senate to the hall of the House, Messrs. Gerard and Habbyshaw.

SENATE MESSAGES

RESOLUTION FOR CONCURRENCE

The Clerk of the Senate being introduced presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, February 17, 1942.

Resolved, (if the House of Representatives concur), that the State Treasurer be and is hereby authorized to pay on warrant of the Auditor General to each member of the General Assembly the sum of $250.00 on account of the salary of $500.00 and $50.00 in postage, to which each Member is entitled for an Extraordinary Session of the General Assembly by virtue of the provisions of the Act of Assembly approved the 2nd day of June, A. D. 1933, P. L. 1422, and as amended by Act of Assembly approved the 28th day of May A. D. 1937, P. L. 999, and the balance of said $500.00 namely $250.00 on the day of final adjournment of the Extraordinary Session of the General Assembly, convened in session on call of the Governor, February 10th, 1942.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

On the question,

Will the House concur in the resolution of the Senate?

It was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

RESOLUTION FOR CONCURRENCE

The Clerk of the Senate being introduced presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, February 17, 1942.

Resolved, (if the House of Representatives concur), that the Chief Clerks of the Senate and the House of Representatives make arrangements for the necessary postage so that the Legislative Journal may be mailed according to the requirements of the Post Office Department, and the Appropriations Committee provide for the cost of the same in the bill providing for the expenses of the Extraordinary Session.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

On the question,

Will the House concur in the resolution of the Senate?

It was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

ANNOUNCEMENT OF DEATH

The SPEAKER. The Chair has just received some very sad news. The gentleman from Allegheny, Mr. Heatherington, has received a telegram that his father died very suddenly.

REPORT OF SPECIAL COMMITTEE ON CONGRESSIONAL REAPPORTIONMENT

Mr. ACHTERMAN offered a report from the Special Committee on Congressional Reapportionment which was read as follows:

We, the undersigned members of the Special Committee of the Senate and House of Representatives of the Commonwealth of Pennsylvania appointed to meet and agree upon the Congressional Reapportionment of the Commonwealth, do hereby respectfully report that we have agreed finally upon the following recommendations:

1. The Democratic members to eliminate one present existing Democratic Congressional District in Pennsylvania in such a manner that as a result no present existing Republican Congressional district is in any manner affected thereby and further that the same affect a metropolitan area.

2. The Republican members to eliminate one present existing Republican Congressional District in Pennsylvania in such a manner that as a result no present existing Democratic Congressional district is in any manner affected thereby and further that the same affect a rural area.

3. That in addition to the thirty-two Congressional Districts thus created, there shall be one Congressman elected at large in this Commonwealth.

Respectfully submitted:

On behalf of the Senate:

M. HARVEY TAYLOR
J. G. SNOWDEN
A. H. LETZLER
JOHN H. DENT
HENRY E. LANIUS.

On behalf of the House of Representatives:

LEO A. ACHTERMAN
W. W. MUIR
JAMES H. J. TATE
CHARLES H. BRUNNER, JR.

BILL INTRODUCED AND REFERRED

By Mr. ACHTERMAN. HOUSE BILL No. 1.

An Act concerning the election of representatives of the people of Pennsylvania to serve in the House of Representatives of the Congress of the United States; providing for the apportionment of the Commonwealth into Congressional districts and for the election of one representative in Congress at large.

Referred to the Select Committee on Special Session Legislation.

PETITION

The SPEAKER laid before the House the following petition which was read by the Clerk.

MUNICIPAL PURCHASES

A Resolution from the County Commissioners of Allegheny County in opposition to proposed change in State purchasing laws.

Referred to the Select Committee on Special Session Legislation.

REPORT OF LEHIGH COAL AND NAVIGATION COMPANY

The SPEAKER laid before the House the report of The Lehigh Coal and Navigation Company for the year 1941.

(For report see Appendix to Legislative Journal)

REPORTS OF WESTERN SAVING FUND SOCIETY OF PHILADELPHIA

The SPEAKER laid before the House reports from The Western Saving Fund Society of Philadelphia:

Number of Open Accounts on November 3, 1941; Ninety-Fifth Annual Report of the Auditors.

(For reports see Appendix to Legislative Journal)

REPORT OF SAVING FUND SOCIETY OF GERMANTOWN

The SPEAKER laid before the House the Eighty-Seventh Annual Statement (January 1, 1942) of the Saving Fund Society of Germantown and its Vicinity.

(For report see Appendix to Legislative Journal)

REPORTS OF DOLLAR SAVINGS BANK

The SPEAKER laid before the House the reports of The Dollar Savings Bank:

One Hundred Seventy-Third Semi-Annual Report (December 1, 1941); List of Depositors whose dividends have not been entered upon their pass books.

(For reports see Appendix to Legislative Journal)

REPORT OF PHILADELPHIA SAVING FUND SOCIETY

The SPEAKER laid before the House the One Hundred Twenty-Fifth Annual Statement (January 1, 1942) of The Philadelphia Saving Fund Society.

(For report see Appendix to Legislative Journal)

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

REASONS FOR PARDONS

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg,
February 17, 1942.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to present herewith the reasons for pardons granted by me from January 7, 1941, to date.

ARTHUR H. JAMES.

The SPEAKER. The communication will be noted in the Journals of the House and the reasons for pardons printed in the Appendix to the Legislative Journal.

ANNOUNCEMENT

The SPEAKER. Car stickers have been provided for the members by the Department of Property and Supplies for parking privilege on the Plaza in front of the Capitol. Members desiring these stickers will see the Chief Clerk. They are not transferable.

RECESS

The SPEAKER. If there is no objection the Chair will declare a recess until 8 p. m. The Chair hears none and a recess is declared.

AFTER RECESS

The House reconvened at 8 p. m.

The SPEAKER (Elmer Kilroy) in the Chair.

REPORT AND DISCHARGE OF COMMITTEE

Mr. GERARD. Mr. Speaker, your committee appointed to escort the Members of the Senate to the Hall of the House for the purpose of attending a Joint Session has performed that duty and the Members of the Senate are now present.

The SPEAKER. The committee is discharged with the thanks of the House. The President of the Senate is invited to preside over the Joint Session of the General Assembly; the President pro tempore is invited to a seat on the rostrum and the Members of the Senate will be seated in the chairs provided for them in the front of the House.

JOINT SESSION

LIEUTENANT GOVERNOR CAMUEL S. LEWIS, PRESIDING

The SERGENAT-AT-ARMS OF THE SENATE. Mr. President, I have the honor to present to you the Committee appointed to escort the Governor of the Commonwealth to the Hall of the House to address the Joint Assembly.

Mr. EDMONDS. Mr. President, I have the honor to present to you His Excellency, the Governor of the Commonwealth.

LIEUTENANT-GOVERNOR LEWIS. Members of the General Assembly, I have the pleasure and honor to present His Excellency the Governor of the Commonwealth, Honorable Arthur H. James, who will personally deliver his message in reference to the several matters referred to in the call for the Special Session.

MESSAGE OF GOVERNOR ARTHUR H. JAMES

To the Honorable, the General Assembly of the Commonwealth of Pennsylvania.

Fellow Pennsylvanians:

The state of mind with which I approach this Special Session was so admirably put in words by a Democratic newspaper yesterday that I can find no better keynote than quoting the following paragraphs from the Philadelphia Record:

"As Pennsylvania legislators trek to Harrisburg tomorrow for the special session, we'd like to give them this tip:

"The people of our State are in no mood to tolerate any political saturnalia in this time of national crisis.

"Before enacting any legislation, each member of the Senate and Assembly should ask himself two questions:

"Will this bill promote national morale—or injure it?

"Will it help the war effort—or hamper it?

"Politics as usual, is out."

Wholeheartedly I endorse that statement. But I would go further. Not merely votes, but every word, before it is spoken, should be measured for its effect on national morale and the war effort. This is not the time and not the place for blowing political bugles.

Let me quote a line from my message of January 7, 1941. Speaking of the defense program, I said:

"Until our crisis is met, political hatchets must be buried. We must have an armistice on the political battlefronts."

Delay and embarrassment resulted a year ago when my suggestion was ignored. We are courting tragedy and disaster if it be ignored in this session.

Under the Constitution, this Special Session can pass no valid laws except on the subjects I have set forth in my Proclamation.

The eyes of Pennsylvania are on you. If any person in this room thinks the men and women of our State want this war-time assembly used as a stage for dragging out partisan red herrings or starting political bonfires, he has seriously misread the will and intention of our people.

Pennsylvania wants a brief, business-like, harmonious, and cooperative special session. Let's furnish it.

I do not believe you will find anything in my call which needs provoke controversy. Even those about which differences of opinion may exist can be disposed of without bickering and fireworks.

I have eliminated scores of suggestions because I believed they could be delayed until the regular session next January, with less harm than risking political battles and disunity at this session.

Nothing touching even remotely on our State's finances has been included. No benefit can result and much harm might ensue over attempts at this stage to alter the fiscal program to which we are committed for the present biennium.

Such questions as relief allowances and teachers' salaries are not before this Legislature. Regardless of our sympathies and wishes, this Legislature can accomplish nothing by bringing them up except to arouse bitterness and dissension. The same is true of a variety of other matters which will occur to all of us.

Only one problem demanded this special session. That is congressional reapportionment.

Had the regular session passed a reapportionment measure, there would be no special session now. I shall not attempt tonight to go into the reasons why the measure did not pass last year. It did not pass. A joint committee worked out a plan, signed it, and formally delivered it to me.

It is the method agreed upon, and the only one available, by which the men and women of Pennsylvania may be given the right of electing their Congressmen by districts instead of having to choose them at large.

If this plan fails of adoption, the machinery of representative government will largely break down in Pennsylvania.

The importance of Congress in our present emergency cannot be over-emphisized, and for Congress to function properly, each Congressman should represent, not a State as a whole, but a definite district within that State.

This year, of all years, it is supremely important that the local communities have their full voice during the congressional election. This will be the first opportunity since the war began which will be afforded our men and women of fulfilling their vital obligation under a democracy—that of encouraging, guiding and controlling their government.

I am not going to comment on the plan. It offers the only method of meeting an urgent need. For this reason, I unhesitatingly endorse it and recommend its speedy adoption by this Lgislature.

I might say that it would be a decided advantage to any one wishing to be a candidate if the bill can be passed before February 28th.

The second point embraced by my call is that of my suggestion to postpone the new Parole Bill.

Let me say at the outset that I see no reason why this suggestion should be considered controversial.

The reasons which led me to recommend postponement are simple and easy to understand. Despite some of the rather loose discussion, I have nothing up my sleeve.

Let me give you my reasons:

First, we have been requested by our national leaders to postpone new functions until after the present emergency, so as not to dissipate our energies in matters foreign to the war. The new Parole Program seems to me to fall into exactly the category of those projects we are being asked to postpone.

The proponents of the plan itself were perfectly willing to fix the effective date a year after passage of the Act. I can see no valid reason, in view of the outbreak of war, for their making so great an issue over further postponement of a period only slightly longer.

War time conditions are rapidly modifying the parole problem, both in the number of criminals and the demands upon the time of those presently charged with administering the parole laws.

Second, doubt about certain provisions in the Parole Act already has been raised. In fact, my first discussion of this matter came when one of the bill's sponsors came to me to explain certain amendments in the Parole Act which he wished to have submitted to this Special Session, so that these changes could be made before the bill went into effect.

Let me emphasize that the criticisms of the bill to which I refer come, not from its so-called opponents, but from the backers of the law. I must confess I have been somewhat surprised to read the eulogisms of this measure, written since my suggestion was made, by the very persons who approached me to enlist my cooperation in correcting what they then felt to be blemishes and defects.

The third point which led me to recommend postponement revolves around the selection of the personnel to administer this Act.

Under the Act, when the Board is appointed, it will arrange civil service examinations, prepare its lists, and select its employes. This is to be accomplished in the

main prior to the effective date of the Act, and once the personnel is selected the employes are surrounded with the tenure provisions customary in merit systems. For this to be done—for these jobs to be awarded at a time when thousands of our best young men and women are not in a position to compete for these jobs because they are either actually in the armed services of our nation, or are working at defense and munitions plants, strikes me as improper and unfair. Freezing the civil service rolls at this time is freezing out the very persons whom we should be happiest to see in the service and the very ones for whom, once the present emergency is over, we will be most anxious to find employment.

A good many of the men in this room are veterans of the first war. They remember vividly the blue days after the war, when the soldiers came home and tried to find jobs. Here is our chance to save one series of jobs for the boys now at the front.

I, therefore, recommend that you give serious consideration to my suggestion of postponing all provisions of the bill until after the end of the present biennium in May, 1943, and that you be prepared at your regular session, next January, to weigh the suggestions which the supporters of this program wish to make, looking to the amendment and modification of the law.

Several of the subjects in my call relate directly to our war effort. One of these is the Anti-Sabotage Bill which is being urged upon us by the Washington authorities.

It is substantially the same measure which was introduced last year and which died in committee in the lower house. The advent of open warfare, since that time, the greatly increased risks which we run of subversive and sabotage activities, and the continued requests of Washington officials for such a measure, have led me to include it, in spite of the fact that its previous history in this Legislature brings it close to the point of being controversial.

I do not believe it need be the subject of controversy. The needs for and propriety of such a measure in war time are very obvious.

Other war time subjects included in my call provide for permitting local taxation for defense purposes and also grant and define special authority to permit such activities as maintaining blackouts, as well as meeting some other minor problems.

Special attention should be called to a bill which will be introduced setting up authority to suspend or modify laws under the emergency situations which constantly arise in war time.

This is a new step for this Commonwealth to take, and I am recommending it only because it offers the only solution in sight to matters of extreme urgency.

Almost every day we find that some war program which we are asked to undertake runs counter to some provision in the statutes which may have been fine in times of peace but which certainly did not contemplate our present national emergency.

In some States, Governors already have been given broad latitude to suspend and modify laws on their own motion. I do not ask that for myself and would not recommend it. I doubt whether it would be constitutional in this State.

I am proposing that we give the suspending authority to the Council of Defense, which was created by this Legislature and which, in Pennsylvania unlike the majority of States, consists largely of public officials who are members by reason of the positions they hold.

The grant of authority would be only for this calendar year, if the war lasts so long. All suspensions and modifications would die automatically sixty days after the opening of the regular session next January.

Provision is included in the proposed act for court review if any person deems his rights to have been infringed upon by the suspension or modification of the laws.

At this point I might mention that some consideration was given to creating a war emergency fund for use if the hazards of our times should bring major disasters and dangers to our Commonwealth. It was determined, however, that a statute passed during the last World War for this purpose is still in effect.

Under that act, the State can borrow, in a war emergency, up to five million dollars for defense purposes. This would be enough, even in the event of a major catastrophe, to meet the needs until there had been time to call a special session of this General Assembly.

It is now my duty to take up the one important remaining item, and I cannot deny that it is controversial in the extreme. However, the controversies do not, and need not, involve this Legislature.

For some time, it has been my intention to renew on this occasion the recommendations I made a year ago that the terms, amounts, and conditions of payment of Unemployment Compensation be considerably liberalized.

It has been a cause of sincere regret to me that this body last year failed to enact these more liberal grants. It has appeared to me that, because a quarrel rose over certain secondary matters, the working people of this State have been denied the fruits of a program over most of which there was little disagreement on the part of this Legislature.

I still favor the liberalization, and I recommend it again. Bills will be introduced to make such liberalization effective.

I cannot, however, drop the subject at this point.

For something more than two years, I have been protesting various authorities, policies and unreasonable requirements of the National Social Security Board.

Congress gave arbitrary power to the Social Security Board and constituted the Board, judge, jury and jailhouse keeper, without appeal. Under the law, it does not have to conform to law or equity. It can make one rule in one State and another across the line. It does not have to conform to its own prior rules and understandings.

Last week and this week in Washington are being heard the protests of more than forty States against a further augmentation of the Board's authority. The complaint of these Democratic and Republican Governors is that the measures now under consideration would Federalize Unemployment Compensation.

I can share in the anxiety of these Governors from North, South, East, and West, throughout our nation. I

regret to say, however, that I am very much afraid they are many months too late.

Judging from Pennsylvania's experience, Federalization is an accomplished fact. The Social Security Board has won the game—all the proposed law would do is let them pick up the marbles.

I am not going into any detailed history of Pennsylvania's troubles with the Social Security Board.

You know what assurances Mr. Oscar Powell, the Board's Executive Director, gave me, and you know he confirmed and ratified that agreement by sending his representatives to urge you to pass the law.

That law is now officially declared unsatisfactory, and a week ago the Board cut off Pennsylvania's share of administrative funds.

The Board did not cut off Unemployment Compensation funds. It didn't have to, to get the results it was after. It merely made it impossible for us to continue distributing Unemployment Compensation checks.

You will note that the three groups of those who suffer are not in any way responsible for or in control of the Administration's policies regarding Unemployment Compensation.

The employes in Unemployment Compensation have nothing to do with policy. What happened? Because it was sorry for them about our Civil Service Law, the Board cut off their salaries.

The working people of Pennsylvania had nothing to do with the policies. They had nothing to do with the argument either, because at no time has Social Security Board so much as intimated that checks have ever been withheld or delayed. Nevertheless, they were the second victims of the Social Security Board's wrath. The thousands of Pennsylvania homes entitled to this assistance will have to do without it, so long as the Social Security Board's ruling stands.

The third group of those threatened with penalty again have no direct connection with the issues. I refer to the employers. Should the controversy continue, the Social Security Board apparently has the right to increase the amount of payroll charges which the employers must meet from 2.7 per cent to 5.7 per cent.

This is an intolerable situation. I have exhausted all means I know, of upholding what I conceive the rights of the Commonwealth of Pennsylvania in accordance with my oath of office.

Following the Social Security Board's decision I telegraphed President Roosevelt, outlining the history of the matter and asking him to do one of two things:

Either order the Board to suspend its ruling for the duration of the present emergency; or

To insist that the Board itself take over Unemployment Compensation.

I should like at this time to read a telegram which I received from the President, last Friday, which has not hitherto been made public. It reads:

"I am in receipt of your telegram regarding further Federal funds for administration of Unemployment Compensation. I am advised that the Social Security Board is without authority to make further grants since the State officials have indicated that under your Civil Service Law a permanent employe cannot be assured the right of appeal to an impartial body before being discharged. Such right is required by the standards for a merit system promulgated under the provisions of the Social Security Act. I am sure you will agree with me that this is a reasonable requirement. Therefore, I suggest that your Secretary of Labor and Industry advise the Social Security Board that he will not take action contrary to this standard, pending clarification of your law. The Social Security Board will then be able to make the necessary grant."

To that telegram, I made reply on Friday night in the following language:

"Do I understand from your telegram about Unemployment Compensation that you are denying to the Chief Executive of ten million Americans the very privilege which you say the Social Security Board wishes to guarantee to the employes under its control—that of appeal and review?

"Surely this question, involving millions of public funds and the right of Pennsylvania's Legislature to safeguard the interests of Pennsylvania's citizens according to its best judgment, is sufficiently grave to warrant a hearing before some impartial tribunal.

"You make no reference to my charge of breach of faith on the Board's part. Neither do you mention the fact that the Board, by failing to arrange for its own operation of the fund, has cut off all unemployment compensation from the thousands of Pennsylvania families entitled to it.

"So far as Civil Service is concerned, the effect of the recent Federalization of the Employment Service was to wipe out Civil Service through the spring primary and well on into the fall election. If the Board believes in Civil Service, why destroy it in the Employment Service?

"In light of these several matters may I not request that the Keystone State be given at least one impartial hearing before its appeal is brushed aside and its rights as a Commonwealth ridden down."

Neither my first telegram nor my second has produced tangible results.

A further telegram from the President which came late this afternoon closes with the following words:

"I repeat my suggestion that your Secretary of Labor and Industry advise the Social Security Board that he will not take action contrary to this requirement pending clarification of your law."

The deadlock still exists.

There never was a time in my life when I wasn't perfectly willing to batter my own head against a stone wall, if I thought by so doing I might achieve a victory of principle. In this instance, it is not my head which is taking the battering. This fight has meant little to me personally. As Governor, I have more authority and more responsibility than enough to satisfy any man. I have been waging this battle, first, on behalf of a principle which I believe to be vital to American democracy, and, second, on behalf of the men and women whose rights and possessions are the real issues. I have fought bureaucracy on this front for two years and, frankly, I haven't got to first base.

Tonight I am announcing that, so far as my Adminis-

tration is concerned, Federalization of Unemployment Compensation has been accomplished.

Over the weekend we saw Singapore surrender to overwhelming odds. This is the Singapore of states' rights; and, like those defenders, I am going to have to leave it to someone else to carry on the fight.

I am instructing my Cabinet officers to make their peace with the Social Security Board on whatever terms are not specifically prohibited by statute. So far as we are concerned, Washington is running Unemployment Compensation.

In making this decision, I wish to emphasize that I am doing so under duress. I have not changed my mind in the least. Federalization of this service is bad. Giving the control to a bureau, without an appeal or review, is worse.

But the fight to reverse that centralization is up to Congress. Congress can stop it, and I can't.

In this room tonight are the representatives of various labor groups in Pennsylvania. I have a message for them.

Whether you gentlemen are aware of it or not, the fight which I have been waging in the field of Unemployment Compensation is far more your battle than it is mine.

It is your money, your jobs, your homes and your futures which are at stake.

When the Board becomes a Hitler over the States, it also becomes a Hitler over the working people.

It will have the power to make any union into a mere social club, to order mass migration of labor, to deduct what it wants from payrolls and spend the money as it pleases. It can tax you in Pennsylvania and turn the money over to any other State.

It will have the power to do these things. If you are tempted to grant it the power on its promises not to use that power—remember what its assurances were worth when made to your State.

The time to win this fight is now, and the place to win it is in Congress.

A great many things are wrong in the world, and many are wrong in Pennsylvania.

The war is not being lost, but it certainly is not yet being won. The fall of Singapore during the weekend is only one of a long series of discouragements. We have not yet learned to work together, and we have, I fear, tasted only by sips the dregs of disappointment which is in store for us before happier days dawn and victory lights on our banners.

But chagrin and dissension will get us nowhere. It's time for us to tighten our belts and keep our chins up.

We need, in our national life, a dose of the old-fashioned three C's: Courage, candor and cooperation.

The war is coming closer and closer to our shores, the effects of it are pressing closer and closer on our homes, our families and our lives.

Shortages, naval and military reverses, broken supply lines, confusion and uncertainty, dissension and criticism and fault-finding—all these are matters we read about in the newspapers and hear about on the radio.

Let me urge you to keep your feet on the ground and your chins up through these dark days.

We are all in the same boat. If we don't pull together, the boat goes down.

Our national leaders are fully entitled to our support, our cooperation and our loyalty in this crisis.

Each of us, in his own way, can serve the cause of unity. This body can serve it best by completing its business speedily and quietly.

All of us can serve that cause by keeping our tempers and holding to our faith in America.

The shadows of these days will pass, the errors and tragedies and disappointments we now all feel so keenly will be wiped out by the chastening hand of Time.

Yet a little longer, and the clouds will lift. America was not born to go down to disaster and defeat before any forces yet mustered against us.

Our emotions run in circles and we come back, as a nation, to the hopes and fears which long dead ancestry felt.

Facing me as I speak, on the rear wall of this room hangs a painting of Washington at Valley Forge. America has travelled far, but she has come again to another Valley Forge.

To the problems and cares and hardships and discouragements of our own day, let us bring the same devotion and faith and steadfastness which bore those soldiers through their Valley of Shadows.

Let us be confident that He whose divine guidance led those soldiers on to the founding of this nation is holding out His hand to guide us through our own Winter of Misfortune, and that if we do our part we cannot fail to press victoriously on into a future and a happiness more grand than any we have known.

Thank you and good-night.

ADJOURNMENT OF JOINT SESSION

LIEUTUENANT-GOVERNOR LEWIS. The business for which the Joint Session of the General Assembly was convened having been transacted, the Joint Session is adjourned. The Senators will immediately assemble in the Senate Chamber.

The SPEAKER (Elmer Kilroy) in the Chair.

REPORT FROM COMMITTEE

Mr. CORRIGAN from the Select Committee on Special Session Legislation reported as committed House Bill No. 1, entitled:

An Act concerning the election of representatives of the people of Pennsylvania to serve in the House of Representatives of the Congress of the United States; providing for the apportionment of the Commonwealth into Congressional districts and for the election of one representative in Congress at large.

BILL ON FIRST READING

Mr. CORRIGAN. Mr. Speaker, I ask unanimous consent to have House Bill No. 1, read for the first time.

The SPEAKER. Will the House give its unanimous consent to the reading of the bill for the first time? Is there objection?

Mr. FLEMING. Mr. Speaker, reserving the right to

object I would like permission to interrogate the Majority Floor Leader.

The SPEAKER. Will the gentleman from Monroe permit himself to be interrogated?

Mr. ACHTERMAN. I will, Mr. Speaker.

Mr. FLEMING. I would like to inquire, Mr. Speaker, if the gentleman from Monroe, Mr. Achterman will agree tomorrow when the bill comes up for second reading to give us the opportunity to have our amendments which we wish to present prepared. We are somewhat in a quandary whether or not we will have them ready at the time the bill is ready for second reading.

Mr. ACHTERMAN. Mr. Speaker, it is my intention to make it possible for any member who has amendments to be in a position to present those amendments when the bill is called up for second reading; with this understanding, however, Mr. Speaker, that there be no undue delay, because it is our intention sometime tomorrow to call this bill up for second reading and pass it on second reading.

Mr. FLEMING. I thank the gentleman, Mr. Speaker. In that case I will not make objection.

The SPEAKER. The Chair hears no objection and consent is granted.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1, entitled:

An Act concerning the election of representatives of the people of Pennsylvania to serve in the House of Representatives of the Congress of the United States; providing for the apportionment of the Commonwealth into Congressional districts and for the election of one representative in Congress at large.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

REPORT OF SLATE COMMITTEE

Mr. LOVETT offered a report from the Slate Committee which was twice read, considered and adopted as follows:

EMPLOYES OF HOUSE OF REPRESENTATIVES

In the House of Representatives, Feb. 17, 1942.

Resolved, That the following persons be elected employes of the House of Representatives effective February 17, 1942.

TRANSCRIBING CLERKS

James Laughlin, 761 Phila. St., Phila., Pa., vice William Glass, Phila. Pa., Resignation.

Stanley Dyskevic, 3448 Penn Ave., Pittsburgh, Pa., vice Lawrence Hugo, Jr., Pittsburgh, Pa. Resignation.

ASSISTANT SERGEANTS-AT-ARMS

James Gildea, 2141 N. 2nd St., Philadelphia, Pa., vice Joseph Hildenbrend, Phila., Pa. Resignation .

George McTaggart, 1419 Mt. Vernon St., Phila., Pa., vice Joseph Murphy, Phila., Pa. Resignation.

CLERKS TO COMMITTEE

Edgar C. Clymer, 1131 N. 4th St., Phila., Pa., vice Charles Wadowsky, Phila., Pa. Resignation.

John Hughes, 514 Hawkins Ave., N. Braddock, Pa., vice Florence Drenning, Pittsburgh, Pa. Resignation.

Percy Tong, R. D. 1, McKeesport, Pa., vice Ephraim Kidd, Pittsburgh, Pa. Resignation.

William Manfredo, Jeannette, Pa., vice Patrick J. McShane, Westmoreland County, Pa. Resignation.

George Piccoli, 1916 S. 13th St., Phila., vice Charles Valpe.

TRANSCRIBING CLERK

Verna Musser, Camp Hill, Pa., vice Marie Casazza, Harrisburg, Pa. Resignation.

MESSENGER, POST OFFICE

Henry Green, 1411 Caldwell St., Pittsburgh, Pa., vice Maurice L. Griffith, Pittsburgh, Pa. Resignation.

PASTERS AND FOLDERS

Joseph Malloy, 1503 Womwrath St., Phila., Pa., vice Daniel A. Logue, Phila., Pa. Resignation.

Paul Murray, Pittston, Pa., vice Herman S. VanCampen, Pittston, Pa. Resignation.

PAGE—(SPEAKER'S)

Henry E. Turrell, Harrisburg, Pa., vice David Stineman, Harrisburg, Pa. Resignation.

PAGES

Mickey Santanna, 2039 Greenwood St., Harrisburg, Pa., vice Benjamin H. Foltz, Harrisburg, Pa. Resignation.

William J. Bressler, 78 Reservoir St., Harrisburg, Pa., vice Robert S. Bressler, Harrisburg, Pa. Resigned.

Warren Musser, Harrisburg, Pa., vice John S. Musser, Harrisburg, Pa. Resigned.

George L. Rhine, 25 Vaughn St., Harrisburg, Pa., vice Henry E. Turrell, Harrisburg, Pa. Resigned.

Harvey L. Miller, 1940 Bellevue Rd., Harrisburg, Pa., vice Paul J. Flyzik, Harrisburg, Pa. Resigned.

Jacob Barnhart, 25 Forrest St., Harrisburg, Pa., vice Donald Beard, Harrisburg, Pa. Resigned.

Daniel Logue, 5413 Harrock St., Phila., vice James A. Noel.

TRANSCRIBING CLERK

Wm. L. Luther, 1225 Porterfield St., N. S. Pittsburgh, Pa., vice Clair N. McGinnis, Pittsburgh, Pa. Resigned.

ASSISTANT SERGEANTS-AT-ARMS

James Rogan, 859 E. Willard St., Phila., Pa., vice Joseph E. Rowan, Philadelphia, Pa. Resigned.

Bart Stillwagon, Connellsville, Pa., vice Stanley Wisnewski. Resigned.

ASSISTANT MANAGER POST OFFICE

Sydney Williams, 2010 Fitzwater St., Phila., Pa., vice Walker K. Jackson, Phila., Pa. Resigned.

PASTER AND FOLDER

Thomas McLaughlin, 3251 N. Randolph St., Phila., Pa., vice Isadore DiGregorio, Phila., Pa. Resigned.

PAGE

Melvin Reed, 126 Lincoln Ave., Carlisle, Pa., vice Richard W. Thompson, Sr., Carlisle, Pa. Resigned.

ASSISTANT CUSTODIAN WASHROOM

Raymond Lucus, 2620 Stromberg St., S. S. Pittsburgh, Pa., vice Bernard Henciak, Pittsburgh, Pa. Resigned.

CONDOLENCE RESOLUTION

Messrs. MORAN, GOODWIN, SHAFFER and YESTER offered a resolution which was twice read, considered and adopted as follows:

In the House of Representatives, February 17, 1942.

Whereas, News has reached the House of Representatives of the death of George Heatherington, father of one of our members, the Honorable Thomas J. Heatherington; and

Whereas, His death brings a sense of profound loss not only to his associates and his community, but to a wide circle of acquaintances in the State of Pennsylvania; and

Whereas, The House of Representatives is desirous of paying tribute to the memory of George Heatherington and of conveying its heartfelt expression of sympathy to the family of the deceased; be it therefore

Resolved, That the Chief Clerk of the House send a copy of this resolution to the family of the deceased, and by this token commend George Heatherington to the memory of his fellow-man.

ANNOUNCEMENTS

There will be a meeting of the Rules Committee in the Speaker's Office on Wednesday, February 18, 1942 at 10 a. m.

There will be a Republican Caucus on Wednesday, February 18, 1942 at 11 a. m. in the New House Caucus Room.

ADJOURNMENT

Mr. STOCKHAM. Mr. Speaker, I move that this House do now adjourn until Wednesday, February 18, 1942, at 1 p. m.

The motion was agred to, and (at 9:30 p. m.) the House adjourned.

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal.

Extraordinary Session of 1942.

Vol. 26. HARRISBURG, PA., WEDNESDAY, FEBRUARY 18, 1942. No. 2.

SENATE

WEDNESDAY, February 18, 1942.

The Senate met at 1:30 o'clock, p. m., E. W. T.

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the Chair.

PRAYER

The Chaplain, Rev. EDWIN S. WALLACE offered the following prayer:

Almighty God, Father of all living, inspirer of our souls, give to us grateful hearts and appreciative minds as we remember all Thy mercies. Each day brings to each of us the fact of God's remembrance. May we not forget the goodly providences that surround us today, and recognize them as coming from Thy gracious and generous hand.

We thank Thee for life—life in a land of freedom. Enable us to show our gratitude by exerting our every effort to preserve that freedom and to pass it on to those coming after us. Through faith in God and obedience to God's laws our nation and state have prospered. Through faith and obedience nation and state will be preserved.

We ask Thy guidance for this session of the Legislature. Give wisdom to each Legislator and a determination to serve the best interests of the state and maintain the standard of justice, righteousness and truth.

All this we ask in the name of Jesus Christ, our Lord. Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. TAYLOR and Mr. WADE, the further reading was dispensed with, and the Journal was approved.

LEAVE OF ABSENCE

Mr. Frey asked and obtained leave of absence for the Senator from Berks, Mr. RUTH.

Mr. Edmonds asked and obtained leave of absence for himself, for tomorrow, February 19, 1942.

PETITIONS AND REMONSTRANCES

The Chair cleared his table and laid before the Senate a resolution from the County Commissioners, County of Allegheny, in opposition to proposed change in state purchasing laws.

REPORT OF SAVINGS FUND SOCIETY OF GERMANTOWN AND ITS VICINITY

The Chair cleared its table and laid before the Senate the eighty-seventh annual statement of the Saving Fund Society of Germantown and its vicinity.

The PRESIDENT. Receipt of the statement will be noted in the Journal.

REPORT OF AUDIT OF ACCOUNTS OF THE WESTERN SAVINGS FUND OF PHILADELPHIA

The Chair cleared its table and laid before the Senate the ninety-fifth annual report of the audit of the accounts of the Western Savings Fund Society of Philadelphia.

The PRESIDENT. Receipt of the report will be noted in the Journal.

NOMINATIONS BY THE GOVERNOR

NOTARIES PUBLIC

The Secretary to the Governor being introduced, presented in writing from His Excellency, the Governor of the Commonwealth, nominations for appointment as Notaries Public.

CONSIDERATION OF NOTARIES PUBLIC

Mr. JAMES. Mr. President, I move that the Senate do now proceed to the consideration of nominations for appointment as Notaries Public, sent to the Senate, February 18, 1942, by His Excellency, the Governor of the Commonwealth.

Mr. GELTZ. Mr. President, I second the motion.

The motion was agreed to.

The nominations were read as follows:

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 18, 1942.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

BLAIR COUNTY

Miss Mary Anna Jackson, Hollidaysburg.

CAMBRIA COUNTY

Roy C. Stormer, Johnstown.
Miss Pauline H. Swan, Barnesboro.

LYCOMING COUNTY

Mrs. Margaret T. Myers, Williamsport.

NORTHAMPTON COUNTY

Desmond Fries, Bethlehem.
Miss Mary C. Gaffney, Bethlehem.

PHILADELPHIA COUNTY

John P. Black, 7341 Montour St., Phila.
Nathaniel F. Cohen, 1746 N. Natrona St., Phila.
Mrs. Madeline K. Dranoff, 5744 Chestnut St., Phila.
Miss Mary M. Haefner, 6423 Lebanon Ave., Phila.
Miss Esther M. Pomerantz, 2960 Richmond St., Phila.
Wm. L. Riddle, 1601 Chestnut St., Phila.
Henry A. Yoblin, 4503 Springfield Ave., Phila.

SCHUYLKILL COUNTY

Arthur F. Kriner, Pottsville.

ARTHUR H. JAMES.

NOMINATIONS FOR NOTARIES PUBLIC

A motion was made by Mr. JAMES and Mr. GELTZ,

That the Senate do advise and consent to said nominations.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

Barr,	Ealy,	Letzler,	Stiefel,
Bartlett,	Edmonds,	Mallery,	Tallman,
Becker,	Farrell,	McCreesh,	Taylor,
Carr,	Frey,	McGinnis,	Thomas,
Cavalcante,	Geltz,	McQuiddy,	Tyler,
Chapman,	Haluska,	Miller,	Wade,
Coleman,	Heyburn,	Mundy,	Walker,
Cox,	Homsher,	Reed,	Watkins,
Crider,	James,	Scarlett,	Wilson, H. I.,
Crowe,	Jaspan,	Snowden,	Wilson, T. B.,
Deitrick,	Kephart,	Stevenson,	Ziesenheim,
DiSilvestro,	Lanius,		

NAYS—0

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

He also presented communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows, and referred to the Committee on Executive Nominations.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 18, 1942.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate John E. Coffey, 308 East King Street, Shippensburg, Cumberland County, for appointment as Justice of the Peace in and for the Borough of Shippensburg, Cumberland County, until the first Monday in January, 1944, vice Clarence A. Heller, deceased.

ARTHUR H. JAMES.

BILLS INTRODUCED

Mr. EDMONDS read in his place and presented to the Chair Senate Bill No. 16, entitled:

An Act to provide relief in cases where fiduciaries are in military service; authorizing the court to appoint a substituted fiduciary pro tem in such cases or to allow the remaining fiduciaries to act; authorizing security to be entered by and compensation paid to such substituted fiduciaries pro tem; and regulating the powers and liabilities of the fiduciary in military service and of the substituted fiduciary pro tem.

Which was committed to the Committee on Judiciary General.

Messrs. WALKER, GELTZ, STEVENSON, HALUSKA, ZIESENHEIM, CROWE, CARR, BARTLETT read in their places and presented to the Chair, Senate Bill No. 17, entitled:

An Act to apportion the State into congressional districts.

Which was committed to the Committee on Congressional Apportionment.

Mr. WALKER read in his place and presented to the Chair, Senate Bill No. 18, entitled:

An Act to amend article sixteen of the act, approved the eighteenth day of May, one thousand nine hundred eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by requiring certain periods of military instruction for all male high school students in the public high schools of the Commonwealth, such course of instruction to be formulated by the Adjutant General after consultation with the Superintendent of Public Instruction; conferring certain additional powers and imposing certain additional duties relative thereto upon the various boards of public education and boards of school directors maintaining high schools throughout the Commonwealth; providing for the appointment, compensation and removal of high school military instructors; providing for the use by school districts of certain supplies and equipment of the Commonwealth not necessary for other purposes; and prohibiting the payment of state funds to school districts not complying with this act.

Which was committed to the Committee on Education.

Mr. STEVENSON read in his place and presented to the Chair, Senate Bill No. 19, entitled:

An Act to protect property by prohibiting certain unlawful entries on, injuries to, and interference with property and waters and attempts or conspiracies to do so; authorizing the closing of streets; conferring powers on the Water and Power Resources Board, and on peace officers, watchmen, guards and supervisors, and providing penalties.

Which was committed to the Committee on Forests and Waters, Game and Fish.

Mr. SNOWDEN read in his place and presented to the Chair, Senate Bill No. 20, entitled:

An Act giving the consent of the Commonwealth of Pennsylvania to the acquisition by the United States of America of about 34 acres of land in the Borough of Eddystone, Delaware County, Pennsylvania, for use in the establishment of a plant to produce steel forgings and other articles necessary for National Defense; and ceding jurisdiction to the United States.

Which was committed to the Committee on Federal Relations.

Mr. CROWE read in his place and presented to the Chair, Senate Bill No. 21, entitled:

An Act authorizing political subdivisions to levy a special tax for the purpose of providing funds, a part or all of which may be appropriated to any local or district council of defense within said political subdivision; authorizing political subdivisions to borrow money, under certain conditions for such purposes; and ratifying, confirming and validating appropriations heretofore made for said purposes.

Which was committed to the Committee on County Government.

Mr. DENT. Mr. President, I have here three more bills to finish out the program on unemployment compensation. I would suggest that because of the shortage of paper, we refrain from our usual Legislative custom of stealing other persons legislative thoughts and putting them in new bills and new folders.

I think you will find by careful examination that this series of bills covers all the amendments suggested in Senate Bill No. 80 last year, with one exception, and that is that we took the schedule of payments and increased the maximum to eighteen dollars, benefit payments to sixteen weeks, and the minimum to nine dollars.

I think you will find that all the other bills are directly in line with what was contained in Senate Bill No. 80 last year.

Mr. DENT read in his place and presented to the Chair Senate Bill No. 22, entitled:

An Act to amend sections four hundred one and four hundred four of the act, approved the fifth day of December, one thousand nine hundred thirty-six (1937, P. L. 2897), entitled "An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry and its existing and newly created agencies with personnel (with certain exceptions) selected on a civil service basis; requiring employers to keep records and make reports and certain employers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons; providing procedure and administrative details for the determination, payment and collection of such contributions and the payment of such compensation; providing for cooperation with the Federal Government and its agencies; creating certain special funds in the custody of the State Treasurer; and prescribing penalties," changing qualifications required to secure compensation and establishing a schedule of rates.

Which was committed to the Committee on Workmen's Compensation.

He also read in his place and presented to the Chair, Senate Bill No. 23, entitled:

An Act to further amend Section 309 of and to add Section 309.1 to the act approved the fifth day of December, one thousand nine hundred and thirty-six (1937, P. L. 2897), entitled "An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry and its existing and newly created agencies with personnel (with certain exceptions) selected on a civil service basis; requiring employers to keep records and make reports, and certain employers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons; providing procedure and administrative details for the determination, payment and collection of such contributions and the payment of such compensation; providing for cooperation with the Federal Government and its agencies; creating certain special funds in the custody of the State Treasurer; and prescribing penalties," making the collection of contributions, interest and penalties by civil action optional; and authorizing the department to accept compromise settlements of delinquent accounts under certain conditions.

Which was committed to the Committee on Workmen's Compensation.

He also read in his place and presented to the Chair, Senate Bill No. 24, entitled:

An Act to further amend clause (j) of section four of the act, approved the fifth day of December, one thousand nine hundred thirty-six (1937, P. L. 2897), entitled "An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry and its existing and newly created agencies with personnel (with certain exceptions) selected on a civil service basis; requiring employers to keep records and make reports, and certain employers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons; providing procedure and administrative details for the determination, payment and collection of such contributions and the payment of such compensation; providing for cooperation with the Federal Government and its agencies; creating certain special funds in the custody of the State Treasurer; and prescribing penalties," limiting certain exceptions from the provisions thereof.

Which was committed to the Committee on Workmen's Compensation.

Messrs. COLEMAN and STEVENSON read in their places and presented to the Chair, Senate Bill No. 25, entitled:

A Joint Resolution proposing an amendment to section thirteen, Article three, of the Constitution of the Commonwealth of Pennsylvania.

Which was committed to the Committee on Constitutional Changes.

Messrs. MALLERY, COLEMAN and STEVENSON read in their places and presented to the Chair, Senate Bill No. 26, entitled:

A Joint Resolution proposing an amendment to article eight, section eleven, of the Constitution of the Commonwealth of Pennsylvania.

Which was committed to the Committee on Constitutional Changes.

PERMISSION TO ADDRESS THE SENATE

Mr. EDMONDS. Mr. President, I ask permission to address the Senate.

The PRESIDENT. The gentleman from Montgomery will proceed.

Mr. EDMONDS. Mr. President, I hold in my hand a letter which I have just received from the Secretary of the Treasury, and inasmuch as it has its origin in circumstances that may prevail in other districts than my own, I would like to read it to the Senate.

I had my attention directed last week to the fact that a certain portion of our Italian citizens in Montgomery County who were not native born in this country, had the impression circulated among them that the government

proposed to seize all their saving accounts, and inasmuch as they are thrifty and hard working folk and a savings account is usually the first asset they get in America, and it was causing a great deal of concern to an honorable and a high minded group of patriotic citizens, I wrote down to Washington, to Attorney General Biddle, who is a member of our Bar, and asked him whether or not it was the intention to disturb these assets of Italian born citizens in the United States.

Mr. Biddle replied that nothing had been referred to his department as yet, but that the problem was with Secretary Morgenthau and therefore he had referred my letter to Secretary Morgenthau.

Mr. Morgenthau wrote me February 12th, and as he has written to me here, I rather anticipate he would like publicity to be given to this statement which is as follows:

"THE SECRETARY OF THE TREASURY

Washington, February 12, 1942.

"My dear Senator:

"The Attorney General has called my attention to your letter of February 6, 1942, discussing the harmful effects of rumors circulating that the Government intends to seize all bank accounts and all property in the name of Italian aliens.

"I want to say that I am fully in agreement with you as to the insidious effect of these rumors. As I have repeatedly stated, such rumors have no foundation whatever.

"In this connection I call your attention to the enclosed press release issued by this Department on January 12, 1942.

Very truly yours,

(Signed) H. M. MORGENTHAU, JR.,
Secretary of the Treasury.

"Honorable Franklin S. Edmonds,
"State Capitol Bldg.,
"Harrisburg, Pensylvania
Enclosure

The press release reads as follows:

"TREASURY DEPARTMENT

"Washington, Monday, January 12, 1942.

"In view of recurring rumors that the Government was planning to confiscate savings accounts, Secretary Morgenthau today entered an emphatic denial that this was so.

"I wish to state most emphatically that there are no foundations whatever for such rumors," Mr. Morgenthau said. "The Federal Government does not have under consideration any proposal involving the confiscation of savings deposits of this country for any purpose."

"Furthermore," he added, "any one circulating rumors of this character is acting against the welfare of the nation."

I have read these statements, Mr. President, in order that they may be printed in the Journal, and it may be that there are other Senators who have this same problem in their districts who will be glad to do as I have done, namely, have these letters circulated where our Italian citizens can learn as to the falsity of that rumor.

It is always a mistake to allow our brethren in this country to be subjected to all kinds of rumors which may result in victimizing them and I think we all want to unite in preventing any victimizing of this kind.

TIME OF NEXT MEETING

Mr. KEPHART offered the following resolution which was twice read, considered and agreed to:

In the Senate, February 18, 1942.

Resolved (if the House of Representatives concur), That when the Senate adjourns this week, it reconvene on Monday, February 23, 1942, at 4 p. m., and when the House of Representatives adjourns this week, it reconvene on Tuesday, February 24, 1942, at 3 p. m.

Ordered, That the Clerk present the same to the House of Representatives for concurrence.

PERMISSION TO ADDRESS THE SENATE

Mr. HALUSKA. Mr. President, I ask permission to address the Senate.

The PRESIDENT. The gentleman from Cambria may proceed.

Mr. HALUSKA. Mr. President, I am about to introduce a resolution but before doing so I would like briefly to say a few words. The resolution I am about to introduce is in behalf of a young man whose name has been spread in every paper throughout the length and breadth of the United States within the last several months, a young man who was born in the County of Cambria, in the town of Nanty Glo, a young man who spent his boyhood days in the coal mines of Cambria County, a young man with whom I have had the pleasure of playing baseball with and against, also his dad. His father now resides in the City of Johnstown and at the present time he is a coal miner adjacent to Johnstown.

The name of this young man is Boyd Wagner.

Therefore, Mr. President, I introduce this resolution and I would like to have it read and I ask its immediate adoption.

CONGRATULATIONS TO LIEUTENANT BOYD D. WAGNER FOR HIS NOTABLE EXAMPLE OF COURAGE

Mr. HALUSKA offered the following resolution which was twice read, considered and agreed to:

In the Senate, February 18, 1942.

Whereas, A state of war between the United States of America and the Axis powers was created when the Japanese Armed Forces made a treacherous attack, without notice, upon the American Forces in the Pacific Ocean; and

Whereas, in this emergency the courage, the endurance and the patriotic example of the young men of America serving with the Armed Forces has been a great inspiration to the people of this country; and

Whereas, Boyd D. Wagner, First Lieutenant in Aviation, son of Mr. and Mrs. Boyd M. Wagner, 23 Irene Street, Johnstown, Pennsylvania, distinguished himself in one of the first encounters with the Japanese in the Philippine Islands by shooting down two planes and destroying twelve on the ground; and

Whereas, his courage and effective cooperation won for him the high commendation of General MacArthur, the fearless and patriotic leader of a band of fighting men, who by their conduct and endurance, have worthily maintained the best traditions of their country; and

Whereas, General MacArthur, in his citation commending Lieutenant Wagner, has stated as follows:

"Boyd D. Wagner distinguished himself by his daring attacks on a Japanese air detachment at Aparri. The modesty of this young man is best explained by the manner in which he concluded his report to his superior officer."

"My gas was running low, so I returned home."

Now, Therefore, Be It Resolved by the Senate of Pennsylvania that the patriotic example of the young men of the Army and Navy of the United States, who have met

the present emergency with unexampled courage and steadfastness, deserve sincere recognition from their friends at home; And Be It

Further Resolved, That the Senate of Pensylvania tenders its sincere and respectful congratulations to the American Army in the Philippine Islands for its courageous service to the Nation; to Mr. and Mrs. Boyd M. Wagner, of Johnstown, Pennsylvania, for the high privilege which is theirs to have given to the country one of its earliest heroes in this war; and to Lieutenant Boyd D. Wagner for the notable example of courage, modesty and service that he has given to the Nation; And Be It

Further Resolved, That a copy of this Resolution be sent to General MacArthur; to Lieutenant Wagner; and to his parents.

On the question,

Will the Senate agree to the Resolution?

Mr. EDMONDS. Mr. President, I do not rise to object. I want to concur and concur very heartily. It seems to me that in this war we have had illustrated one of the striking statements in the last book of Hervey Allen, "It Was Like This."

Hervey Allen calls attention to the fact that it is the nation which can produce young men who in an unexpected emergency will first show their valor, it is that nation which will win any war.

Some of us had wondered whether or not our young people had been softened by the condtions under which they have been living in America for the last twenty years. I am glad to say in my judgment the examples of Colin Kelly, and of Lockhard, the young boy from Williamsport who heard the approach of the Japanese air fleet and made a report to which no attention was paid, and this young man, Boyd Wagner from Johnstown, appear to me to illustrate the fact that we in America have, a younger generation of which we may well be proud and I think under those circumstances the older ones of us to these young men may well say, you have done well, you have made a good start, and in the case of Boyd Wagner I think the parents should be included, and that the matchless heroic MacArthur ought to know every one in America is watching developments and is proud of the wonderful record that he has attained. I am glad to concur in the resolution and second the motion for its immediate adoption.

And the question recurring,

Will the Senate agree to the resolution?

It was agreed to.

REQUESTING SECRETARY OF DEPARTMENT OF PUBLIC ASSISTANCE TO INCREASE ALL GRANTS

Mr. McCREESH offered the following resolution which was twice read:

In the Senate, February 18, 1942.

Whereas, The cost of living has increased twenty per cent in the past year and is destined to increase even further with the duration of the present war; and

Whereas, This increase has resulted in extreme hardship and want for our fellow citizens who are receiving grants from the Department of Public Assistance; and

Whereas, Under the terms of the call of this session it is impossible to introduce remedial legislation at this time; therefore be it

Resolved, That the Senate requests the Secretary of the Department of Public Assistance to increase all grants commensurate with the increase in the cost of living; and be it further

Resolved, That a copy of this resolution be transmitted by the Secretary of the Senate to the Secretary of the Department of Public Assistance for his immediate consideration.

Mr. McCREESH. Mr. President, I ask unanimous consent that Rule 39, which requires resolutions be referred to an appropriate committee, be dispensed with and the Senate proceed to the consideration of the foregoing resolution.

The PRESIDENT. Is there objection?

Mr. GELTZ. Mr. President, I object.

The PRESIDENT. The resolution is referred to the Committee on Welfare, Public Assistance and Pensions.

CONGRATULATIONS TO COL. BURLEIGH A. PETERS

Mr. MALLERY offered the following resolution which was twice read, considered and agreed to:

In the Senate, February 18, 1942.

The Reverend Burleigh A. Peters who officiated as the Chaplain of this Senate during the regular session of one thousand nine hundred and forty-one is now serving his country as the Chaplain of the Twenty-Eighth Division now encamped at Alexandrie, Louisiana.

Pastor of the Grace Lutheran Church of Altoona for many years and always prominent in civic and patriotic affairs, he is now a Colonel in the United States Army; therefore be it

Resolved, that the Senate of the Commonwealth of Pennsylvania extends to Colonel Peters its sincere congratulations on his appointment and the opportunity that is his to render service to the nation, and wishes for him the fullest measure of happiness in his work and in his efforts to be of value to the fighting men of the Twenty-Eighth Division; and be it further

Resolved, that a copy of this resolution shall be forwarded to Colonel Peters by the Secretary of the Senate.

PERMISSION TO ADDRESS THE SENATE

Mr. WADE. Mr. President, I ask permission to address the Senate.

The PRESIDENT. The gentleman from Cumberland will proceed.

Mr. WADE. Mr. President and members of the Senate, before introducing this resolution and asking for its immediate consideration I should like to say that the rumor is that there are literally hundreds of tons of waste paper now filed away in different offices of the Capitol, as well as in the filing space under the State Street bridge. It is thought by many who have to do with that filing that that may now be turned into supplying a vital need for paper and filing cabinets as well, and, therefore, Mr. President, I introduce this resolution and ask for its immediate consideration.

Mr. WADE offered the following resolution which was twice read:

In the Senate, February 18, 1942.

The salvage of waste paper is a vital contribution to the defense effort of our Country.

The necessity for additional filing cases in the various departments of the State Government is becoming acute.

It is possible that many filing cases are now filled with paper that might well be used in our defense effort and the filing cases be released for further use; therefore be it

Resolved, by the Senate of the Commonwealth of Pennsylvania that a Committee of three members of the Senate to be appointed by the President Pro Tempore of the Senate is hereby created, whose duty shall be to immediately make an investigation of the situation existing in the various departments of the State Government relating to the present filing of papers and documents; to the necessity for the further retention thereof and to the cost of micro-filming such papers and documents as should be retained in order to provide more filing space and make more waste paper available for defense purposes, and to report its findings and recommendations to the Senate as speedily as possible.

The PRESIDENT. Is there objection?

Mr. DENT. I suggest, Mr. President, that the resolution be immediately adopted, and I would also like to call attention to the fact that one of the bills I introduced this morning carries within it a provision that the old records of the Unemployment Compensation Bureau, which happen to amount to tons of scrap paper, will also be destroyed.

And the question recurring,

Will the Senate agree to the resolution?

It was agreed to.

RECESS

Mr. GELTZ. Mr. President, I move that the Senate do now take a recess until 4:30 o'clock, p. m.

Mr. MILLER. Mr. President, I second the motion.

The motion was agreed to.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed the Senate will be in order.

PERMISSION TO ADDRESS THE SENATE

Mr. DENT. Mr. President, I desire permission to address the Senate.

The PRESIDENT. The gentleman from Westmoreland may proceed.

Mr. DENT. Mr. President, I have been directed by the Democratic minority group to announce to the President and members of the Senate that during this Special Session, because of the absence of our former Floor Leader, we have elected for the Special Session, the Honorable Barney McGinnis of Allegheny County, as the Floor Leader of the minority.

Mr. McGINNIS. Mr. President, I think it is needless for me to say that I appreciate very seriously the honor bestowed upon me by the members of this side of the House.

The PRESIDENT. The Chair wishes to state that he is of the opinion that the minority made a wise choice.

REPORTS FROM COMMITTEES

Mr. CROWE. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. CROWE, from the Committee on Forests and Waters, Game and Fish reported as committed, Senate Bill No. 19, entitled:

An Act to protect property by prohibiting certain unlawful entries on, injuries to, and interference with property and waters and attempts or conspiracies to do so; authorizing the closing of streets; conferring powers on the Water and Power Resources Board, and on peace officers, watchmen, guards and supervisors, and providing penalties.

Mr. TAYLOR. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. TAYLOR, from the Committee on County Government reported as committed, Senate Bill No. 21, entitled:

An Act authorizing political sub-divisions to levy a special tax for the purpose of providing funds, a part or all of which may be appropriated to any local or district council of defense within said political subdivisions; authorizing political subdivisions to borrow money, under certain conditions for such purposes; and ratifying, confirming and validatin, appropriations heretofore made for said purposes.

Mr. WOODWARD. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. WOODWARD, from the Committee on Federal Resolution reported as committed, Senate Bill No. 20, entitled:

An Act giving the consent of the Commonwealth of Pennsylvania to the acquisition by the United States of America of about 34 acres of land in the Borough of Eddystone, Delaware County, Pennsylvania, for use in the establishment of a plant to produce steel forgings and other articles necessary for National Defense; and ceding jurisdiction to the United States.

BILLS INTRODUCED

Mr. WALKER at the request of Mr. HEYBURN. Mr. President, I ask unanimous consent to introduce a bill at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. WALKER read in place and presented to the Chair Senate Bill No. 27, entitled:

An Act to provide for the expenses of the Extraordinary Session f the Legislature assembled February seventeenth, one thousand nine hundred forty-two, in pursuance of the proclamation of the Governor of the Commonwealth dated February tenth, one thousand nine hundred forty-two, and the supplement thereto.

Which was committed to the Committee on Appropriations.

Mr. WATKINS. Mr. President, I ask unanimous consent to introduce a bill at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. WATKINS read in place and presented to the Chair Senate Bill No. 28, entitled:

An Act to further amend Section 801 of the act, approved the fifth day of May, one thousand nine hundred and thirty-three (P. L. 457), entitled "An act relating to the business of building and loan associations; providing for the organization and voluntary dissolution of such associations; defining the rights, powers, duties, liabilities,

and immunities of such associations, and of their officers, directors, shareholders, solicitors, and other employes; prohibiting the transaction of business in this Commonwealth by foreign building and loan associations; conferring powers and imposing duties upon the courts, recorders of deeds, and certain State departments, commissions, and officers; establishing limitations of actions; imposing penalties; and repealing certain acts and parts of acts," by authorizing building and loan associations to act as fiscal agents of the United States Government for the sale of United States Defense Bonds and Defense Stamps, and permitting such associations to pledge their assets for the faithful performance of their duties as such agents.

Which was committed to the Committee on Banking.

REPORT FROM COMMITTEE

Mr. CHAPMAN. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. CHAPMAN, from the Committee on Appropriations reported as committed, Senate Bill No. 27, entitled:

An Act to provide for the expenses of the Extraordinary Session of the Legislature assembled February seventeenth, one thousand nine hundred forty-two, in pursuance of the proclamation of the Governor of the Commonwealth dated February tenth, one thousand nine hundred forty-two, and the supplement thereto.

MOTION TO READ BILLS THE FIRST TIME

Mr. GELTZ. Mr. President, I move that the Senate do now proceed to the first reading of all bills reported from committees for the first time at today's session.

Mr. FARRELL. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 19, entitled:

An Act to protect property by prohibiting certain unlawful entries on, injuries to, and interference with property and waters and attempts or conspiracies to do so; authorizing the closing of streets; conferring powers on the Water and Power Resources Board, and on peace officers, watchmen, guards and supervisors, and providing penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 20, entitled:

An Act giving the consent of the Commonwealth of Pennsylvania to the acquisition by the United States of America of about 34 acres of land in the Borough of Eddystone, Delaware County, Pennsylvania, for use in the establishment of a plant to produce steel forgings and other articles necessary for National Defense; and ceding jurisdiction to the United States.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 21, entitled:

An Act authorizing political subdivisions to levy a special tax for the purpose of providing funds, a part or all of which may be appropriated to any local or district council of defense within said political subdivision; authorizing political subdivisions to borrow money, under certain conditions for such purposes; and ratifying, confirming and validating appropriations heretofore made for said purposes.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 27, entitled:

An Act to provide for the expenses of the Extraordinary Session of the Legislature assembled February seventeenth, one thousand nine hundred forty-two, in pursuance of the proclamation of the Governor of the Commonwealth dated February tenth, one thousand nine hundred forty-two, and the supplement thereto.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

ADJOURNMENT

Mr. GELTZ. Mr. President, I move that the Senate do now adjourn until Thursday, February 19, 1942 at 10:00 o'clock, a. m., Eastern War Time.

Mr. CAVALCANTE. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 4:50 o'clock, p. m., until Thursday, February 19, 1942, at 10:00 o'clock, a. m., Eastern War Time.

HOUSE OF REPRESENTATIVES

WEDNESDAY, February 18, 1942.

The House met at 1 p. m.
The SPEAKER (Elmer Kilroy) in the Chair.

PRAYER

The Chaplain, Rev. Donald McFall offered the following prayer:

Almighty God, Father of all mankind, we are mindful of the wealth of friendship among the men of this House who, after vacationing in the purple mountains, beside the blue lakes, or along the mighty oceans, have been called back to their desks in the interest of the people of Pennsylvania. Let each give thanks unto Thee for Thy watch and care.

May we bring to Thy remembrance this day, Representative Allmond who is ill in body, and Representative Heatherington, whose father and Representative Reese Jr. whose mother have been called from this life. We beseech Thee not only to heal but to sustain Thy children in hours such as these.

Today, many of the men of this House will begin the observance of the Lenten Season with its forty days of self-denial. In our quiet moments of meditation may we

give thought to the words: "Breathes there a man who claimeth not one lonely spot-his Gethsemane, To this he goes, and with his inmost pain, he cries aloud, and then, with hands outstretched, touches hands with God."

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of yesterday.

The Clerk proceeded to read the Journal of yesterday, when, on motion of Mr. McDERMOTT, unanimously agreed to, the further reading was dispensed with and the Journal approved.

BILLS INTRODUCED AND REFERRED

By Messrs. RHEA and FLEMING. HOUSE BILL No. 2.

An Act to apportion the State into congressional districts.

Referred to the Select Committee on Special Session Legislation.

By Messrs. COOPER and RONALD L. THOMPSON. HOUSE BILL No. 3

An Act to apportion the State into congressional districts.

Referred to the Select Committee on Special Session Legislation.

PETITION AND COMMUNICATION

The SPEAKER laid before the House the following communication which was read by the Clerk.

SCHOOL TEACHERS

A resolution adopted by the Girardville Education Association, addressed to the Speaker urging a supplemental appropriation to increase salaries of school teachers.

Referred to the Select Committee on Special Session Legislation.

LEAVE OF ABSENCE

By unanimous consent leave of absence was granted as follows.

Mr. Shaffer for Mr. HEATHERINGTON because of death in the family.

PERMISSION TO ADDRESS HOUSE

Mr. CORDIER asked and obtained unanimous consent to address the House.

Mr. Speaker, last evening the Governor of the Commonwealth, in addressing us, stated that the eyes of Pennsylvania were upon us and that this was no time for dragging out red herrings or starting political bonfires. He further stated that Pennsylvania wants a brief, business-like, harmonious, cooperative Special Session. As far as I am concerned, I pledge my efforts to bring this about.

However, I feel that there is one subject not included among the seventeen that the Governor issued in his call and which I further believe was not necessary to include in his call but which I firmly believe demands the attention of the Members of the General Assembly.

For many months I have attempted to bring about increases in the allowances for people on relief, old age recepients and aid to dependent children in this Commonwealth. My fight for these increases was based upon the balloon-like rise in the cost of living occasioned by the present war crisis.

The State Board of Assistance has at last recognized this need, and I am informed passed resolutions recommending increases. The Secretary of the Department of Public Assistance appeared before a Committee of the Joint State Government Commission, who recognized the need, and he has admitted the grants are insufficient. The Board is cloaked with sufficient authority to provide for these increases and has already taken advantage of that power by increasing the milk grants but has put the matter of increased food and rent grants up to the Governor of the Commonwealth.

The Governor has stated that the cost of living has not materially increased since 1937 and with the extra services granted these people that they are in a position to meet this rising cost of living. With all due respect to his Excellency, the Governor, whom I believe has done an excellent job in administrating the affairs of this Commonwealth for the taxpayers, I must most heartily disagree with him on this vital question.

When we speak of complete unity in our efforts in the present struggle, we must also include in the picture these thousands of unfortunates within the confines of our great State who, through no fault of their own, find themselves in their present condition.

Thousands of the flower of our youth are about ready to battle the Axis and Nipponnese hordes on the far-flung battlefields of the world to preserve our Democracy or our way of living. Is our way of living to be, that part of our population are to be allowed to sink to the level of the Hitler-dominated countries of Europe where people eke out a miserable existence or is the way of life to be one in which we recognize the fact that those on relief and old age and other assistance are to be considered as much a part of the fibre of America as those who enjoy high salaries and security?

Certainly it is in the interest of Democracy to raise their spirits to a point where they have a fighting chance for a decent standard of living commensurate to the cost which our Democracy imposes upon them. I believe this General Assembly has the right to express its opinion upon whether we shall give these unfortunate people that chance. We in authority have a moral obligation in the interest of national unity not to let these people down.

The answer as to whether or not the cost of living has risen since 1937 can easily be proved or disproved. I have facts and figures gathered from many quarters of the Commonwealth which I will not burden you with now. I will simply say that anyone interested in this question can most definitely find the answer by walking around to the corner grocery store with the amount of money paid to these relief recepients in weekly grants and see how far this money will go in buying the vital and staple necessities of life.

This General Assembly most definitely should give some expression of opinion to alleviate the fear and confusion created in the minds of these relief recepients because of their inability to properly cope with this problem. We must insist and demand that these allowances be increased to a point commensurate with the increase in the cost of living.

Mr. Speaker, I am presenting the following resolution and ask that it be read for the information of the House and appeal to the membership of this body to give it full expression by passing it. I am joined in the sponsorship of this resolution by Representative Melchiorre of Philadelphia who also recognizes this need.

RESOLUTION

PUBLIC ASSISTANCE

Messrs. CORDIER and MELCHIORRE offered a resolution and asked and obtained unanimous consent that it be read for the information of the House.

The resolution was read by the Clerk as follows:

In the House of Representatives, February 18, 1942.

Whereas, The present system of this Commonwealth for assistance to dependent children, aged persons and other persons who need assistance was established in the year 1937, on the principle of enabling such persons to maintain for themselves and their dependents a decent and healthful standard of living; and

Whereas, In spite of the steadily rising cost of every item going to make up the vital necessities of life, especially during the past several months, the amount of assistance allowed under the act of 1937 has not been increased over that established during the first year of the system's operation, when the cost of commodities was extremely low; therefore be it

Resolved, That the House of Representatives of the Commonwealth of Pennsylvania hereby place itself on record as favoring, recommending and demanding for the unfortunates of this wealthy sovereign state an increase in the amount of public assistance that each receives, commensurate with the increase in the cost of living in the particular community in which he or she resides, based on the best available Federal, State or local surveys and statistics; and be it further

Resolved, That copies of this resolution be transmitted by the Chief Clerk to His Excellency, the Governor of the Commonwealth, and to the Secretary of Public Assistance, each member of the State Board of Public Assistance, and the chairman of each county board of assistance.

The SPEAKER. The resolution lies over for printing under the Rules.

CONGRATULATORY RESOLUTION

Mr. DUFFY offered a resolution which was twice read, considered and adopted as follows:

In the House of Representatives, February 18, 1942.

Whereas, The Honorable J. Harold Levy of Philadelphia County has frequently disagreed politically with the Honorable Ellwood J. Turner of Delaware County; and

Whereas, Said disagreements have usually resulted in many verbal battles between them on the floor of this House; and

Whereas, The Honorable J. Harold Levy has resolved to undermine the power and popularity of the Honorable Ellwood J. Turner in Delaware County, and is not easily swayed from effectuating such determination, regardless of cost; and

Whereas, In furtherance of such design, purpose and scheme, he introduced himself to Miss Mildred Gorenstein of Delaware County, for the purpose of instituting his fifth column activities in said county, and to win her over to his side; and

Whereas, It is now reported that he has won her over to his side after long and persuasive arguments and entreaty; now therefore be it

Resolved, That this House congratulate the Honorable J. Harold Levy and Miss Mildred Gorenstein upon their engagement to be married; and be it further

Resolved, That a copy of this resolution be submitted to Miss Mildred Gorenstein of Delaware County as a memento of a successful campaign.

RESOLUTION

PUBLIC ASSISTANCE

Mr. VanALLSBURG offered a resolution and asked and obtained unanimous consent that it be read for the information of the House.

The resolution was read by the Clerk as follows:

In the House of Representatives, February 18, 1942.

Whereas, The cost of living has risen sharply during the past twelve months and is still rising; and

Whereas, The cost of the basic necessities to sustain health and vigor, such as meats, groceries and shelter, has increased approximately 20%; and

Whereas, The schedules of maximum Public Assistance grants to the needy of the Commonwealth now in effect were based upon the cost of living established in 1936, and it is plainly evident that they are not adequate to fulfill the Commonwealth's obligation to these unfortunates under present war-time inflationary price conditions; and

Whereas, It was reported that the State Board of Public Assistance is favorably inclined toward raising the assistance grants to a level comparable to the increase in living costs; and

Whereas, Funds to accomplish this purpose are believed to be available to the Legislature without resorting to additional taxation, therefore be it

Resolved, (if the Senate concur) That a joint investigating committee of six members of the General Assembly be appointed to study and investigate the adequacy of assistance grants in relation to recent increased costs of living, and be it further

Resolved, That said Committee shall be composed of three members of the House (one of whom shall be a member of the minority party) to be appointed by the Speaker of the House; and three members of the Senate (one of whom shall be a member of the minority party) to be appointed by the President Pro Tempore of the Senate, and

Be It Further Resolved, That said investigating committee shall report its findings, its conclusions and its recommendations, if any, for remedial legislation to both branches of the Legislature as soon as possible, and not later than March 15, 1942.

Be It Further Resolved, That copies of this Resolution be transmitted by the Chief Clerk to the following:

Secretary of the Department of Public Assistance
Chairman of the State Board of Public Assistance
His Excellency, the Governor of Pennsylvania

The SPEAKER. The resolution lies over for printing under the Rules.

CONDOLENCE RESOLUTION

Messrs. LEYDIC and FLEMING offered the following resolution which was twice read, considered and adopted:

In the House of Representatives, February 18, 1942.

The Honorable Samuel H. Gardner, former Judge of the Court of Common Pleas of Allegheny County, and former District Attorney of that county, died February 17th at his home in Tarentum.

Judge Gardner was born on a farm in Westmoreland

County on August 15, 1876. His early education was received in the public schools of Westmoreland County. In 1901 he was graduated from Grove City College, and for eight years following his graduation, he was principal of the Tarentum High School.

In 1909 he undertook the study of law at the University of Michigan. Later he transferred to the University of Pittsburgh, from which he obtained his law degree in 1911, when he was admitted to the bar.

Judge Gardner thereafter undertook the practice of law, and his legal ability early brought him into prominence in Allegheny County. In 1913 he joined the firm of McVicar, Hazlett and Gardner, and he remained a member of that firm until his appointment as a judge in 1930.

Judge Gardner was named assistant district attorney in 1918, and, in 1922, when the then district attorney was appointed to the bench, Judge Gardner was chosen by the judges of the Court of Common Pleas of Allegheny County as District Attorney. He was elected to a four year term as District Attorney in 1924, and reelected in 1927. As District Attorney of Allegheny County, Judge Gardner distinguished himself for the orderly and prompt conduct of the duties of his office, and particularly for his prosecution of the notorious vote fraud cases arising in the 1926 and 1927 elections.

Governor John H. Fisher appointed Judge Gardner as Judge of the Court of Common Pleas of Allegheny County in 1930, and he remained on the bench from that time until his retirement on January 1st of this year. During this period he distinguished himself as an outstanding jurist of this Commonwealth; therefore be it

Resolved, by the House of Representatives of the General Assembly of the Commonwealth, that the Commonwealth and the County of Allegheny have suffered a severe loss in the death of Judge Gardner, one of their outstanding citizens; and be it further

Resolved, That the House of Representatives by the adoption of this resolution expresses their sorrow at the loss of Judge Gardner; and be it further

Resolved, That this resolution be spread on the records of the House, and that a copy of it be transmitted by the Chief Clerk of this House to his widow, Mrs. Bertha Wood Gardner.

PERMISSION TO ADDRESS HOUSE

Mr. TURNER asked and obtained unanimous consent to address the House.

The SPEAKER. Before the gentleman from Delaware proceeds, the Chair would inform him that we are operating under Marquis of Queensbury rules.

Mr. TURNER. Mr. Speaker, it would be very unfair to operate under any boxing rules between Mr. Levy and myself, as the weight would be in my favor.

The SPEAKER. For the information of the gentleman from Delaware the Chair would state that the gentleman from Philadelphia is not fighting with the gentleman from Delaware; he is about to begin a big fight.

Mr. TURNER. Mr. Speaker, I do not think the gentleman from Philadelphia, Mr. Levy was here when the resolution was read and adopted on his attempt to invade Delaware County and acquire a future helpmate from our County. Whoever said he was trying to undermine me in my own county just doesn't know Delaware County. No Democrat has a chance down there.

I would just like to say to the gentleman from Philadelphia that I have disagreed with him on most occasions in the past, but this reminds me of the story of a man down in Norristown—Norristown being a place where they have an insane asylum—who was hanging out of a window one day. This was during the prohibition era. The man kept crying "I want whiskey, I don't want beer, I want whiskey, I don't want beer." There was a colored fellow wheeling a wheel barrow down below, working on the place. He looked up and said, "Boy you may have been crazy, but you are talking sense now." I hope this is an indication that the gentleman from Philadelphia has reformed and is now going to get some common sense out of Delaware County.

PERMISSION TO ADDRESS HOUSE

Mr. LEVY asked and obtained unanimous consent to address the House.

Mr. Speaker, I must admit that this is one time I am going to admit that the gentleman from Delaware is right.

BILL ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1, entitled:

An Act concerning the election of representatives of the people of Pennsylvania to serve in the House of Representatives of the Congress of the United States providing for the apportionment of the Commonwealth into Congressional districts and for the election of one representative in Congress at large

The first section was read.

On the question,

Will the House agree to the section?

Messrs. FLEMING and RHEA offered the following amendments:

Amend Sec. 1, page 1, lines 1 and 2, by striking out the following: "thirty-two of the"

Amend Sec. 1, page 1, line 5, by striking out the following: "thirty-two" and inserting in lieu thereof: thirty-three

Amend Sec. 1, page 1, line 6 to 9, both inclusive, by striking out all of said line.

Amend Sec. 1, page 2, line 1 to 28, both inclusive, by striking out all of said lines.

Amend Sec. 1, page 3, lines 1 to 28, both inclusive, by striking out all of said lines.

Amend Sec. 1, page 4, lines 1 to 29, both inclusive, by striking out all of said lines.

Amend Sec. 1, page 5, lines 1 to 9, both inclusive, by striking out all of said lines and inserting in lieu thereof:

The first district shall consist of the first, second, third, twenty-sixth, thirtieth, thirty-sixth, thirty-ninth and forty-eighth wards of the city of Philadelphia, and will have one Congressman.

The second district shall consist of the fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth, fourteenth, fifteenth, sixteenth, seventeenth, nineteenth, twentieth, thirty-first and thirty-third wards of the city of Philadelphia, and will have one Congressman.

The third district shall consist of the eighteenth, twenty-third, twenty-fifth, thirty-fifth, forty-first, forty-second and forty-fifth wards of the city of Philadelphia, and will have one Congressman.

The fourth district shall consist of the twenty-first, twenty-second, thirty-eighth, forty-ninth and fiftieth wards of the city of Philadelphia, and will have one Congressman.

The fifth district shall consist of the twenty-fourth,

twenty-eighth, twenty-ninth, thirty-second, thirty-seventh, forty-third, forty-fourth and forty-seventh wards of the city of Philadelphia, and will have one Congressman.

The sixth district shall consist of the twenty-seventh, thirty-fourth, fortieth, forty-sixth and fifty-first wards of the city of Philadelphia, and will have one Congressman.

The seventh district shall consist of the county of Delaware.

The eighth district shall consist of the counties of Bucks and Lehigh.

The ninth district shall consist of the counties of Lancaster and Chester.

The tenth district shall consist of the county of Lackawanna.

The eleventh district shall consist of the county of Luzerne.

The twelfth district shall consist of the counties of Schuylkill and Northumberland.

The thirteeth district shall consist of the county of Berks.

The fourteenth district shall consist of the counties of Bradford, Pike, Susquehanna, Wayne, Columbia, Montour, Sullivan, and Wyoming.

The fifteenth district shall consist of the counties of Clinton, Lycoming, Potter, Tioga, McKean, and Cameron.

The sixteenth district shall consist of the county of Montgomery.

The seventeenth district shall consist of the counties of Fulton, Huntingdon, Juniata, Mifflin, Perry, Snyder, Bedford, and Union.

The eighteenth district shall consist of the counties of Cumberland, Dauphin, and Lebanon.

The nineteenth district shall consist of the counties of Warren, Mercer, Venango, Clarion, and Elk.

The twentieth district shall consist of the counties of Northampton, Carbon, and Monroe.

The twenty-first district shall consist of the counties of Adams, York, and Franklin.

The twenty-second district shall consist of the counties of Clearfield, Centre, and Blair.

The twenty-third district shall consist of the counties of Fayette and Somerset.

The twenty-fourth district shall consist of the counties of Green and Washington.

The twenty-fifth district shall consist of the counties of Beaver, Butler, and Lawrence.

The twenty-sixth district shall consist of the counties of Armstrong, Indiana, Jefferson and Cambria.

The twenty-seventh district shall consist of the county of Westmoreland.

The twenty-eighth district shall consist of the counties of Crawford and Erie.

The twenty-ninth district shal consist of the twenty-first, twenty-second, twenty-third, twenty-fourth, twenty-fifth, twenty-sixth, and twenty-seventh wards of the city of Pittsburgh, and all the boroughs and townships, lying north of the Ohio and Allegheny Rivers, not included in the thirtieth district, in the county of Allegheny.

The thirtieth district shall consist of all the boroughs and townships lying between the Allegheny and Monongahela Rivers, and the boroughs of Springdale, Cheswick, Brackenridge, Tarentum, the townships of Harrison, Fawn, East Deer, Frazer and Springdale, and the city of McKeesport, in the county of Allegheny.

The thirty-first district shall consist of the first, second, third, fourth, fifth, sixth, ninth, tenth, eleventh, and fifteenth wards of the city of Pittsburg, in the county of Allegheny.

The thirty-second district shall consist of the seventh, eighth, twelfth, thirteenth, fourteenth, sixteenth, seventeenth, eighteenth, nineteenth, twentieth, and twenty-eighth wards of the city of Pittsburgh, in the county of Allegheny.

The thirty-third district shall consist of the twenty-ninth, thirtieth, thirty-first, and thirty-second wards of the city of Pittsburgh, the cities of Clairton and Duquesne, and all the boroughs and townships lying south of the Ohio and Monongahela Rivers, in the county of Allegheny.

On the question,

Will the House agree to the amendments?

Mr. TURNER. Mr. Speaker, I desire to interrogate the gentleman from Allegheny, Mr. Fleming.

The SPEAKER. Will the gentleman from Allegheny permit himself to be interrogated?

Mr. FLEMING. I shall, Mr. Speaker.

Mr. TURNER. Mr. Speaker, will the gentleman from Allegheny explain just what change this amendment makes to the bill?

Mr. FLEMING. Mr. Speaker, this amendment would reduce the congressional districts of the state of Pennsylvania from 34 to 33. It would take one congressman from the County of Philadelphia and leave the rest of the state districted as it is at the present time. In other words, the other 66 counties would not be disturbed; they would have the same congressional districts they have at the present time. We would take one away from the City of Philadelphia, where it rightly should come from because that is the one place in the State of Pennsylvania which has lost population. We in Allegheny have gained population as have other places in the State. Does that answer the gentleman's question?

Mr. TURNER. That answers my question, Mr. Speaker.

I have not had an opportunity to consult the majority leader on this, but across the floor I would like to ask for a ten minute recess.

Mr. ACHTERMAN. Mr. Speaker, I have no objection at this time to the declaring of such a recess.

RECESS

The SPEAKER. If there is no objection the Chair will declare a recess for ten minutes. Is there objection? The Chair hears none and a recess is declared.

AFTER RECESS

The time of recess having expired the House was called to order.

The SPEAKER (Elmer Kilroy) in the Chair.

BILL ON SECOND READING CONTINUED

On the question recurring,

Will the House agree to the amendments?

Mr. ACHTERMAN. Mr. Speaker, I desire to comment just briefly on the history of House Bill No. 1, or the history which gave rise to House Bill No. 1, to which the amendments are offered.

Every member of this House knows that in the 1941 General Session the House and the Senate were unable to agree on a reapportionment bill. Finally they adjourned after having appointed a committee whose duty it was to endeavor to draft or to prepare some plan by which we could take care of the elimination of one congressman in Pennsylvania. That committee met on many different occasions during the Summer and finally arrived at a conclusion. That conclusion is written

substantially in House Bill No. 1. It represents an agreement between the Democratic members and the Republican members as to how we would reapportion Pennsylvania. It is a pledge and an understanding that a real conscientious effort be made to enact it into law. The amendments offered would be a nullification of that agreement.

MOTION TO LAY ON TABLE

Mr. ACHTERMAN. For the reason stated Mr. Speaker, I move that the amendments be laid upon the table.

On the question,

Will the House agree to the motion?

PARLIAMENTARY INQUIRY

Mr. TURNER. Mr. Speaker, I rise to a question of parliamentary inquiry.

The SPEAKER. The gentleman from Delaware will state his parliamentary inquiry.

Mr. TURNER. Mr. Speaker, I understand that a motion to lay on the table is not debatable?

The SPEAKER. The gentleman is correct.

Mr. TURNER. Therefore, Mr. Speaker, I ask unanimous consent of the House to make a statement.

The SPEAKER. Will the House give unanimous consent to the gentleman from Delaware to make a statement? Is there objection?

Mr. ACHTERMAN. I object, Mr. Speaker.

The SPEAKER. The Chair hears objection and consent is not granted.

Mr. TURNER. Mr. Speaker, I desire to interrogate the gentleman from Monroe, Mr. Achterman.

The SPEAKER. Will the gentleman from Monroe permit himself to be interrogated?

Mr. ACHTERMAN. I shall, Mr. Speaker.

Mr. TURNER. Mr. Speaker, I would like to ask the gentleman from Monroe if he would object if he knew my purpose in asking unanimous consent was to make a statement to the effect that the large majority of the Republican members on this side of the House feel that the agreement on the part of the committee is something that we should in good faith support?

Mr. ACHTERMAN. Mr. Speaker, I have no objection to the gentleman from Delaware placing his party on record as desiring to carry out the agreement of the committee, certainly not.

The SPEAKER. Will the gentleman from Monroe withdraw his objection?

Mr. ACHTERMAN. I will, Mr. Speaker.

MOTION WITHDRAWN

The SPEAKER. Will the gentleman from Monroe withdraw his motion to lay upon the table, temporarily?

Mr. ACHTERMAN. I will, Mr. Speaker.

On the question recurring,

Will the House agree to the amendments?

Mr. TURNER. Mr. Speaker, I presume I do not need to again ask for unanimous consent, but I do ask for unanimous consent to address the House.

The SPEAKER. It is not necessary. The gentleman will proceed.

Mr. TURNER. Mr. Speaker, the Republican members on this side of the House have great sympathy, as I think all of us must have, with the districts that are affected by this reapportionment, and as they would have for any district that would be affected by reapportionment. However, the committee met and drafted an agreement which they submitted to the Governor. On the basis of that agreement the Governor called this special session. We, therefore, feel that while we have sympathy with those members whose districts are affected, and who may feel they should oppose this reapportionment, nevertheless, the majority of us feel we should support the agreement in good faith and should therefore vote to table this amendment.

AMENDMENTS LAID ON TABLE

Mr. ACHTERMAN. Mr. Speaker, I now renew my motion to lay the amendment on the table.

On the question,

Will the House agree to the motion?

The yeas and nays were required by Mr. RHEA and Mr. FLEMING and were as follows:

YEAS—144

Achterman,	French,	McClanaghan,	Rosenfeld,
Auker,	Gallagher,	McClester,	Royer,
Baker,	Gates,	McDermott,	Sarge,
Balthaser,	Gerard,	McDowell,	Scanlon,
Baugher,	Gyger,	McFall	Schwab,
Bentley,	Haberlen,	McGrath,	Shaw,
Bentzel,	Haines,	McIntosh,	Skale,
Boles,	Hall,	McKinney,	Sollenberger,
Boney,	Hamilton,	McLanahan,	Sorg,
Boorse,	Harmuth,	McLane,	Stambaugh,
Bradley,	Harris,	McMillen,	Stine,
Breth,	Hering,	McSurdy,	Tarr,
Bretherick,	Herman,	Melchiorre,	Tate,
Brown,	Hersch,	Modell,	Taylor,
Brunner, C H.,	Hewitt,	Monks,	Thompson, E. F.,
Brunner, P. A.,	Hirsch,	Mooney,	Trout,
Burris,	Holland,	Muir,	Turner,
Chudoff,	Huntley,	Nagel,	VanAllsburg,
Cohen, M. M.,	Imbrie,	O'Brien,	Vogt,
Cohen, R. E.,	James,	O'Dare,	Watkins,
Cordier,	Jefferson,	O'Mullen,	Weingartner,
Croop,	Jones, G. E.,	O'Neill,	Welsh, E. B.,
Cullen,	Kenehan,	Petrosky,	Welsh, M. J.,
Dennison,	Kline,	Pettit,	Wilkinson,
DiGenova,	Knoble,	Polen,	Williams,
Dix,	Kolankiewicz,	Powers,	Winner,
Dolon,	Komorofski,	Prosen,	Wolf,
D'Ortona,	Krise,	Rank,	Wood, L. H.,
Duffy,	Lee, E. A.,	Rausch,	Wood, N.,
Early,	Lee, T. H.,	Readinger,	Woodring,
Elliott,	Leonard,	Reagan,	Wright,
Falkenstein,	Lesko,	Reese, D. P.,	Yeakel,
Finestone,	Levy,	Reese R E.,	Yester,
Finnerty,	Lichtenwalter,	Reynolds,	Young,
Fiss,	Longo,	Rooney,	Kilroy,
Fletcher,	Lovett,	Rose, S.,	Speaker.
Foor,	Maxwell,	Rose, W. E.,	

NAYS—22

Cochran,	Greenwood,	O'Connor	Shaffer,
Cooper,	Hare,	Polaski,	Snyder,
Dalrymple,	Keenan,	Rhea,	Thompson, R. L.,
Elder,	Lyons,	Riley,	Wagner,
Ely,	Moran,	Sarraf,	Weiss,
Fleming,	Nunemacher,		

So the question was determined in the affirmative and the motion was agreed to.

On the question recurring,

Will the House agree to the section?

Messrs. RONALD L. THOMPSON and COOPER offered the following amendments:

Amend Sec. 1, page 1, lines 1 and 2, by striking out the words: "thirty-two of the".

Amend Sec. 1, page 1, line 5, by striking out the words: "thirty-two" and inserting in lieu thereof: "thirty-three".

Amend Sec. 1, page 3, line 10, by striking out the words: "Clinton Lycoming Tioga."

Amend Sec. 1, page 3, lines 12 to 16, by striking out the following: "sixth ninth" in line 12, and all of lines 13 to 16, both inclusive, and inserting in lieu thereof: "counties of Clinton, Lycoming, Potter, Tioga, McKean and Cameron."

Amend Sec. 1, page 3, line 25, by inserting after the word "Warren" the following: "Mercer."

Amend Sec. 1, page 3, line 25, by inserting after the word "Clarion" the following: "and."

Amend Sec. 1, page 3, lines 25 and 26, by striking out the following: "Potter, McKean and Cameron."

Amend Sec. 1, page 3, line 28, by inserting after the word "Carbon" the following: "and."

Amend Sec. 1, page 3, line 28, by striking out the words "and Pike."

Amend Sec. 1, page 4, line 6, by inserting after the word "Fayette" the following: "and."

Amend Sec. 1, page 4, line 6, by striking out the words: "and Greene."

Amend Sec. 1, page 4, line 7, by inserting at the end of said line, the following: "Greene and."

Amend Sec. 1, page 4, lines 8 to 12, by striking out the following: "and the following boroughs and townships in" in line 8, and all of lines 9 to 12, both inclusive.

Amend Sec. 1, page 4, line 20, by inserting after the word "Crawford" the following: "and."

Amend Sec. 1, page 4, line 20, by striking out the words: "and Mercer."

Amend Sec. 1, page 4, lines 21 to 25, by striking out the following: "the boroughs" in line 21, and all of lines 22 to 25, both inclusive, and inserting in lieu thereof: "of Allegheny County lying north of the Ohio and the Allegheny Rivers."

Amend Sec. 1, page 4, lines 26 to 28, by striking out the following: "first second" in line 26, all of line 27, and the words "thirteenth fourteenth and fifteenth wards of the" in line 28.

Amend Sec. 1, page 4, line 29, by inserting after the word "Pittsburgh" the following: "lying between the Allegheny and the Monongahela Rivers."

Amend Sec. 1, page 5, lines 1 to 9, by striking out the following: "the sixteenth" in line 1, and all of lines 2 to 9, both inclusive, and inserting in lieu thereof: "all of Allegheny County lying south of the Ohio and Monongahela Rivers and west of a line formed by the easterly boundary lines of the townships of Baldwin and Snowden.

The thirty-third district shall consist of all of Allegheny County not included in the thirtieth, thirty-first or thirty-second districts."

On the question,

Will the House agree to the amendments?

AMENDMENTS LAID ON TABLE

Mr. ACHTERMAN. Mr. Speaker, for the reasons heretofore stated, I move that the amendments be laid on the table.

On the question,

Will the House agree to the motion?

The yeas and nays were required by Mr. COOPER and Mr. RONALD L. THOMPSON and were as follows:

YEAS—128

Achterman,	Gates,	Lovett,	Rose, W. E.,
Auker,	Gerard,	Maxwell,	Royer,
Baker,	Goodwin,	McClanaghan,	Sarraf,
Balthaser,	Gross,	McClester	Scanlon,
Baugher,	Gryskewicz,	McDermott	Schwab,
Bentzel,	Gyger,	McDowell	Serrill,
Boies,	Haberlen,	McFall	Shaffer,
Boorse,	Haines,	McGrath,	Shaw,
Bradley,	Hall,	McIntosh,	Skale,
Breth,	Hamilton,	McLane,	Sollenberger,
Bretherick,	Harris,	McMillen,	Stambaugh,
Brunner, C. H.,	Hering,	McSurdy,	Stank,
Brunner, P. A.,	Herman,	Melchiorre,	Stine,
Burns,	Hersch,	Modell,	Tarr,
Burris,	Hirsch,	Monks,	Tate,
Chervenak,	Huntley,	Mooney,	Taylor,
Chudoff,	Imbrie,	Moran,	Thompson, E. F.,
Cohen, M. M.,	Jefferson,	Muir,	Trout,
Cordier,	Jones, G. E.,	Munley,	Turner,
Croop,	Kenehan,	O'Brien,	Verona,
Dennison,	Kline,	O'Dare,	Vincent,
DiGenova,	Knoble,	O'Mullen,	Vogt,
Dix,	Kolankiewicz,	O'Neill,	Watkins,
Dolon,	Krise,	Petrosky,	Weingartner,
Duffy,	Lee, E. A.,	Polen,	Weiss,
Early,	Lee, T. H.,	Powers,	Welsh, M. J.,
Elliott,	Leisey,	Prosen,	Wolf,
Finestone,	Leonard,	Rausch,	Wood, L. H.,
Finnerty,	Lesko,	Readinger,	Woodring,
Fletcher,	Levy,	Reagan,	Yester,
Flynn,	Lichtenwalter,	Rooney,	Young,
French,	Longo,	Rose, S.,	Kilroy, Speaker

NAYS—12

Cooper,	Fleming,	Polaski,	Snyder,
Dalrymple,	Hare,	Rhea,	Thompson, R. L.,
Ely,	Harmuth,	Simons,	Wagner,

So the question was determined in the affirmative and the motion was agreed to.

On the question recurring,

Will the House agree to the section?

Mr. O'CONNOR offered the following amendment.

Amend section 1, page 1, line 5 by striking out the word "thirty-two" and insert in lieu thereof "thirty-three."

Amend section 1, page 3, line 10 by striking out the words "Clinton, Lycoming."

Amend section 1, page 3, line 25 by striking out the word "Clarion."

Amend section 1, page 4, line 4 by striking out the word "Clearfield" and insert in lieu thereof the following: "Clinton, Lycoming."

Amend section 1, page 4, line 16 by striking out the words "Armstrong, Indiana, Jefferson" and insert in lieu thereof the following: "Clearfield."

Amend section 1, page 5 by inserting immediately after line 9 the following: "The thirty-third district shall consist of the counties of Indiana, Armstrong, Jefferson and Clarion."

Amend section 1, page 5 by striking out all of the lines from 10 to 18 both inclusive.

On the question,

Will the ouse agree to the amendments?

AMENDMENTS LAID ON TABLE

Mr. ACHTERMAN. Mr. Speaker, for the reasons heretofore stated I move that the amnedments be laid on the table.

On the question,

Will the House agree to the motion?

Mr. O'CONNOR. Mr. Speaker, I desire to call your attention to the fact, before you put the question, that the amendments were not read in full.

The SPEAKER. Will the gentleman from Cambria explain what he means?

Mr. O'CONNOR. Mr. Speaker, I am referring to the last few lines of the amendments.

The SPEAKER. What was not read?

Mr. O'CONNOR. Mr. Speaker, the amendments to the title.

The SPEAKER. We are only considering Section 1 of the bill. The amendments to the title will be read when we reach the title.

Mr. O'CONNOR. Mr. Speaker, I desire unanimous consent of the House to address the House.

The SPEAKER. The gentleman from Cambria is out of order. There is nothing before the House except the question on the motion to lay the amendments on the table.

On the question recurring,

Will the House agree to the motion?

It was agreed to.

On the question recurring,

Will the House agree to the section?

Mr. ACHTERMAN. Offered the following amendment:

Amend Sec. 1, page 5, line 7, by striking out the following "Rosalyn" and inserting in lieu thereof: "Rosslyn."

On the question,

Will the House agree to the amendment?

Mr. ACHTERMAN. Mr. Speaker, for the information of the House all the amendment does is to correct a misspelled word.

Mr. FLEMING. Mr. Speaker, are we sure that the amendment of Mr. Achterman does not violate the conscientious effort of the committee?

Mr. ACHTERMAN. Mr. Speaker, in the same facetious frame of mind, I am submitting it to the members of the committee.

On the question recurring,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The second section was read.

The amendments offered by Messrs. FLEMING and RHEA were withdrawn.

The amendments offered by Messrs. RONALD L. THOMPSON and COOPER were withdrawn.

The second section was agreed to.

The third and fourth sections were separately read and agreed to.

The title was read.

The amendment offered by Messrs. FLEMING and RHEA was withdrawn.

The amendment offered by Messrs. RONALD L. THOMPSON and COOPER was withdrawn.

The amendment offered by Mr. O'CONNOR was withdrawn.

The title was agreed to.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for third reading.

RESOLUTION

Mr. TATE offered a resolution which was laid over for printing under the Rules.

ADJOURNMENT

Mr. ACHTERMAN. Mr. Speaker, I move that this House do now adjourn until Thursday, February 19, 1942, at 11 a. m.

The motion was agreed to, and (at 2:27 p. m.) the House adjourned.

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal.

Extraordinary Session of 1942.

Vol. 26. HARRISBURG, PA., THURSDAY, FEBRUARY 19, 1942. No. 3.

SENATE

THURSDAY, February 19, 1942

The Senate met at 10:00 o'clock, a. m., E. W. T.

The PRESIDENT PRO TEMPORE (Charles H. Ealy) in the Chair.

PRAYER

The Chaplain, Rev. Edwin S. Wallace offered the following prayer:

Heavenly Father, we reverently bow our heads in Thy presence, acknowledging Thy sovereignty and our dependence upon Thee. Thou has given us life, and with that gift of life are many responsibilities. May we meet them in faith and confidence.

Teach us to so number our days that we may accomplish what Thou has given us to do.

We give Thee thanks for the common blessings of life which come to us from day to day without being asked for, and for which, too often, we make no expression of thanks. For life and health and food and privileges, we give Thee thanks. For home and loved ones and friends we give Thee thanks. For a country where freedom under law is enjoyed, where our religious beliefs and practices are not interfered with, where justice and mercy go hand in hand, where truth and honor among men and nations is enjoined and practiced, we give Thee thanks.

We ask Thy blessing upon this legislative session and Thy guidance in all the deliberations and conclusions of the session. We ask Thy blessings on the President of the United States, on the Governor of this Commonwealth and on all who are in authority. All authority comes from Thee. Bless the nation. Give it spiritual and material success, with victory over all its enemies, to be followed by a just and lasting peace.

All this we pray in the name of the Prince of Peace. Amen.

JOURNAL APPROVED

The PRESIDENT PRO TEMPORE. A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. HEYBURN and Mr. SNOWDEN, the further reading was dispensed with, and the Journal was approved.

LEAVE OF ABSENCE

Mr. Farrell asked and obtained leave of absence for the Senator from Chester, Mr. SCARLETT.

Mr. McGinnis asked and obtained leave of absence for the Senator from Luzerne, Dr. MUNDY.

CALENDAR

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 19, entitled:

An Act to protect property by prohibiting certain unlawful entries on, injuries to, and interference with property and waters and attempts or conspiracies to do so; authorizing the closing of streets; conferring powers on the Water and Power Resources Board, and on peace officers, watchmen, guards and supervisors, and providing penalties.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 20, entitled:

An Act giving the consent of the Commonwealth of Pennsylvania, to the acquisition by the United States of America of about 34 acres of land in the Borough of Eddystone, Delaware County, Pennsylvania, for use in the establishment of a plant to produce steel forgings and other articles necessary for National Defense; and ceding jurisdiction to the United States.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 21, entitled:

An Act authorizing political subdivisions to levy a special tax for the purpose of providing funds, a part or all of which may be appropriated to any local or district council of defense within said political subdivision; authorizing political subdivisions to borrow money, under certain conditions for such purposes; and ratifying, confirming and validating appropriations heretofore made for said purposes.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 27, entitled:

An Act to provide for the expenses of the Extraordinary Session of the Legislature assembled February seventeenth, one thousand nine hundred forty-two, in pursuance of the proclamation of the Governor of the Commonwealth dated February tenth, one thousand nine hundred forty-two, and the supplement thereto.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL INTRODUCED

Mr. WALKER. Mr. President, I would like to make just one comment to the Senate with regard to this bill which we are about to present. This bill is being presented on behalf of myself and several colleagues who have signed the bill.

Mr. President, I want to call to the attention of the Senate the fact that this is a bill on Congressional Reapportionment and that it is the second bill which a group of us have introduced since the beginning of this Special Session. The purposes of these two bills we have introduced are very simple. We feel it is an approach to reapportionment that we would like to direct to the attention of the members of the Senate.

The first bill, which we introduced yesterday, merely takes one Congressman out of the County of Philadelphia and leaves all of the rest of the congressional districts just as they are at the present time.

This bill which we are now presenting to the Chair takes one Congressman out of the County of Allegheny and leaves all of the others congressional districts throughout the state just as they are at the present time.

It is our firm belief, Mr. President, that a reapportionment or a political readjustment such as this will cause less confusion and less turmoil than the bill as presently suggested by the special committee which worked on behalf of both Houses of the Legislature. These two bills are offered not with a view of belittling the Committee which toiled so endlessly to solve this vexing problem, they are merely presented with this thought in mind, that the need for an equitable Congressional Reapportionment was felt by all the members of the special committee, but due to political circumstances surrounding their endeavors it was impossible to arrive at an equitable distribution of the congressional setup, and therefore it became necessary for them to have a compromise that is more or less a political adjustment of the thirty-four congressional districts into thirty-three, and in making this readjustment they found it necessary to give and take because, after all, that is the very essence of compromise, and so the Republican Party and the Democratic Party both gave up a district, because, in order to split the state into thirty-two Congressional districts, and have one Congressman at large, it was necessary to disturb political lines and political divisions that had been established for years.

We feel, Mr. President, that is going to create confusion all over the state. We feel it is going to make a maladjustment and create confusion in the labors of those who have labored long in the Halls of Congress, and we seriously direct the attention of the members of the Senate to what we feel might be the answer to Congressional Reapportionment. There has been the thought expressed that there should be taken a Congressman from a county where population has been lost, and the bill which we introduced yesterday will do that, because it takes a Congressman from Philadelphia; perchance you will think we are trying to pick on the largest and most popular county in the State, and therefore we offer this bill which takes one out of the County of Allegheny and leaves the rest of the state alone.

I say to you in all seriousness this problem can be solved because there are sufficient bills before the Legislature to solve the problem, and we seriously direct the attention of the Legislature to this most vexing problem.

Mr. WALKER. Mr. President, I ask unanimous consent to introduce a bill at this time.

The PRESIDENT PRO TEMPORE. Is there objection? The Chair hears none.

Messrs. WALKER, GELTZ, CARR, ZIESENHEIM and CROWE read in place and presented to the Chair Senate Bill No. 29, entitled:

An Act to apportion the State into congressional districts.

Which was committed to the Committee on Congressional Apportionment.

REPORT FROM COMMITTEE

Mr. BECKER. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT PRO TEMPORE. Is there objection? The Chair hears none.

Mr. BECKER, from the Committee on Banking reported as committed, Senate Bill No. 28, entitled:

An Act to further amend Section 801 of the act, approved the fifth day of May, one thousand nine hundred and thirty-three (P. L. 457), entitled "An act relating to the business of building and loan associations; providing for the organization and voluntary dissolution of such associations; defining the rights, powers, duties, liabilities, and immunities of such associations, and of their officers, directors, shareholders, solicitors, and other employes; prohibiting the transaction of business in this Commonwealth by foreign building and loan associations; conferring powers and imposing duties upon the courts, recorders of deeds, and certain State departments, commissions, and officers; establishing limitations of actions; imposing penalties; and repealing certain acts and parts of acts," by authorizing building and loan associations to act as fiscal agents of the United States Government for the sale of United States Defense Bonds and Defense Stamps, and permitting such associations to pledge their assets for the faithful performance of their duties as such agents.

APPOINTMENT OF MEMBERS ON PAPER AND FILING CASE SALVAGE COMMITTEE

The PRESIDENT PRO TEMPORE announced the fol-

lowing members of the Senate to serve upon the Paper and Filing Case Salvage Committee: The gentleman from Cumberland, Senator Wade, the gentleman from Adams, Senator Crider, and the gentleman from Berks, Senator Ruth.

MOTION TO READ BILLS THE FIRST TIME

Mr. GELTZ. Mr. President, I move that the Senate do now proceed to the first reading of all bills reported from committees for the first time at today's session.

Mr. HOMSHER. Mr. President, I second the motion.

The motion was agreed to.

BILL ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 28, entitled:

An Act to further amend Section 801 of the act, approved the fifth day of May, one thousand nine hundred and thirty-three (P. L. 457), entitled "An act relating to the business of building and loan associations; providing for the organization and voluntary dissolution of such associations; defining the rights, powers, duties, liabilities, and immunities of such associations, and of their officers, directors, shareholders, solicitors, and other employes; prohibiting the transaction of business in this Commonwealth by foreign building and loan associations; conferring powers and imposing duties upon the courts, recorders of deeds, and certain State departments, commissions, and officers; establishing limitations of actions; imposing penalties; and repealing certain acts and parts of acts", by authorizing building and loan associations to act as fiscal agents of the United States Government for the sale of United States Defense Bonds and Defense Stamps, and permitting such associations to pledge their assets for the faithful performance of their duties as such agents.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

RECESS

Mr. GELTZ. Mr. President, I move that the Senate do now take a recess until 11:05 o'clock, a. m.

Mr. MILLER. Mr. President, I second the motion.

The motion was agreed to.

AFTER RECESS

The PRESIDENT PRO TEMPORE. The time of recess having elapsed the Senate will be in order.

HOUSE MESSAGE

TIME OF NEXT MEETING

The Clerk of the House of Representatives being introduced informed the Senate that the House has concurred in Resolution from the Senate as follows:

In the Senate, February 18, 1942.

Resolved (if the House of Representatives concur) That When the Senate adjourns this week it reconvene on Monday, February 23, 1942, at 4:00 o'clock, p. m. Eastern War Time; and when the House of Representatives adjourns this week it reconvene on Tuesday, February 24, 1942, at 3:00 o'clock, p. m., Eastern War Time.

BILLS INTRODUCED

Mr. WADE. Mr. President, I ask unanimous consent to introduce a bill at this time.

The PRESIDENT PRO TEMPORE. Is there objection? The Chair hears none.

Mr. WADE read in place and presented to the Chair Senate Bill No. 30, entitled:

An Act to further amend section two of the act, approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 600), entitled, "An act providing that appointive officers and employes, employed by the Commonwealth of Pennsylvania in its civil service, or by any department, bureau, commission, or office thereof, or by any county, municipality, township, or school district, shall not be deemed or held to have resigned or abandoned their offices or employments by reason of enlistment, enrollment, or draft in the military or naval service of the United States or any branch or unit thereof, in time of war or contemplated war; prohibiting the removal from their offices or employments of such officers and employes during the period of their service in the Army or Navy; directing that one-half of the salaries or wages of such officers or employes as have dependent wives, children, or parents, and not exceeding two thousand dollars per annum, be paid during the term of their service in the Army or Navy to such dependents; authorizing the employment during said term of substitutes to perform the duties theretofore performed by such officers or employes, respectively, and providing for the compensation of such substitutes", by revising the benefits payable to dependents under said act.

Which was committed to the Committee on State Government.

Mr. STEVENSON. Mr. President, I ask unanimous consent to introduce a bill at this time.

The PRESIDENT PRO TEMPORE. Is there objection? The Chair hears none.

Mr. STEVENSON read in place and presented to the Chair Senate Bill No. 31, entitled:

An Act making available the services of recipients of general assistance by permitting them to earn a limited amount of money without forfeiting their right to assistance or any part thereof.

Which was committed to the Committee on Welfare, Public Assistance and Pensions.

Mr. DENT. Mr. President, I ask unanimous consent to introduce a bill at this time.

The PRESIDENT PRO TEMPORE. Is there objection? The Chair hears none.

Mr. DENT read in place and presented to the Chair Senate Bill No. 32, entitled:

An Act to amend sections five hundred one, five hundred nine, five hundred twelve and eight hundred four of the act approved the fifth day of December, one thousand nine hundred and thirty-six (1937, P. L. 2897), entitled "An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry, and its existing and newly created agencies with personnel (with certain exceptions) selected on a civil service basis; requiring employers to keep records and make reports, and certain employers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons; providing procedure and administrative details for the determination, payment and collection of such

contributions and the payment of such compensation; providing for cooperation with the Federal Government and its agencies; creating certain special funds in the custody of the State Treasurer; and prescribing penalties," authorizing a single determination of all claims arising out of and depending on the same facts and circumstances; permitting the department to revise or amend its decisions on the basis of after-discovered evidence; regulating the giving of notice of decisions; providing for immediate payment of the uncontested amount of benefits pending appeal; making decisions of the board and of the courts binding as precedents on the department and on the board; and requiring repayment of compensation unlawfully received only when the same was knowingly and fraudulently obtained, and giving the department certain rights of subrogation.

Which was committed to the Committee on Workmen's Compensation.

ADJOURNMENT

Mr. GELTZ. Mr. President, I move that the Senate do now adjourn until Monday, February 23, 1942, at 4:00 o'clock, p. m. Eastern War Time.

Mr. TAYLOR. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 11:35 o'clock, a. m. Eastern War Time until Monday, February 23, 1942 at 4:00 o'clock p. m., Eastern War Time.

HOUSE OF REPRESENTATIVES

THURSDAY, February 19, 1942

The House met at 11 a. m.

The SPEAKER (Elmer Kilroy) in the Chair.

PRAYER

The Chaplain, Rev. Donald McFall offered the following prayer:

Spirit of the Living God, help us this day to catch the true meaning of the words of the Psalmist as he wrote; "The Lord is the strength of my life."

As we come face to face with Thy glory, may we see the frailty of our hearts and recognize the incompetence of our bodies. Remove from us the mask of courage and mastery in order that we may become mindful of our soul's need to know Thee.

To enjoy this strength of life, we must have an intimate knowledge of ourselves. Therefore, we beseech Thee, give us not only that knowledge, but add to it a clear conscience and a desire for companionship with Thee and those who call us friends. In Jesus' name we pray. Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of yesterday.

The Clerk proceeded to read the Journal of yesterday, when, on motion of Mr. HUNTLEY, unanimously agreed to, the further reading was dispensed with and the Journal approved.

SENATE MESSAGE

TIME OF NEXT MEETING

The Clerk of the Senate being introduced, presented the following extract from the Journal of the Senate, which was read as follows, viz:

In the Senate, February 18, 1942.

Resolved, (if the House of Representatives concur), That when the Senate adjourns this week, it reconvene on Monday, February 23, 1942, at 4 p. m., and when the House of Representatives adjourns this week, it reconvene on Tuesday, February 24, 1942, at 3 p. m.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

On the question,

Will the House concur in the resolution of the Senate?

It was unanimously concurred in.

Ordered, That the Clerk inform the Senate accordingly.

BILLS INTRODUCED AND REFERRED

By Messrs. FLEMING and RHEA. HOUSE BILL No. 4.

An Act to apportion the State into congressional districts.

Referred to the Select Committee on Special Session Legislation.

By Mr. HOLLAND. HOUSE BILL No. 5.

An Act relating to elective public offices, the incumbents of which enter military or naval service; providing that such offices shall not be considered vacant or the incumbents thereof disqualified by reason of such military or naval service; making provisions for certain deputies, assistants or substitutes to perform the functions of such office during the period of such military or naval service, or until the terms of office have ended; prescribing the qualifications, powers, duties, liabilities and compensation of such deputies, assistants or substitutes and defining the extent and effect of said act upon the various incidents of such office, including incompatibility, vacancy, compensation, terms, misconduct, removal and holding over.

Referred to the Select Committee on Special Session Legislation.

By Mr. HOLLAND. HOUSE BILL No. 6.

An Act requiring instruction in the school of the soldier for male students in the last two years of public high school; providing for instruction and equipment therefor, and the reimbursement of school districts by the Commonwealth; conferring powers and imposing duties on the State Council of Education and on the Department of Military Affairs and making an appropriation.

Referred to the Select Committee on Special Session Legislation.

By Mr. HOLLAND. HOUSE BILL No. 7.

An Act making appropriations out of the Motor License Fund to the Department of Highways for allocation to and expenditure in cities, boroughs and towns of the Commonwealth for maintenance, construction, reconstruction resurfacing or improvement of municipal roads, highways and bridges used and usable for military and defense industry purposes during the calendar years one thousand nine hundred forty-two and one thousand nine hundred forty-three; permitting the use of the funds for maintenance and repair of municipal roads, highways

and bridges under certain conditions; and providing for the method of payment to such political subdivisions.

Referred to the Select Committee on Special Session Legislation.

By Messrs. MARKS and READINGER.

HOUSE BILL No. 8.

An Act to further amend section two of the act, approved the seventh day of June, one thousand nine hundred seventeen (P. L. 600), entitled "An act providing that appointive officers and employes, employed by the Commonwealth of Pennsylvania in its civil service, or by any department, bureau, commission, or office thereof, or by any county, municipality, township, or school district, shall not be deemed or held to have resigned or abandoned their offices or employments by reason of enlistment, enrollment, or draft in the military or naval service of the United States or any branch or unit thereof, in time of war or contemplated war; prohibiting the removal from their offices or employments of such officers and employes during the period of their service in the Army or Navy; directing that one-half of the salaries or wages of such officers or employes as have dependent wives, children, or parents, and not exceeding two thousand dollars per annum, be paid during the term of their service in the Army or Navy to such dependents; authorizing the employment during said term of substitutes to perform the duties theretofore performed by such officers or employes, respectively, and providing for the compensation of such substitutes," by more fully defining amounts payable.

Referred to the Select Committee on Special Session Legislation.

By Messrs. HARMUTH and HEATHERINGTON.

HOUSE BILL No. 9.

An Act to amend section four hundred one of the act, approved the fifth day of December, one thousand nine hundred thirty-six (1937, P. L. 2897), entitled "An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry and its existing and newly created agencies with personnel (with certain exceptions) selected on a civil service basis; requiring employers to keep record and make reports, and certain employers to pay contributions based on payrolls to provide monies for the payment of compensation to certain unemployed persons; providing procedure and administrative details for the determination, payment and collection of such contributions and the payment of such compensation; providing for cooperation with the Federal Government and its agencies; creating certain special funds in the custody of the State Treasurer; and prescribing penalties," providing for the payment of compensation to persons enlisting or being inducted in the armed forces of the United States.

Referred to the Select Committee on Special Session Legislation.

By Mr. CHERVENAK. HOUSE BILL No. 10.

An Act to further amend section six hundred twenty-eight, and to amend section six hundred twenty-nine of the act approved the third day of June, one thousand nine hundred thirty-seven (P. L. 1333), entitled "An act concerning elections, including general, municipal, special and primary elections, the nomination of candidates, primary and election expenses and election contests; creating and defining membership of county boards of elections; imposing duties upon the Secretary of the Commonwealth, courts, county boards of elections; county commissioners; imposing penalties for violation of the act, and codifying, revising and consolidating the laws relating thereto; and repealing certain acts and parts of acts relating to elections," extending the time within which writs of election may issue for holding special elections to fill vacancies occurring in either house of the General Assembly, and the time within which nominations therefor may be filed.

Referred to the Select Committee on Special Session Legislation.

RESOLUTIONS INTRODUCED AND REFERRED

By Mr. KENEHAN. RESOLUTION No. 1.

In the House of Representatives, February 18, 1942.

Whereas, It appears that the present Congress of the United States will be called upon to pass upon the construction of the St. Lawrence Seaway; therefore be it

Resolved, That the House of Representatives of the Commonwealth of Pennsylvania is opposed to the proposed St. Lawrence Seaway because of its economical impracticability, its entire lack of advantage as a defense measure, and its detriment to business in the Commonwealth of Pennsylvania; and be it further

Resolved, That the House of Representatives of the Commonwealth of Pennsylvania hereby memorialize the Congress of the United States not to approve or authorize the construction of the proposed St. Lawrence Seaway; and be it further

Resolved, That a copy of this resolution be transmitted to the Secretary of the United States Senate, the Speaker of the House of Representatives, and to each Senator and Representative elected from the Commonwealth of Pennsylvania.

Referred to the Select Committee on Special Session Legislation.

By Mr. VanALLSBURG.

(Concurrent) RESOLUTION No. 2.

In the House of Representatives, February 18, 1942.

Whereas, The cost of living has risen sharply during the past twelve months and is still rising; and

Whereas, The cost of the basic necessities to sustain health and vigor, such as meats, groceries and shelter, has increased approximately 20%; and

Whereas, The schedules of maximum Public Assistance grants to the needy of the Commonwealth now in effect were based upon the cost of living established in 1936, and it is plainly evident that they are not adequate to fulfill the Commonwealth's obligation to these unfortunates under present war-time inflationary price conditions; and

Whereas, It was reported that the State Board of Public Assistance is favorably inclined toward raising the assistance grants to a level comparable to the increase in living costs; and

Whereas, Funds to accomplish this purpose are believed to be available to the Legislature without resorting to additional taxation, therefore be it

Resolved (if the Senate concur) That a joint investigating committee of six members of the General Assembly be appointed to study and investigate the adequacy of assistance grants in relation to recent increased costs of living, and be it further

Resolved, That said Committee shall be composed of three members of the House (one of whom shall be a member of the minority party) to be appointed by the Speaker of the House; and three members of the Senate (one of whom shall be a member of the minority party) to be appointed by the President Pro Tempore of the Senate, and

Be It Further Resolved, That said investigating committee shall report its findings, its conclusions and its recommendations, if any, for remedial legislation to both branches of the Legislature as soon as possible, and not later than Mar. 15th, 1942.

Be It Further Resolved, That copies of this Resolution be transmitted by the Chief Clerk to the following:

Secretary of the Department of Public Assistance.
Chairman of the State Board of Public Assistance.
His Excellency, the Governor of Pennsylvania.

Referred to the Select Committee on Special Session Legislation.

By Messrs. MELCHIORRE and TATE.

RESOLUTION No. 3.

In the House of Representatives, February 18, 1942.

Whereas, Our Eastern coast is now menaced by enemy submarines who are taking a toll of our shipping in the Atlantic; and

Whereas, The bombing squadrons of the Army and Navy are now engaged in exacting payment from these raiders for their depradations; and

Whereas, An Army flier, Corporal John J. Duffy, of 3908 N. Darien Street, Philadelphia, was recently cited by the United States Army for distinguished service in bombing and probably sinking an enemy submarine during most difficult weather conditions; and

Whereas, The House of Representatives recognizes and honors the heroism and distinguished service of a fellow Pennsylvanian; therefore be it

Resolved, That the House of Representatives pauses in its deliberations to pay tribute to Corporal John J. Duffy; and be it further

Resolved, That a copy of this resolution be transmitted to his family conveying the respect and admiration of the House of Representatives for this distinguished citizen of our Commonwealth.

Referred to the Select Committee on Special Session Legislation.

By Mr. CORDIER. (Concurrent) RESOLUTION No. 4.

In the House of Representatives, February 18, 1942.

Whereas, During the economic depression of the past few years, it became necessary to levy, and continue from year to year, temporary emergency taxes in order to carry on a program of public assistance rendered unduly burdensome by widespread unemployment. Among these, the increased personal property tax is especially onerous and confiscatory in its nature; and

Whereas, Conditions have now materially changed so that the public assistance burden is considerably lessened, and the need for emergency taxes should no longer exist, or should exist only to a very limited extent; and

Whereas, The entire system of State taxation has developed over an extensive period of time without at any time being revised and coordinated as a whole; therefore be it

Resolved (if the Senate concur), That a joint legislative commission is hereby created to study all phases of State taxation and revenues, so as to enable it to lay before the General Assembly a complete picture of the fiscal affairs of the Commonwealth at the end of the present fiscal year, with a view to determining the possibilities of tax reduction at this time. The commission shall consist of five senators appointed by the President pro tempore of the Senate and five members of the House of Representatives to be appointed by the Speaker. It shall submit its report to the General Assembly as soon as possible after the close of the present fiscal year, or if the General Assembly is not then in session, the report shall be submitted at the next general or special session of the General Assembly. For this purpose the commission shall have power to sit during the interim between legislative sessions. The report of the commission shall embody its findings and conclusions together with its recommendations for tax reductions and such drafts of legislation as it shall deem necessary; and be it further

Resolved, That said special committee shall have power to issue subpoenas under the hand and seal of its chairman, requesting and commanding any person or persons to appear before them and to answer such questions touching matters properly being inquired into by the committee, and to produce such books, papers, records and documents as the committee may deem necessary. Such subpoena may be served upon any person, and shall have the force and effect of subpoenas issued out of the courts of this Commonwealth. Each member of said committee shall have power to administer oaths and affirmations to witnesses appearing before the committee. Any person who shall wilfully neglect or refuse to testify before said committee or to produce any books, papers, records or documents shall be subject to the penalties provided by the laws of the Commonwealth in such cases.

Referred to the Select Committee on Special Session Legislation.

By Messrs. CORDIER and MELCHIORRE.

RESOLUTION No. 5.

In the House of Representatives, February 18, 1942.

Whereas, The present system of this Commonwealth for assistance to dependent children, aged persons and other persons who need assistance was established in the year 1937, on the principle of enabling such persons to maintain for themselves and their dependents a decent and healthful standard of living; and

Whereas, In spite of the steadily rising cost of every item going to make up the vital necessities of life, especially during the past several months, the amount of assistance allowed under the act of 1937 has not been increased over that established during the first year of the system's operation, when the cost of commodities was extremely low; therefore be it

Resolved, That the House of Representatives of the Commonwealth of Pennsylvania hereby place itself on record as favoring, recommending and demanding for the unfortunates of this wealthy sovereign state an increase in the amount of public assistance that each receives, commensurate with the increase in the cost of living in the particular community in which he or she resides, based on the best available Federal, State or local surveys and statistics; and be it further

Resolved, That copies of this resolution be transmitted by the Chief Clerk to His Excellency, the Governor of the Commonwealth, and to the Secretary of Public Assistance, each member of the State Board of Public Assistance, and the chairman of each county board of assistance.

Referred to the Select Committee on Special Session Legislation.

By Messrs. BRADLEY and McLANE.

RESOLUTION No. 6.

In the House of Representatives, February 18, 1942.

Whereas, When George H. Earle, U. S. Minister to Bulgaria christened a Nazi field officer by smashing a bottle of champagne over his square head a few short months ago there was general rejoicing along the Democratic front in Pennsylvania. The bands started rehearsing "It's a Long Way to Tipperary" and hope denied, blossomed anew under the vest of every Democrat. Later when he kicked a Nazi soldier from the running board of his auto, patriotism ran high. It took no effort of the imagination to see him back in the executive mansion on the banks of the Susquehanna; and

Whereas, George H. Earle has had enough experience at Harrisburg to qualify as the one Democrat who could do a good job for Pennsylvania as its Governor. In fact

he could do a better job towards winning the war at the State Capitol than he could on the deck of a sub-chaser or mine sweeper, and the best contribution he could make would come from his ability gained on past experience to distinguish between the patriot for spoils and the party worker who believes his first task is to do a good job for Pennsylvania. Good for self is the wrong banner to be carried at the head of Pennsylvania's democracy; therefore be it

Resolved, That the House of Representatives felicitate the Honorable George H. Earle on his return to the shores of his native land and wish him further success in his efforts as standard bearer for the Democratic party in Pennsylvania.

Referred to the Select Committee on Special Session Legislation.

PETITIONS AND COMMUNICATIONS

The SPEAKER laid before the House the following petitions and communications which were read by the Clerk.

CIVILIAN DEFENSE

Communications from Mr. John N. O'Neill, Chairman, Legislative Committee, Pennsylvania State Association of County Commissioners, urging consideration of legislation pertaining to Civilian Defense.

Referred to the Select Committee on Special Session Legislation.

SCHOOL TEACHERS

A communication from Mr. George E. Walk, President of Pennsylvania State Education Association, urging additional appropriation for teacher's salaries.

Referred to the Select Committee on Special Session Legislation.

LEAVE OF ABSENCE

By unanimous consent leave of absence was granted as follows:

Mr. Paul A. Brunner for Mr. DOLON for the remainder of the week on account of illness.

Mr. Tarr for Mr. COCHRAN for the remainder of the week.

Mr. Elwood B. Welsh for Mr. SCANLON for the remainder of the week.

RESOLUTION

WASHINGTON'S BIRTHDAY

Messrs. ACHTERMAN and JAMES offered a resolution which was twice read, considered and adopted as follows:

In the House of Representatives, February 19, 1942.

Sunday, February 22nd, marks the observance of the two hundred tenth anniversary of the birth of George Washington, and it is appropriate that this House of Representatives pause in its deliberations long enough to pay sincere, if inadequate, tribute to that great man.

George Washington, unselfish patriot, military genius and dauntless leader, second to none in our country's long roster of illustrious sons, is a personage whose life and deeds are familiar to all, yet the inspiration to be gained from his life is apt to be overlooked in the ceaseless flood of doubts and difficulties which now seem to be engulfing this land.

George Washington dared to put love of his country above all else, and largely because of that this Nation was created, which today stands as the most powerful in the world and as the ultimate savior of millions of people who have been brutally deprived of their precious rights to life, liberty and the pursuit of happiness.

During the present war, and until our Nation emerges victorious, no American dares to stop short of the same unselfishness, self-sacrifice, courage and determination so inspiringly exhibited by George Washington, without betraying the Nation and the principles for which he fought.

If the future is to bring dark hours, they may be lightened by the thought that our Nation was created only after apparently hopeless obstacles had been surmounted by such men as George Washington, and that if his brand of indomitable courage, his type of dogged persistence and his breadth of vision are exhibited by us today, the democratic heritage left to us by Washington and his little group of patriots will be preserved for posterity.

It is particularly appropriate that the observance of George Washington's birthday is to be marked during this present extraordinary session of the General Assembly, met for the special purpose of charting a path for the citizens of the Commonwealth through some of the difficulties that lie ahead of them. The observance of this anniversary now may bring to all a new and fuller realization of the sacred trust borne by the representatives of a democratic people, therefore be it

Resolved, That this House of Representatives reflect upon and pay fitting tribute to the memory of George Washington, and father of our country, and the man who made possible the democratic form of government which it now becomes our privilege and responsibility to protect and maintain through the dark hours of the present world struggle.

CONDOLENCE RESOLUTION

Mr. BAKER offered a resolution and asked and obtained unanimous consent for its immediate consideration.

The resolution was twice read, considered and adopted as follows:

In the House of Representatives, February 19, 1942.

"December 8th, 1941, Private Robert L. Hull killed in action in defense of his country at Hickam Field, Territory of Hawaii."

With this terse notification his family and friends, and his grandfather, the Hon. Louis Leonard, a Member of this House, were suddenly faced with the grim reality of the world struggle for the existence and perpetuation of the democratic principles upon which this government was founded.

Private Hull graduated from Wheeling High School with the class of 1939, enlisted in the Army in September 1940, and gave his life in the defense of his country in one of its great hours of need.

The world may little remember the supreme sacrifice of Private Hull, except as represented by the supreme sacrifices that have and will be made by all the "Private Hulls" in the service of our country.

To the Hon. Louis Leonard whose sons Elliot and Richard are now serving with the armed forces of this country, and to Mr. and Mrs. Robert J. Hull, parents of the deceased, his heroic deeds and his sacrifice is their personal loss, therefore be it

Resolved, That this House of Representatives herby expresses its sorrow over the passing of Private Robert L. Hull, a patriotic citizen who offered and lost his life in the service of his country, and be it further

Resolved, That copies of this resolution be submitted to his grandfather, the Hon. Louis Leonard, and his parents Mr. and Mrs. Robert J. Hull.

RESOLUTION

Mr. FALKENSTEIN offered a resolution and asked and obtained unanimous consent for its immediate consideration.

The resolution was twice read, considered and adopted as follows:

In the House of Representatives, February 19, 1942.

Whereas, The Honorable George H. Earle, former Governor of this Commonwealth, Ambassador to Austria and Minister to Bulgaria, has recently returned from war torn Europe and Africa; and

Whereas, It is the earnest desire of the Members of this House to be aprised, as accurately as possible, of the true conditions in said countries and to personally welcome him back to his native state; therefore be it

Resolved, That the Honorable George H. Earle be invited to appear before, and to address this House of Representatives as soon as his presence in Harrisburg can be arranged.

CONDOLENCE RESOLUTION

Messrs. WOODRING and LONGO offered resolution and asked and obtained unanimous consent for immediate consideration.

The resolution was twice read, considered and adopted as follows:

In the House of Representatives, February 19, 1942.

The House of Representatives learns with sorrow of the passing on February 5, 1942, of the retired President Judge of the Court of Common Pleas of Northampton County, Russell C. Stewart, of the City of Easton.

Mr. Stewart was admitted to the bar of the Courts of Northampton County, January 3, 1881; became District Attorney on January 3, 1887; and by reason of his outstanding qualifications and accomplishments was elevated to the bench by Governor Samuel W. Pennypacker on January 2, 1907. He was thereafter elected and reelected for three full terms, becoming President Judge on November 23, 1914, in which capacity he served until his retirement on December 31, 1938.

During his tenure of more than 31 years on the bench of Northampton County, he attained wide recognition throughout the Commonwealth as one of its most able and illustrious jurists. He upheld the best traditions of the bar and his memory will ever be cherished and revered as an eloquent orator, an accomplished scholar and an honest and fearless judge.

It is fitting and proper that this House of Representatives dedicate his service to society to the men and women of this Commonwealth; therefore be it

Resolved, That the House of Representatives hereby acknowledges the lasting contribution to society of the late Honorable Russell C. Stewart, and now dedicates his memory to the people of this Commonwealth; and be it further

Resolved, That a copy of this resolution be transcribed and transmitted to Mrs. Raymond Wood, daughter of the late Judge Stewart.

Resolved, That a copy of this resolution be transcribed and transmitted to the Court of Common Pleas of Northampton County.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1, as follows:

An Act concerning the election of representatives of the people of Pennsylvania to serve in the House of Representatives of the Congress of the United States providing for the apportionment of the Commonwealth into Congressional districts and for the election of one representative in Congress at large

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 For the purpose of electing thirty-two of the representatives of the people of Pennsylvania to serve in the House of Representatives of the Congress of the United States this Commonwealth shall be divided into thirty-two districts as follows

The first district shall consist of the first second third fourth fifth sixth twenty-sixth thirty-ninth and forty-eighth wards of the city of Philadelphia and will have one Congressman

The second district shall consist of the seventh eighth ninth tenth twenty-fourth twenty-seventy thirtieth thirty-sixth and forty-fourth wards of the city of Philadelphia and will have one Congressman

The third district shall consist of the eleventh twelfth thirteenth fourteenth sixteenth seventeenth eighteenth nineteenth twentieth twenty-fifth thirty-first thirty-seventh and forty-fifth wards of the city of Philadelphia and will have one Congressman

The fourth district shall consist of the fifteenth twenty-eighth twenty-ninth thirty-second thirty-eighth and forty-seventh wards of the city of Philadelphia and will have one Congressman

The fifth district shall consist of the twenty-third thirty-third thirty-fifth forty-first and forty-third wards of the city of Philadelphia and will have one Congressman

The sixth district shall consist of the thirty-fourth fortieth forty-sixth and fifty-first wards of the city of Philadelphia and will have one Congressman

The seventh district shall consist of the twenty-first twenty-second forty-second forty-ninth and fiftieth wards of the city of Philadelphia and will have one Congressman

The eighth district shall consist of the county of Delaware

The ninth district shall consist of the counties of Bucks and Lehigh

The tenth district shall consist of the counties of Lancaster and Chester

The eleventh district shall consist of the county of Lackawanna

The twelfth district shall consist of the county of Luzerne

The thirteenth district shall consist of the counties of Schuylkill and Northumberland

The fourteenth district shall consist of the county of Berks

The fifteenth district shall consist of the counties of Bradford Clinton Lycoming Tioga Susquehanna Wayne Columbia Montour Sullivan and Wyoming

The sixteenth district shall consist of the sixth ninth twenty-first twenty-second twenty-third twenty-fourth twenty-fifth twenty-sixth and twenty-seventh wards of the city of Pittsburgh and all the boroughs and townships lying north of the Ohio and Allegheny rivers in the county of Allegheny

The seventeenth district shall consist of the county of Montgomery

The eighteenth district shall consist of the counties of Fulton Huntingdon Juniata Mifflin Perry Snyder Bedford and Union

The nineteenth district shall consist of the counties of Cumberland Dauphin and Lebanon

The twentieth district shall consist of the counties of Warren Venango Forest Clarion Elk Potter McKean and Cameron

The twenty-first district shall consist of the counties of Northampton Carbon Monroe and Pike

The twenty-second district shall consist of the counties of Adams York and Franklin

The twenty-third district shall consist of the counties of Clearfield Centre and Blair

The twenty-fourth district shall consist of the counties of Fayette Somerset and Greene

The twenty-fifth district shall consist of the county of Washington and the following boroughs and townships in the county of Allegheny boroughs of Bridgeville Coraopolis Dormont Heidelberg McDonald Oakdale and townships of Bethel Collier Crescent Findlay Moon Mt Lebanon North Fayette Robinson Scott South Fayette and Upper St Clair

The twenty-sixth district shall consist of the counties of Beaver Butler and Lawrence

The twenty-seventh district shall consist of the counties of Armstrong Indiana Jefferson and Cambria

The twenty-eighth district shall consist of the county of Westmoreland

The twenty-ninth district shall consist of the counties of Crawford Erie and Mercer

The thirtieth district shall consist of all the boroughs and townships lying between the Allegheny and Monongahela rivers the city of McKeesport and the boroughs of Homestead Munhall West Homestead and Whitaker in the county of Allegheny

The thirty-first district shall consist of the first second third fourth fifth seventh eighth tenth eleventh twelfth thirteenth fourteenth and fifteenth wards of the city of Pittsburgh in the county of Allegheny

The thirty-second district shall consist of the sixteenth seventeenth eighteenth nineteenth twentieth twenty-eighth twenty-ninth thirtieth thirty-first and thirty-second wards of the city of Pittsburgh the cities of Clairton and Duquesne the boroughs of Brentwood Carnegie Castle Shannon Crafton Dravosburg Greentree Ingram Mt Oliver McKees Rocks Rosslyn Farms Thornburg and West Elizabeth and the townships of Baldwin Jefferson Kennedy Mifflin Neville Snowden and Stowe in the county of Allegheny

Section 2 The thirty-third representative to which the people of the Commonwealth of Pennsylvania are entitled in the House of Representatives of the Congress of the United States shall be elected at large by the electors of the Commonwealth and such Congressman at large shall be nominated and elected in the same manner as is now or hereafter may be provided by law for the nomination and election of candidates for the office of Governor of the Commonwealth

Section 3 The provisions of this act shall become effective immediately upon final enactment and the first election under this act shall be held at the general election in the year one thousand nine hundred and forty-two

The members of Congress now in office shall continue in such office until the expiration of their respective terms

Vacancies now existing or happening after the passage of this act and before the commencement of the terms of the members elected at the election of one thousand nine hundred and forty-two shall be filled for the unexpired terms in the manner now provided by law

Section 4 The act approved the twenty-seventh day of June one thousand nine hundred and thirty-one (P. L. 1416) entitled "An act to apportion the State into congressional districts" is hereby repealed

All other acts and parts of acts inconsistent herewith are hereby repealed

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. WILLIAMS. Mr. Speaker, I am taking the floor in opposition to this particular bill, not because of the fact that we in Washington County are against reapportionment. I know that we must have it in order to have an election this spring of Congressmen under any reasonable means.

I take the floor this morning in opposition to this bill because of the fact that the Southwestern part of Pennsylvania is being unjustly dealt with. We feel there has been a conspiracy in drafting this particular bill. The population of our area, our congressional district, is much greater than that of other districts. We also come from what is known as the rural section.

Allegheny County, of course, is going to give you the argument that they are losing a Congressman, but that is not the fact. We are losing a Congressman in our section. In this bill they are taking Greene County from the 25th Congressional District and placing it in with Fayette and Somerset.

So far as the minority party in this new district is concerned they may as well not be on the ballot, because Greene County has a 7,500 majority Democratic, and the other district is already overwhelmingly Democratic therefore, Somerset will be out of the picture. In addition to this they are taking a portion of Allegheny County and turning it over to the 25th Congressional District.

Geographically the area given to Washington County is ridiculous. They are taking 7,500 Democratic majority from the 25th district and they are in turn giving to the 25th district a Republican majority from Allegheny County of about 5,500, and therefore by a stroke of a pen they are taking from the 25th Congressional District a registration of Democrats in the number of 14,000.

The territory given to the Washington section, especially Dormont and Mt. Lebanon, are not interested in the same things that we are interested in, and the result is that I can see no good coming from it.

Nevertheless, since we are supposed to have congressional reapportionment we came to a Democratic caucus and asked for a minor amendment which would have put Dormont back into the Allegheny district because it lies right on the ward line of the City of Pittsburgh, and they could give us two townships and one small borough whose voting strength lies on our county line; in fact an imaginary line running through there would split the two towns. But they were not given to us, therefore, we feel that we have a just protest.

We took up this grievance before a Democratic caucus, and of course nothing came from it except a lot of talk. One gentleman from Philadelphia had courage enough to tell us that the thing was cut and dried. Of course he was not telling us anything that we did not know, but nevertheless they did sort of promise a hearing, and of course that was useless.

Allegheny is going to argue to you that they are going to give up a congressman. As I understand this setup, in the beginning the Democrats were to reapportion themselves in such a manner that they would give up one congressional district; the Republicans were to reapportion themselves in such a manner that they would give

up a district, and one candidate would run at large.

Well, it so happens that the territory turned over to us in this county, I believe the congressman from this area was elected in the presidential election by something like 200 or 300 votes. Therefore it would have been practically impossible for them to have elected a congressman from this same area during 1942, so they took this bad stuff as they call it and turned it over to us, and they kept the territory which would make them secure in Allegheny county. Therefore the minority party in Allegheny county would have to have some sort of miracle to now be able to elect a Republican congressman from that area.

We feel that we have a good protest here and we only hope that if there is a possibility of an amendment being made that we can get it in the Senate.

We in Washington County hold no one responsible for this except the leaders in our own Democratic party. We know that it is a conspiracy where organized politics is stacked against unorganized politics, and although they say they are taking one congressman from the urban sections, we feel that this year's election will show that this is untrue.

I am speaking for the members from Washington county and we want this in the record so that the people back home will know the attitude we took on this particular bill.

Also in conjunction with this bill Greene County did not desire to be separated from Washington County. After we failed in our first effort to have Dormont placed back in the Allegheny County group and to have the two adjoining townships placed in with us so that we would not have to absorb all the shock in our area, we then asked that Greene County be put back in our territory. We then would have had a population of 352,000. Fayette was satisfied, Somerset was satisfied, Greene was satisfied, Washington was satisfied. This did not interfere with Allegheny in any manner whatsoever. But this request was turned down. Therefore we feel that after making this request and it being refused, we have a just protest here, and we in the southwest part of the state are going to have to vote "no" on this bill.

Mr. FLEMING. Mr. Speaker, I find myself in the position of sympathizing and agreeing with possibly everything that the previous speaker has said. I agree with him that both his county and our county of Allegheny have been most unjustly dealt with. We have been given the bag to hold, and we are going to hold it.

I take a different attitude than Mr. Williams. In view of the chaotic condition that would ensue, even though we have been so unjustly dealt with in Allegheny County, we feel that any apportionment is better than no apportionment, and for that reason I along with my other colleagues, I believe, are going to vote in support of this measure.

Mr. SHAFFER. In the past, Mr. Speaker, I have found myself unable to agree with the recommendations made by the Special Committee on Congressional Apportionment. The final recommendations of the Committee which are embodied in House Bill No. 1, which is on final passage now could be more aptly described as dis-proportionment.

However, I do not want to discuss the merits of the bill; it is too late for that. Today I am faced with a different situation. I am forced to chose between voting for an unjust and inequitable apportionment or voting against the only apportionment bill which can pass this Extraordinary Session of the General Assembly, and therefore would be contributing to an at-large election which would result in chaos and a mockery of representative government.

I regret very much the inequities which are being visited upon the people in certain counties. However, I have but two choices, either to vote that the people of Pennsylvania may be represented by districts in the legislative halls or to vote for a lottery, for a mockery. There is but one choice, so today I am going to vote for the bill, believing as my colleagues have said, that any apportionment is better than none. Therefore, I vote for the bill.

Mr. ACHTERMAN. Mr. Speaker, I have listened with some interest to the remarks of several of the gentlemen who were opposed to the bill. I heard the rgument, for instance, that Washington County is going to lose a Congressman and that Allegheny is going to lose a Congressman. I heard of the injustice done to Allegheny County presumably because Allegheny County was going to lose a Congressman. It becomes quite apparent now that one of the speakers is in error; either Allegheny County loses a Congressman or Washington loses a Congressman, not both of them.

As a matter of fact it is obvious to me that if a county with 210,000 in a district with a little over 300,000 is unable to get a Congressman then it becomes apparent that it is the people of that county that do not want a Congressman and that a smaller segment of their district cannot have a Congressman.

However, Mr. Speaker, without going too much into the merits or demerits of the bill, I do not think anyone who served on the Special Committee on Apportionment after adjournment the last time would for one moment say that this is the best thing. Don't you know, Mr. Speaker, that the best thing would have been if we could have kept every one of our Congressmen and not lost any. But unfortunately Pennsylvania did not gain in population in the same proportion as the rest of the United States and consequently Pennsylvania loses a Congressman.

Somewhere someone is going to be hurt. You just don't have to conclude that; you are losing a Congressman in Pennsylvania. That means that some section of Pennsylvania is going to suffer, and the problem was where? The Committee that was appointed wrestled with the thing seriously and honestly over some months of time. We went to the end of trying to reapportion the entire state of Pennsylvania on the population basis, and when we were through with our work and looked upon it every man on the Committee said: "You can't possibly get this thing through. You are affecting almost every section of Pennsylvania. You are affecting almost every district and every Congressman. It will be impossible to put that piece of legislation through; you will be ending with districts so tremendously large that there would be complaints from those sections. Gracious, are you going to run our people all over the entire state of Pennsylvania?"

We tried every conceivable scheme that we felt would

cause the least amount of disturbance in the State of Pennsylvania in order to reduce our Congressmen by one and we came to the conclusion that it could not be done that way.

Finally we arrived at this solution—it was a compromise, no use trying to fool anybody, it was a compromise to try to avoid the situation that Mr. Shaffer referred to and Mr. Williams. Electing Congressmen-at-Large would create a chaotic condition in Pennsylvania. The chances are before we could even determine who our Congressmen were in Pennsylvania, it would result in a situation for two years where Pennsylvania would not be represented in Congress.

We have a situation here that we must take care of. No one is particularly happy about this situation, but certainly no one in this House is going to be a party to a situation that would result in Pennsylvania not having representation, which is going to follow if you do not have a Congressional reapportionment bill.

It was for that reason that not only the members of one party, but the members of both parties through their representatives on this Committee finally came to this compromise solution. It was our understanding and agreement, Mr. Speaker, that both parties would endeavor to make this law so that Pennsylvania would have representation in Congress, not at large but by districts so that the local districtst would have representation.

I am asking and pleading with the members of this House to support the measure, since it is the measure that both major parties have agreed should be passed at this time.

Mr. JAMES. Mr. Speaker, and Members of the House, it occurs to me that when we vote on House Bill No. 1 today we are voting more on a matter of good faith than we are on anything else. It is not difficult for any of us who are not affected in our districts by this measure to sympathize with those who feel that they are affected. We can sympathize deeply with them in their real or imagined injustices that they may now prove or which may remain to be proven at the election.

But there is one principal consideration here today, and only one, as I see it. The Democratic side of this House and the Republican side of this House have obligated themselves to each other, and this House as a whole has obligated itself to the Senate, and the Senate and this House have obligated themselves to the administration to bring here before this Special Session of this legislature a bill on which common consent has been reached.

There is no need to go into the long history of arriving at House Bill No. 1 as it appears before us today. We are all very well aware of what took place in the last session. We know of the length of time over which a special committee of the House and Senate debated all matters brought before them. We know in that long interval there was ample time for all districts to submit to that committee plans for suggesions, and I think at this time there is no other question to be decided but the question of good faith, and good faith can only be settled by voting for this bill.

Mr. BROWN. Mr. Speaker, some of the gentlemen who served on the Judiciary General Committee in the last session and myself have been somewhat disturbed about the draftsmanship of this bill, and in order that there may not be any irregularity in the bill I would like to interrogate the majority floor leader for one purpose.

The SPEAKER. Will the gentleman from Monroe permit himself to be interrogated?

Mr. ACHTERMAN. I will, Mr. Speaker.

Mr. BROWN. Mr. Speaker, I would like to ask the gentleman from Monroe, Mr. Achterman, why it is after enumerating the first seven districts, designating that each shall have one congressman, down to page 2 line 22, from then on the districts are outlined, but the number of congressmen is not enumerated which each district shall have.

Mr. ACHTERMAN. Mr. Speaker, when I first received this bill from the Legislative Reference Bureau I noticed the draftsmanship to which the gentleman refers, and I then discussed with the Legislative Reference Bureau the reason why they did not continue on as they did with the first seven districts so that each will have a congressman. I learned then that in drafting this measure that they referred back, as I requested them to do, to the prior act setting up congressional districts. I have that measure here, in fact it is No. 361 approved the 27th day of June 1931 in which the draftsmanship is similar to the draftsmanship of House Bill No. 1.

I discussed with them what they felt was the controlling feature in Section 1, and if the gentleman will turn to the first five lines of Section 1 he will notice that the bill says "for the purpose of electing 32 of the Representatives of the people of Pennsylvania to serve in the House of Representatives of the congress of the United States of this Commonwealth shall be divided into 32 districts—" meaning therefore that there is one congressman for each one of the 32 districts named.

There seems to be no real good reason why they should have added "and will have one congressman" for the number of districts in Philadelphia and then drop that particular phrase. However, I am convinced and I am assured by the Legislative Reference Bureau that the draftsmanship in relation to that point does not affect the bill in the least, but that each of these districts as stated in the first few lines of Section 1, has a congressman. That is the state is divided into 32 districts for the purpose of electing 32 congressmen.

Mr. BROWN. Mr. Speaker, I thank the gentleman. We are familiar with the Act of 1931 and also with the first section. However, we thought it best that the record should show, rather than to reason that after enumerating seven districts the others should have one each, which would, of course, be only reasoning, but a dangerous thing to stand upon, so we thought we would ask the majority floor leader to state that each one of these districts would only have one Congremman, and that that is the intent of the bill.

Mr. CHARLES H. BRUNNER. Mr. Speaker, I have listened to the debate here today on this measure and I think the truth has been expressed very well, that this bill represents a definite compromise between the parties in the House and in the Senate.

It is a bill which has been prepared and agreed upon by five Democratic members and five Republican members, and while none of us can say that it is the perfection of Congressional reapportionment, nevertheless,

it is a compromise which I personally believe and feel is the best which can be attained under the circumstances.

I, therefore, as a member of the Committee and for the minority membership of the House ask the support of the measure in behalf of the membership of the House.

Mr. WILLIAMS. Mr. Speaker, our floor leader struck the keynote,—he said it is a scheme. The gentleman from Delaware, Mr. James, raised the question that we have had an opportunity to express ourselves. In Washington County, the only opportunity we had to express ourselves was when the questionnaire was sent out.

What I am trying to get at,—I am not trying to hold the gentlemen on the other side of the House responsible for this scheme. It is a matter concerning the Democrats; it is our family squabble, and if I must express myself on it, I must explain that, in order to keep the record straight.

The agreement with our Democratic State Committee was that Allegheny County was to meet with the representatives of Washington and Greene Counties and reach a satisfactory compromise on this reapportionment, because those were to be the districts affected. This was never done. Somebody, either on the Committee or in the State Committee or in Allegheny County, wrote our particular phase of this bill, and the rural sections were absolutely ignored, and the result was that they were building their own particular fences in Allegheny County; they didn't care about anybody else.

That is the protest I am making here today, that they had agreed to confer with the other members from southwestern Pennsylvania, and this was never done. The only time we knew what was in the bill was the last few days when it was printed in the newspapers, and therefore, I agree with our floor leader that it was a scheme to satisfy some State political leaders within the Democratic Party.

Mr. ACHTERMAN. Mr. Speaker, just to keep the record right, I never made any statement that this was a scheme to satisfy some political leaders. I made the statement that this was a compromise between the two political parties on a measure that we felt could finally be passed, but never that it was a scheme to satisfy some political leaders.

Mr. MORAN. Mr. Speaker, very briefly and to keep this session in businesslike order as suggested by the Governor, and not making any keynote speeches, I want to say that I am opposed to this bill, but because there is no oher way out I am going to vote for it, not because I like it, not because the people of Pennsylvania like it, but because it is the best we can do under the circumstances.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—163

Achterman,	Foor,	Longo,	Rose, W. E.,
Auker,	French,	Lovett,	Royer,
Baker,	Gallagher,	Malloy,	Rush,
Balthaser,	Gates,	Marks,	Sarge,
Baugher,	Gerard,	Maxwell,	Sarraf,
Bentley,	Greenwood,	McClanaghan,	Schwab,
Boles,	Gross,	McClester,	Serrill,
Boney,	Gryskewicz,	McDermott,	Shaffer,
Boorse,	Gyger,	McFall,	Shaw,
Bower,	Habbyshaw,	McIntosh,	Shepard,
Bradley,	Haberlen,	McKinney,	Skale,
Breth,	Haines,	McLanahan,	Sollenberger,
Brown,	Hall,	McLane,	Sorg,
Brunner, C. H.,	Hamilton,	McMillen,	Stambaugh,
Brunner, P. A.,	Harmuth,	McSurdy,	Stank,
Burns,	Harris,	Melchiorre,	Stine,
Burris,	Helm,	Mihm,	Stockham,
Chudoff,	Hering,	Modell,	Tarr,
Cohen, M. M.,	Herman,	Monks,	Tate,
Cohen, R. E.,	Hersch,	Mooney,	Taylor,
Cook,	Hewitt,	Moran,	Thompson, E. F.,
Cooper,	Hirsch,	Moul,	Thompson, R. L.,
Cordier,	Holland,	Muir,	Trout,
Croop,	Huntley,	Munley	VanAllsburg,
Cullen,	Imbrie,	Nagel	Verona,
Dalrymple,	James,	Nunemacher	Vincent,
DiGenova,	Jefferson,	O'Brien,	Vogt,
Dix,	Jones, G. E.,	O'Dare,	Watkins,
D'Ortona,	Jones, P. N.,	O'Mullen,	Weingartner,
Duffy,	Keenan,	O'Neill,	Weiss,
Early,	Kenehan,	Petrosky,	Welsh, E. B.,
Eckels,	Kline,	Powers,	Welsh, M. J.,
Elder,	Knoble,	Prosen,	Wilkinson,
Elliott,	Kolankiewicz,	Rank,	Winner,
Falkenstein,	Komorofski,	Rausch,	Wolf,
Finestone,	Krise,	Readinger,	Wood, N.,
Finnerty,	Leisey,	Reagan,	Woodring,
Fisher,	Leonard,	Reese, D. P.,	Yeakel,
Fiss,	Lesko,	Reynolds,	Yester,
Fleming,	Leydic,	Rhea,	Young,
Fletcher,	Lichtenwalter,	Rooney,	Kilroy,
Flynn,		Rose, S.,	Speaker.

NAYS—17

Chervenak,	Lyons,	Polaski,	Simons,
Dennison,	O'Connor,	Polen,	Snyder,
Ely,	Owens,	Reese, R. E.,	Wagner,
Hare,	Pettit,	Riley,	Williams,
			Wright,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

REASONS FOR VOTE

Mr. BROWN filed the following reasons for his vote.

It is clear to the members that unless House Bill No. 1, Printer's No. 1 is passed, Pennsylvania will face a situation unsurpassed in its history, notwithstanding the fact that there is some doubt as to its constitutionality and that there are potent inequalities as to how the congressional districts are apportioned, and that my own county was in my opinion unfairly dealt with, I am voting aye to save our commonwealth from a situation which would, unless this bill is passed, make it the laughing stock of our nation.

Mr. COOK filed the following reasons for his vote.

I voted in the affirmative on the Reapportionment Bill not because I believe its provisions are just, but rather because I feel that it is better than no reapportionment at all.

Mr. GREENWOOD filed the following reasons for his vote:

Mr. Speaker, In voting for House Bill No. 1, I do so realizing that Rural Pennsylvania is taking it on the chin as usual and it will continue to take it on that extremity until such a time as the Rural members wake

up to the fact that we should be legislators instead of Charley McCarthys operated by remote control from Pittsburgh.

It is hard to imagine a worse reapportionment plan, however I am voting for it rather than see this Special Session threw into another disgraceful episode.

There is no question as to where the district should be dropped namely—Philadelphia!

Mr. RHEA filed the following reasons for his vote.

Although this bill is not a true reapportionment bill but instead is a mere political compromise, and despite the fact that the bill is grossly unfair to the people of Allegheny County, I feel compelled to vote for it in the absence of any alternative measure.

Mr. RONALD L. THOMPSON filed the following reasons for his vote:

Under the new apportionment, the State must be divided into 33 districts and the mandate of the Constitution and congressional action requires that these districts approximate 300,005 in population as nearly as possible.

But the "plan" which Governor James and the theoretical leaders of the Republican and Democratic factions propose to jam through the Legislature in two weeks makes no pretense at meeting this constitutional, statutory and moral requirement.

It sells the people of Pennsylvania down the river. It deprives vast populations of their just representation in Congress at a time when fair representation is vital to the safety of our country.

It is a cheap and fraudulent plan because it does not propose the election of 33 congressmen on a representative basis. It calls for the election of one congressman at large, in direct defiance of the national Constitution we now are fighting to preserve.

It is unfair to the people of Allegheny County because it sets up one lopsided gerrymandered district of more than 356,000 population, at the same time splicing an integral section of the County (the South Hills) with Washington County.

It is unfair to the people of Indiana, Jefferson, Armstrong and Cambria counties because it leaves undisturbed their district of more than 428,000 population.

It is unfair to the people of the whole State because it gives Philadelphia seven congressmen when the population figures barely entitle that city to six. And it does not reapportion those seven districts, which range in population from 252,131 to 304,555.

It is unfair to the people of Crawford, Erie and Mercer counties because it bunches them into a single district with a population of 353,572. Yet it fails to touch the Eighteenth, or Shoestring, district in Central Pennsylvania which has a population of only 215,352.

This is not a reapportionment bill. It does not pretend to be. It is a shoddy product of political expediency.

The gross injustice which this bill inflicts on the people of Allegheny County is so flagrant that the Republican members from Allegheny County offered amendments to correct these manifest evils. The agreement of the floor leaders of both parties which prevented any discussion of these amendments was dictatorial and high-handed and in accord with the political conniving which created the plan in the beginning.

I am bitterly opposed to this particular bill but have no recourse except to vote in the affirmative.

Mr. VAN ALLSBURG filed the following reasons for his vote:

I voted in the affirmative on the Reapportionment Bill not because I believe its provisions are just, but rather because I feel that it is better than no Reapportionment at all.

ADJOURNMENT

Mr. HERING. Mr. Speaker, I move that this House do now adjourn until Tuesday, February 24, 1942, at 3 p. m.

The motion was agreed to, and (at 12:10 p. m.) the House adjourned.

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal.

Extraordinary Session of 1942.

Vol. 26. HARRISBURG, PA., MONDAY, FEBRUARY 23, 1942. No. 4.

SENATE

MONDAY, February 23, 1942

The Senate met at 4:00 o'clock, p. m., E. W. T. The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the Chair.

PRAYER

The Chaplain, Rev. EDWIN S. WALLACE offered the following prayer:

O Lord God, in whom we live and move and have our being, give us faith to believe that Thou art ever with us, and that we are the recipients of Thy gracious and continuous care.

We are told in Thy word that "Happy is that people whose God is the Lord." The men and women who first came to this country were seeking for Liberty of life and freedom to worship God. They found these blessings here but to maintain them had often to sacrifice their property and their lives.

Our first great leader pledged his life, his property and his sacred honor to win freedom for the people of his day. Another of our great leaders in a day rededicated to nation to the principle that all men are free and equal before the law. To-day our nation is threatened by a sinister foe who would destroy our manner of life, tear down our civilization and enslave our free people.

Give to us, we pray Thee, that leadership and that consecration on the part of all of us that will keep us true and faithful to Thee, and that which under Washington was founded and under Lincoln was sustained, shall under American men and women of to-day be fully preserved, and passed on to our children and children's children to remote generations.

All this we ask in the name of the Author of our Liberty, even Jesus Christ. Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. WALKER and Mr. GELTZ, the further reading was dispensed with, and the Journal was approved.

LEAVE OF ABSENCE

Mr. Geltz asked and obtained leave of absence for the Senator from Clearfield, Mr. LETZLER.

Mr. McGinnis asked and obtained leave of absence for the Senator from Luzerne, Mr. MUNDY, on account of illness.

Mr. Stiefel asked and obtained leave of absence for the Senator from Philadelphia, Mr. SHAPIRO, on account of illness.

PETITIONS AND REMONSTRANCES

The PRESIDENT. The Chair clears his table and lays before the Senate a communication addressed to him as Chairman of the Senate, from the Building Owners and Managers Association of Pittsburgh, dated January 14, 1942. The communication states that the Building Owners and Manager's Association of Pittsburgh believes that existing laws regulating municipal expenditures are sound, workable and reasonable protection against waste, extravagance, favoritism, looseness or graft, and oppose any let down in these safeguards of the taxpayers' welfare to permit unregulated spot buying.

If there is no objection the communication will be noted in the Journal.

RESOLUTION ADOPTED BY GIRARDVILLE EDUCATION ASSOCIATION

The PRESIDENT. The Chair clears the table and lays before the Senate a communication from the Girardville Educational Association, dated February 6, 1942, recommending an appropriation or supplementary appropriation, in order to increase State subsidy to school districts in Pennsylvania.

REPORT OF THE DELAWARE RIVER JOINT COMMISSION

The PRESIDENT. The Chair clears his table and lays before the Senate a report of the Delaware River Joint Commission of Pennsylvania and New Jersey, for the year 1941. The report will be noted in the Appendix. The Chair is advised that copies of the report have been placed on the desks of each Senator.

COMMUNICATION URGING PASSAGE OF EQUITABLE CONGRESSIONAL REAPPORTIONMENT BILL

Mr. WALKER. Mr. President, on behalf of myself and my colleague from Allegheny, Senator McGinnis, I would like to present to the Chair a letter from the Civic Club of Allegheny County, and ask that it be spread upon the Journal.

The PRESIDENT. If there is no objection the communication will be spread upon the Journal.

The communication read as follows:

CIVIC CLUB OF ALLEGHENY COUNTY

Hotel William Penn, Pittsburgh, Pa.

Hon. John M. Walker, The Senate, Harrisburg, Pa.

"My dear Mr. Walker:

"The Civic Club of Allegheny County has consistently impressed the members of the Legislature with the importance of passing an equitable Congressional Reapportionment Bill for Pennsylvania.

"We are advising you, as a member of the Legislature from Allegheny County, that the State Affairs Committee supported by the Board of Directors of the Civic Club of Allegheny County regards the bill before you as denying equal representation in Congress to every citizen in the State.

"The redistricting should be done by natural boundaries and in the interests of the various districts; for instance, the proposed northern district—30—proposes to take two of the wards of the Strip District in Pittsburgh and add to all that section of old Allegheny lying north of the Allegheny River.

"It is quite obvious that since Philadelphia has lost population it should lose on reapportionment.

"It does not follow that the Metropolitan Area of Pittsburgh should be cut up in the manner proposed, on the contrary, we insist that it should be kept together just as the Metropolitan Area of Philadelphia is to remain intact.

"It is the opinion of the Civic Club that proposals are obviously intended to create self-perpetuating jobs for the various congressmen who are now incumbents.

"We urge you to accept this criticism in all seriousness.

Sincerely, FRANK W. STONECIPHER, Chairman
State Affairs Committee"

HOUSE MESSAGE

HOUSE BILL FOR CONCURRENCE

The Clerk of the House of Representatives being introduced presented for concurrence bill of the House, as follows:

House Bill No. 1, (Senate Bill No. 33), entitled:

An Act concerning the election of representatives of the people of Pennsylvania to serve in the House of Representatives of the Congress of the United States; providing for the apportionment of the Commonwealth into Congressional districts and for the election of one representative in Congress at large.

Which was committed to the Committee on Congressional Appointment.

HOME-COMING DINNER FOR THE HONORABLE GEORGE H. EARLE

Mr. McGINNIS. Mr. President, the committee arranging for the Home-Coming Dinner for Former Governor Earle, which is to be held tomorrow evening, Tuesday, February 24, have handed me a notice which I should like read to the members of the Senate.

THE PRESIDENT. The Clerk will read the communication.

The communication was read as follows:

"To the Members of the Senate of the Commonwealth of Pennsylvania

"Gentlemen:

"The Home-Coming Dinner Committee cordially invites you to attend the Dinner and Ball for the Hon. George H. Earle, former Governor of Pennsylvania, to be held at the Zembo Mosque, Harrisburg, Pennsylvania, on Tuesday evening, February 24, 1942, at 6:30 p. m.

"Tickets for the affair are available to members from Mrs. Justine Cohen, Secretary to the Chief Clerk of the House."

Mr. DENT. Mr. President and members of the Senate, in line with the letter of information just read relative to the home-coming dinner for George H. Earle, I might at this time add a few words regarding this affair and the guest of honor in order to bring before us the significance and importance of this occasion.

We are gathering tomorrow evening to honor a patriot who has had a unique as well as a useful career in American politics and diplomatic life. To the best of my knowledge, his first appearance in public life, as I recall it, was his appointment to the important post as minister to Austria. After distinguishing himself in the foreign service for which he showed an unusual aptitude, he was honored by the people of Pennsylvania by being elected the first Democratic Governor in this Commonwealth in 40 years. His administration has been recorded in history as the high water mark for social, humane and liberal legislation. He courageously adopted and applied the principal of "pay as you go" in a government whose economies were torn asunder by the most disastrous depression ever witnessed by the American people.

After this experience, he left active politics for the time being. However, his worth as a diplomat was again recognized by President Roosevelt and he was sent to Bulgaria into the seething tempest of the Balkans at a time when the whole world was at the edge of a precipice and was soon to be catapulted into another and greater conflagration of hate, death, destruction and despair, a holocaust greater than any yet recorded by civilized history. For his skillful and statesmanlike handling of his duties he has been credited by many students of international politics as being the main influence in keeping Bulgaria out the Axis powers until it was humanly impossible for that little country to withstand the pressure any longer. There is no question that he gained a wealth of knowledge and experience in his capacity as Ambassador in the excellent listening post in the Balkans.

While there, an incident occurred which to some at the time appeared humorous. However, in the light of after events, the blow struck by Earle in a truly American fashion seems to have been prophetic of the future. It can well be said that George Earle's individual, personal courage was exemplified that day when he struck a blow for freedom against Nazi oppression and intolerance in the same spirit that he served his country in

the United States Navy in the last war at which time he was rewarded by a grateful country by being awarded the Distinguished Service Cross. The people of Pennsylvania can well be proud of George Earle whose experience as a statesman, diplomat and Naval Commander so ably fits him for any job of leadership.

I do not hesitate to say that I would follow George Earle into any battle whether it be political or military, with the full conviction that he would never ask or order me to do anything that he himself would not be willing to do first.

I don't know what the contents of his speech will be but I do believe that his talk will be of great interest to the members of this Senate who are at the present time struggling with a war-time Session and that perhaps his first-hand knowledge and service in some way can guide us in our deliberations.

I suggest, therefore, Mr. President, that the members of this Session who can find time to be there, attend this home-coming, non-political banquet tomorrow night in honor of George Earle, the ex-Governor of the State of Pennsylvania whose future becomes more and more linked with the destiny of this great State and Nation.

EMPLOYE OF THE SENATE ELECTED

Mr. CHAPMAN offered the following resolution which was twice read, considered and agreed to:

In the Senate, February 23, 1942.

Resolved, That the following person be elected an employee of the Senate, Extraordinary Session of 1942, to fill existing vacancy:

CLERK TO COMMITTEE

Cecil K. Harvey—Vice—Donald A. Gallagher

BILLS INTRODUCED

Mr. WOODWARD read in his place and presented to the Chair, Senate Bill No. 34, entitled:

An Act to further amend the act, approved the fifth day of December, one thousand nine hundred thirty-six (1937, P. L. 2897), entitled "An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry and its existing and newly created agencies with personnel (with certain exceptions) selected on a civil service basis; requiring employers to keep records and make reports, and certain employers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons; providing procedure and administrative details for the determination, payment and collection of such contributions and the payment of such compensation; providing for cooperation with the Federal Government and its agencies; creating certain special funds in the custody of the State Treasurer; and prescribing penalties," establishing the State Fund for Unemployment Compensation; providing for the payment into such fund of contributions by employers not subject to the excise tax imposed by section nine hundred one of the Federal Social Security Act with respect to employment and for the payment out of such fund of compensation to employes of such employers and a part of the expenses of administering this act; and relieving the Unemployment Compensation Fund and the Administration Fund of such payments.

Which was committed to the Committee on Workmen's Compensation.

Mr. TALLMAN read in his place and presented to the Chair, Senate Bill No. 35, entitled:

An Act authorizing the Department of Highways to construct, replace or repair bridges in cities of the third class which form connecting links on State highways necessary for National defense in cases where Federal funds and city funds are available for such purposes and authorizing the Secretary of Highways to enter into agreements with the proper Federal authorities and the authorities of cities of the third class covering the construction replacement or repair of such bridges; and making appropriation.

Which was committed to the Committee on Highways.

PERMISSION TO ADDRESS THE SENATE

Mr. REED. Mr. President, I ask permission to address the Senate.

The PRESIDENT. The gentleman from Washington will proceed.

Mr. REED. Back through the years the American people have been severely tried and tested by national emergencies, but never has the Republic been confronted with a situation so grave as the one that faces her today.

We marvel at the success of our American Fathers; we view with pride the heroic services of those early patriots who brought us independence; we review again and again, with inner joy, the brave and noble work of that great host of American citizens that, untiringly and unselfishly, protected and guided the ship of State during the many dark and perilous periods of the past.

We ask—What gave them victory? What promoted their progress? What protected, undefeated and unimpaired, that noble Sovereignty, created by them, and given to us as a priceless heritage?

The answer comes to us from the obscure realm of the past. It arises from the lips of the patriot and the martyr, long since dead. They speak a plain, simple language that every true American understands and loves to hear. Fortunate, indeed, for them, they had no knowledge of the fantastic and complicated theory of society that some of our present day, self-styled intelligentia would have engrafted on the clean and strong body of the Republic.

No, their voice expressed the inner wishes of the soul; and the soul was inspired by a simple faith in the divine wisdom of Almighty God. In the other words, they were guided by that irrepressible spirit, that divine impulse, that sacred inspiration; that never knew defeat.

The past now opens before us and as we turn to some of the obscure pages of our noble history, disregarded of late by the rising form of the new Utopia, we discover the old-fashioned, substantial meaning of American patriotism as developed under a true form of democracy.

In the early days of the Revolution George Washington considered the advisability of bombarding the town of Boston, then held by the British. He presented the matter to the Continental Congress. John Hancock, President of Congress, was a large property holder in Boston. When the question came up, he left the chair and addressed the

chairman of the Committee of the Whole in the following words: "It is true, sir; nearly all the property I have in the world is in houses and other real estate in the town of Boston; but if the expulsion of the British Army from it, and the liberties of the Country, require their being burnt to ashes—issue the order for that purpose immediately."

Do we have patriotism of this type burning in American breasts to-day? Are our leaders animated by the same spirit of devotion? Are such offers of sacrifice going out to vitalize the hope of the American people?

When we can answer truthfully in the affirmative, then we are on the way to victory. But so long as lusts for power, desires for war profits, cravings for congressional pensions, or any other base or selfish feeling motivate the American heart, then such sterling patriotism is impossible.

During the Revolution, Joseph Reed, a soldier and statesman of Pennsylvania, was approached by a fifth columnist of the crown, and his famous reply has since become a part of American tradition. General Reed said: "I am not worth purchasing, but such as I am, the King of Great Britain is not rich enough to buy me."

Joseph Reed was aid and secretary to Washington, Adjutant General of the American Army, a member of Congress, and President of the Commonwealth of Pennsylvania. His honorable activities in these several capacities have been generally forgotten. But the noble sentiments embodied in his famous reply were issues of the soul, and will live forever as an inspiration to the American people.

During the occupation of Long Island by the enemy, General Washington was desirous of having certain military information of a secret nature, and a young man in the American Army was selected to obtain the same. He was captured and hanged as a spy. He was not allowed the company of a clergyman or the use of the bible. But his soul burned with true American patriotism, and when the cruel jeers of the enemy had died away, he exclaimed "I only regret that I have not more lives to give to my Country."

Nathan Hale is dead, but his spirit will remain for all time with the American people.

The same patriotic spirit as exemplified in the words of John Hancock, in the reply of Joseph Reed, in the last words of Nathan Hale, has enflamed the soul of every true American in every period of threatened disaster, and directed their course to victory.

Mr. President, we cannot speak of this spirit of patriotism without including the name of Washington. At this season of the year the American people look back with pride to the days of George Washington. They honor his life; they praise his name; they worship his memory. He is to them the Father of American Freedom. His zeal touched the life of every soldier and patriot. His indomitable spirit, during the gloomy days of the Revolution and the critical period that followed, shone forth in exquisite brillance to light the way of his people to safety and honor.

He embraced the simple creed of the Fathers—devotion to the high and sacred ideals of the Soul. The American people loved this creed. It was the doctrine of the American home; it was taught in the little country school; it was expounded in the village church; it was felt by all. Out of it came the Republic.

We have the Republic today. But are the people of the Republic filled with the same patriotic devotion as agitated the lives of the early Fathers? Or has the of the Fathers been suppressed or destroyed by the appearence of the new Utopia of material things? I answer, the Republic is dying from within. The pure spirit that formerly animated its being has departed. Will it return to save us? The answer is with the American people. I regret that too many of our people have been led away by unclean spirits. I am sure that many have settled down with self satisfied ease, based on the promise that the Government will care for them. I feel that many have given too much attention to the new American policy that we can purchase security by the appropriation and expenditure of large sums of money.

They have lost the way. They are enveloped in the mists of the approaching storm. They are asleep with manifold dangers about them. Awake America! Arise from your ease. Shake off your indolence. Light again within your breast the patriotic spirit of the American Fathers. Directed by this spirit go forth in your might to the support of the Republic. Do not let the cry of selfish groups for more relief; for congressional pensions; for higher salaries; for lesser hours; and kindred demands, swerve you from your true purpose. The Republic must be saved. Learn now that the Republic cannot be saved by supporting her cause with one hand and playing party politics with the other. A just cause must have unity of action.

United, and full of the spirit of that brand of patriotism engendered by the American Fathers, the American people will present to the World an inspired fighting force, abundantly equipped with all the implements of modern warfare.

We must not forget that there is a right side and a wrong side to every cause. The Republic claims the side of right. In the spirit of the Fathers let us support our Country by diligently and conscientiously following the path of honest duty, suppressing the wrong and embracing the right, remembering at all times, "That righteousness exalteth a nation." Let us seize hold of the spirit of the great patriot Francis Scott Key as expressed in his immortal words, "Then conquer we must, when our cause it is just And this be our motto "In God is our trust."

If we forsake and fall below these high standards, established by the American Fathers through suffering and sacrifice, we may have America but we will not have the Republic.

We strive for victory and Democracy. Not the democracy of Japan. Not the democracy of Hitler. Not the democracy of Stalin. There is but one type of pure democracy—the democracy of our great and good George Washington. In the defense of such democracy we must succeed. O, may we take new courage to-day as we imbibe freely of the spirit of the American Fathers.

Mr. CAVALCANTE. Mr. President, the gentleman from Washington has justly stated that a man can not advance the cause of the Republic with one hand, and yield in the other the cause of party politics. This is in substance restating the biblical injunction that man

can not serve two masters, he will either serve God or serve mammon; he can not serve his country and party politics or foreign interests at the same time.

Indeed, it is consoling on this anniversary of the birth of the Father of his Country to note reverently his farewell admonitions to his fellow countrymen on the dark pitfalls of party, sectional and international politics. The great soldier, patriot and statesman would speak to us today as follows:

"Here, perhaps, I ought to stop. But a solicitude for your welfare, which can not end but with my life, and the apprehension of danger, natural to that solicitude, urge me, on an occasion like the present, to offer to your solemn contemplation, and to recommend to your frequent review, some sentiments which are the result of much reflection, of no inconsiderable observation, and which appear to me all important to the permanency of your felicity as a people. These will be offered to you with the more freedom, as you can only see in them the disinterested warnings of a parting friend, who can possibly have no personal motive to bias his counsel. Nor can I forget, as an encouragement to it, your indulgent reception of my sentiments on a former and not dissimilar occasion.

"Interwoven as is the love of liberty with every ligament of your hearts, no recommendation of mine is necessary to fortify or confirm the attachment.

"The unity of government which constitutes you one people is also now dear to you. It is justly so, for it is a main pillar in the edifice of your real independence, the support of your tranquility at home, your peace abroad; of your safety; of your prosperity; of that very liberty which you so highly prize. But as it is easy to forsee that, from different causes and from different quarters, much pains will be taken, many artifices employed to weaken in your minds the conviction of this truth; as this is the point in your political fortress against which the batteries of internal and external enemies will be most constantly and actively (though often covertly and insidiously) directed, it is of infinite moment that you should properly estimate the immense value of your national union to your collective and individual happiness; that you should cherish a cordial, habitual, and immovable attachment to it; accustoming yourselves to think and speak of it as of the palladium of your political safety and posperity; watching for its preservation with jealous anxiety; discountenancing whatever may suggest even a suspicion that it can in any event be abandoned; and indignantly frowning upon the first dawning of every attempt to alienate any portion of our country from the rest, or to enfeeble the sacred ties which now link together the various parts.

"For this you have every inducement of sympathy and interest. Citizens, by birth or choice of a common country, that country has a right to concentrate your affections. The name of American, which belongs to you in your national capacity, must always exalt the just pride of patriotism more than any appellation derived from local discriminations. With slight shades of difference, you have the same religion, manners, habits, and political principles. You have in a common cause fought and triumphed together; the independence and liberty you possess are the work of joint counsels, and joint efforts of common dangers, sufferings, and successes.

"I have already intimated to you the danger of parties in the State, with particular reference to the founding of them on geographical discriminations. Let me now take a more comprehensive view, and warn you in the most solemn manner against the baneful effects of the spirit of party generally.

"This spirit, unfortunately, is inseparable from our nature, having its root in the strongest passions of the human mind. It exists under different shapes in all governments, more or less stifled, controlled, or repressed; but, in those of the popular form, it is seen in its greatest rankness, and is truly their worst enemy.

"The alternate domination of one faction over another, sharpened by the spirit of revenge, natural to party dissension, which in different ages and countries has perpetrated the most horrid enormities, is itself a frightful despotism. But this leads at length to a more formal and permanent despotism. The disorders and miseries which result gradually incline the minds of men to seek security and repose in the absolute power of an individual; and sooner or later the chief of some prevailing faction, more able or more fortunate than his competitors, turns this disposition to the purposes of his own elevation, on the ruins of public liberty.

"Without looking forward to an extremity of this kind (which nevertheless ought not to be entirely out of sight), the common and continual mischiefs of the spirit of party are sufficient to make it the interest and duty of a wise people to discourage and restrain it.

"It serves always to distract the public councils and enfeeble the public administration. It agitates the community with ill-founded jealousies and false alarms, kindles the animosity of one party against another, foments occasionally riot and insurrection. It opens the door to foreign influence and corruption, which finds a facilitated access to the government itself through channels of party passions. Thus the policy and the will of one country are subjected to the policy and will of another.

"There is an opinion that parties in free countries are useful checks upon the administration of the government and serve to keep alive the spirit of liberty. This within certain limits is probably true; and in governments of a monarchical cast, patriotism may look with indulgence, if not with favor, upon the spirit of party. But in those of the popular character, in governments purely elective, it is a spirit not to be encouraged. From their natural tendency, it is certain there will always be enough of that spirit for every salutary purpose. And there being constant danger of excess, the effort ought to be by force of public opinion, to mitigate and assuage it. A fire not to be quenched, it demands a uniform vigilance to prevent its bursting into a flame, lest, instead of warming, it should consume.

"Observe good faith and justice towards all nations; cultivate peace and harmony with all. Religion and morality enjoin this conduct; and can it be, that good policy does not equally enjoin it? It will be worthy of a free, enlightened, and at no distant period, a great

nation, to give to mankind the magnanimous and too novel example of a people always guided by an exalted justice and benevolence. Who can doubt that, in the course of time and things, the fruits of such a plan would richly repay any temporary advantages which might be lost by a steady adherence to it? Can it be that Providence has not connected the permanent felicity of a nation with its virtue? The experiment, at least, is recommended by every sentiment which ennobles human nature. Alas! is it rendered impossible by its vices?

"In the execution of such a plan, nothing is more essential than that permanent, inveterate antipathies against particular nations, and passionate attachments for others, should be excluded; and that, in place of them, just and amicable feelings towards all should be cultivated. The nation which indulges towards another a habitual hatred or a habitual fondness is in some degree a slave. It is a slave to its animosity or to is affection, either of which is sufficient to lead it astray from its duty and its interest. Antipathy in one nation against another disposes each more readily to offer insult and injury, to lay hold of slight causes of umbrage, and to be haughty and intractable, when accidental or trifling occasions of dispute occur. Hence, frequent collisions, obstinate, envenomed, and bloody contests. The nation, prompted by ill-will and resentment, sometimes impels to war the government, contrary to the best calculations of policy. The government sometimes participates in the national propensity, and adopts through passion what reason would reject; at other times it makes the animosity of the nation subservient to projects of hostility instigated by pride, ambition, and other sinister and pernicious motives. The peace often, sometimes perhaps the liberty, of nations, has been the victim.

"So likewise, a passionate attachment of one nation for another produces a variety of evils. Sympathy for the favorite nation, facilitating the illusion of an imaginary common interest in cases where no real common interest exists, and infusing into one the enmities of the other, betrays the former into a participation in the quarrels and wars of the latter without adequate inducement or justification. It leads also to concessions to the favorite nation of privileges denied to others which is apt doubly to injure the nation making the concessions; by unnecessarily parting with what ought to have been retained, and by exciting jealousy, ill-will, and a disposition to retaliate, and in the parties from whom equal privileges are withheld. And it gives to ambitious, corrupted, or deluded citizens (who devote themselves to the favorite nation), facility to betray or sacrifice the interests of their own country, without odium, sometimes even with popularity; gilding, with the appearance of a virtuous sense of obligation, a commendable deference for public opinion, or a laudable zeal for public good, the base or foolish compliances of ambition, corruption, or infatuation.

"As avenues to foreign influence in innumerable ways, such attachments are particularly alarming to the truly enlightened and independent patriot. How many opportunities do they afford to tamper with domestic factions, to practice the arts of seduction, to mislead public opinion, to influence or awe the public councils. Such an attachment of a small or weak towards a great and powerful nation dooms the former to be the satellite of the latter.

"Against the insidious wiles of foreign influence (I conjure you to believe me, fellow-citizens) the jealousy of a free people ought to be constantly awake, since history and experience prove that foreign influence is one of the most baneful foes of republican government. But that jealousy to be useful must be impartial; else it becomes the instrument of the very influence to be avoided, instead of a defense against it. Excessive partiality for one foreign nation and excessive dislike of another cause those whom they actuate to see danger only on one side, and serve to veil and even second the arts of influence on the other. Real patriots who may resist the intrigues of the favorite are liable to become suspected and odious, while its tools and dupes usurp the applause and confidence of the people, to surrender their interests.

"The great rule of conduct for us in regard to foreign nations is in extending our commercial relations, to have with them as little political connection as possible. So far as we have already formed engagements, let them be fulfilled with perfect good faith. Here let us stop."

Mr. President, on this 210th anniversary of George Washington and in the face of our present national and international relations, many Americans are inclined to wonder whether it might have been more prudent for the cause of this republic for our executives and legislators of recent years to have given greater thought and consideration to the solicitous admonitions of the Father of his Country, rather than to have yielded to those admonitions, the baneful caprices of party spirit and international mongering.

RECESS

Mr. GELTZ. Mr. President, I move that the Senate do now take a recess until 5:55 o'clock, p. m.

Mr. TAYLOR. Mr. President, I second the motion.

The motion was agreed to.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed the Senate will be in order.

REPORTS FROM COMMITTEES

Mr. WOODWARD, from the Committee on Constitutional Changes, reported as committed, Senate Bill No. 3, entitled:

A Joint Resolution proposing an amendment to article nine, section eight of the Constitution of the Commonwealth of Pennsylvania, further regulating indebtedness of political subdivisions.

Mr. COLEMAN, from the Committee on Congressional Apportionment, reported as committed, Senate Bill No. 33, (House Bill No. 1), entitled:

An Act concerning the election of representatives of the people of Pennsylvania to serve in the House of Representatives of the Congress of the United States; providing for the apportionment of the Commonwealth into Congressional districts and for the election of one representative in Congress at large.

Mr. JASPAN, from the Committee on Constitutional Changes, reported as committed, Senate Bill No. 25, entitled:

A Joint Resolution proposing an amendment to section thirteen, Article three, of the Constitution of the Commonwealth of Pennsylvania.

He also, from the Committee on Constitutional Changes, reported as committed, Senate Bill No 26, entitled:

A Joint Resolution proposing an amendment to article eight, section eleven, of the Constitution of the Commonwealth of Pennsylvania.

CALENDAR

BILLS OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 19, on third reading, entitled:

An Act to protect property by prohibiting certain unlawful entries on, injuries to, and interference with property and waters and attempts or conspiracies to do so; authorizing the closing of streets; conferring powers on the Water and Power Resources Board, and on peace officers, watchmen, guards and supervisors, and providing penalties

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 20, on third reading, entitled:

An Act giving the consent of the Commonwealth of Pennsylvania to the acquisition by the United States of America of about 34 acres of land in the Borough of Eddystone, Delaware County, Pennsylvania, for use in the establishment of a plant to produce steel forgings and other articles necessary for National Defense; and ceding jurisdiction to the United States

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 21, on third reading, entitled:

An Act authorizing political subdivisions to levy a special tax for the purpose of providing funds, a part or all of which may be appropriated to any local or district council of defense within said political subdivision; authorizing political subdivisions to borrow money, under certain conditions for such purposes; and ratifying, confirming and validating appropriations heretofore made for said purposes

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 27, on third reading, entitled:

An Act to provide for the expenses of the Extraordinary Session of the Legislature assembled February seventeenth, one thousand nine hundred forty-two, in pursuance of the proclamation of the Governor of the Commonwealth dated February tenth, one thousand nine hundred forty-two, and the supplement thereto.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 28, entitled:

An Act to further amend Section 801 of the act, approved the fifth day of May, one thousand nine hundred and thirty-three (P. L. 457), entitled "An act relating to the business of building and loan asociations; providing for the organization and voluntary dissolution of such associations; defining the rights, powers, duties, liabilities, and immunities of such associations, and of their officers, directors, shareholders, solicitors, and other employes; prohibiting the transaction of business in this Commonwealth by foreign building and loan associations; conferring powers and imposing duties upon the courts, recorders of deeds, and certain State departments, commissions, and officers; establishing limitations of actions; imposing penalties; and repealing certain acts and parts of acts," by authorizing building and loan associations to act as fiscal agents of the United States Government for the sale of United States Defense Bonds and Defense Stamps, and permitting such associations to pledge their assets for the faithful performance of their duties as such agents.

And said bill having read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

MOTION TO READ BILLS THE FIRST TIME

Mr. GELTZ. Mr. President, I move that the Senate do now proceed to the first readng of all bills reported from committees for the first time at today's session.

Mr. MILLER. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 3, entitled:

A Joint Resolution proposing an amendment to article nine, section eight of the Constitution of the Commonwealth of Pennsylvania, further regulating indebtedness of political subdivisions.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 25, entitled:

A Joint Resolution proposing an amendment to section thirteen, Article three, of the Constitution of the Commonwealth of Pennsylvania.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 26, entitled:

A Joint Resolution proposing an amendment to article eight, section eleven, of the Constitution of the Commonwealth of Pennsylvania.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 33, (House Bill No. 1), entitled:

An Act concerning the election of representatives of the people of Pennsylvania to serve in the House of Representatives of the Congress of the United States providing for the apportionment of the Commonwealth into Congressional districts and for the election of one representative in Congress at large.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

ADJOURNMENT

Mr. GELTZ. Mr. President, I move that the Senate do now adjourn until Tuesday, February 24, 1942, at 2:00 o'clock, p. m., Eastern War Time.

Mr. TALLMAN. Mr. President,, I second the motion.

The motion was agreed to.

The Senate adjourned at 6:45 p. m., Eastern War Time until Tuesday, February 24, 1942, at 2:00 o'clock, p. m., Eastern War Time.

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal.

Extraordinary Session of 1942.

Vol. 26. HARRISBURG, PA., TUESDAY, FEBRUARY 24, 1942. No. 5.

SENATE

TUESDAY, February 24, 1942

The Senate met at 2:00 o'clock, p. m., E. W. T.

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the Chair.

PRAYER

The Chaplain, Rev. EDWIN S. WALLACE offered the following prayer:

Almighty God the author of our being and the sustainer of our lives, enable us with due reverence and in godly fear to ask for divine guidance in all matters to come before this body, and to believe that Thou art more ready to give such guidance than we are to ask Thee for it.

We thank Thee for Thy providing and preserving care that has been over us through the days. All that we have needed has come to us from Thy generous hand.

We acknowledge Thy sovereignty over us and humbly confess our allegiance to Thee.

We thank Thee for the gift of life and for the obligations and responsibilities that come with it. Help us by the inspirations of Thy Holy Spirit to meet all such with clear heads and pure hearts.

We ask Thy blessing and protection for the President of the United States and for the Governor of this Commonwealth. They are Thy servants.

As a nation whose God is the Lord may we seek to establish the kingdon of God. Grant success to all our efforts to protect and preserve the nation, and hasten the coming of a just and honorable peace. Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. JAMES and Mr. GELTZ, the further reading was dispensed with, and the Journal was approved.

LEAVE OF ABSENCE

Mr. Stiefel asked and obtained leave of absence for the Senator from Philadelphia, Mr. SHAPIRO.

NOMINATIONS BY THE GOVERNOR

NOTARIES PUBLIC

The Secretary to the Governor being introduced, presented in writing from His Excellency, the Governor of the Commonwealth, nominations for appointment as Notaries Public.

CONSIDERATION OF NOTARIES PUBLIC

Mr. JAMES. Mr. President, I move that the Senate do now proceed to the consideration of nominations for appointment as Notaries Public, sent to the Senate February 24, 1942 by His Excellency, the Governor of the Commonwealth.

Mr. GELTZ. Mr. President, I second the motion.

The motion was agreed to.

The nominations were read as follows:

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 24, 1942.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

LAWRENCE COUNTY

Miss Margaret J. Sankey, New Castle.

LUZERNE COUNTY

Miss Susan Mundy, Wilkes-Barre.

LYCOMING COUNTY

Ralph E. Kelchner, Jersey Shore.

NORTHAMPTON COUNTY

William A. Frack, Easton.

PHILADELPHIA COUNTY

William F. Dunn, Jr., Phila., 697 Drexel Bldg.
Carlton L. Fisher, Phila., West Disinfecting Co., 49th St., and Grays Ave.
Alfred E. Garfinkel, Phila., 161 East Allen St.
Ernest R. Price, Phila., F. W. Woolworth Co., Fidelity-Philadelphia Trust Bldg., 123 S. Broad Street.
William Seitzinger, Phila., 1524 Chestnut Street.

WESTMORELAND COUNTY

Miss M. Janet Cook, Scottdale.

ARTHUR H. JAMES.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 24, 1942.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

E. W. Korba, Wilkinsburg.
Mrs. Teresa M. Mai, Forest Hills.
James Halon Nugent, Swissvale.
Miss Frances A. Scott, Pittsburgh, 522 Lowell St., E. E.
Howard L. Snyder, Pittsburgh, J. and L. Bldg., 2d Ave. and Ross Street.

BERKS COUNTY

Mrs. M. Catharine Rebman, Reading.

BUCKS COUNTY

Miss R. Jane Keller, Doylestown.
Miss Frieda Schmidt, Solebury Twp., Lahaska.

CHESTER COUNTY

G. Wilson Stiteler, Phoenixville.

CRAWFORD COUNTY

John M. O'Laughlin, Meadville.

DAUPHIN COUNTY

G. Paul Peck, Swatara Twp., Oberlin.
Horace C. Wolbert, Harrisburg.

DELAWARE COUNTY

Mrs. Shirley V. Denson, Millbourne.
Mrs. Clara E. Louis, Upper Darby Twp., Morton Bldg., 6932 Market St., Upper Darby.

LACKAWANNA COUNTY

Daniel Koppelman, Scranton.
Miss Doris L. Washer, Scranton.

LANCASTER COUNTY

Miss C. Myrtle Vandergrift, Lancaster.

LUZERNE COUNTY

Edward M. Davies, Kingston.

PHILADELPHIA COUNTY

Earl F. Dales, Phila., 2230 North 16th Street.
Mrs. Emily D. C. Fulforth, Phila., 45 W Seymour Street.
Richard E. Hammer, Phila., 554 E. Godfrey Ave.
Mrs. Sara E. Lind, Phila., 22d and Master Streets.
Edward G. Schreck, Phila., Cramp Shipbuilding Co., Richmond and Norris Streets.
Miss Helen G. Stephenson, Phila., 2609 Aspen Street.
William H. Warner, Phila., 4200 Oakmont Avenue.
Miss Bertha Weber, Phila, 1700 Sansom Street.

SOMERSET COUNTY

W. Robert Yarnell, Windber.

WESTMORELAND COUNTY

Miss Marjorie Newcomer, Greensburg.
Miss Catharine Tomashosky, Dairy Twp., Box 30, Latrobe.

BRADFORD COUNTY

Miss Helen L. Bullard, Towanda.

ARTHUR H. JAMES.

NOMINATIONS FOR NOTARIES PUBLIC

A motion was made by Mr. JAMES and Mr. GELTZ

That the Senate do advise and consent to said nominations.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Barr,	DiSilvestro,	Lanius,	Stiefel,
Bartlett,	Ealy,	Letzler,	Tallman,
Becker,	Edmonds,	Mallery,	Taylor,
Carr,	Farrell,	McCreesh,	Thomas,
Cavalcante,	Frey,	McGinnis,	Tyler,
Chapman,	Geltz,	McQuiddy,	Wade,
Coleman,	Haluska,	Miller,	Walker,
Cox,	Heyburn,	Reed,	Watkins,
Crider,	Homsher,	Ruth,	Wilson, H. I.,
Crowe,	James,	Scarlett,	Wilson, T. B.,
Deitrick.	Jaspan,	Snowden,	Woodward,
Dent.	Kephart,	Stevenson,	Ziesenheim,

NAYS—0

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

He also presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Executive Nominations.

MEMBER OF WARREN COUNTY BOARD OF ASSISTANCE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 24, 1942.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate C. H. Whittaker, Sheffield, Warren County, for appointment as a member of the Warren County Board of Assistance, until December 31, 1944, and until his successor is duly appointed and qualified, vice Mrs. Minnie Haggerty, whose term expired.

ARTHUR H. JAMES.

NOMINATION FOR JUSTICE OF THE PEACE IN BEAVER COUNTY

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 24, 1942.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate W. J. Beglin, Midland, Beaver County, for appointment as Justice of the Peace in and for the Borough of Midland, Beaver County, until the first Monday in January, 1944, vice H. H. Bream, deceased.

ARTHUR H. JAMES.

NOMINATION FOR JUSTICE OF THE PEACE IN LUZERNE COUNTY

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 24, 1942.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to

nominate for the advice and consent of the Senate Mrs. Isabel Beretsky, 25 East First Street, Larksville, Wilkes-Barre, Luzerne County, for reappointment as Justice of the Peace in and for the Borough of Larkesville, Luzerne County, until the first Monday of January, 1944.

ARTHUR H. JAMES.

NOMINATION FOR JUSTICE OF THE PEACE IN MONTGOMERY COUNTY

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 24, 1942.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate William E. Williams, 18 Cedar Avenue, West Conshohocken, Montgomery County, for appointment as Justice of the Peace in and for the Borough of West Conshohocken, Montgomery County, until the first Monday in January, 1944, vice John W. Tuckerman, resigned.

ARTHUR H. JAMES.

PETITION AND REMONSTRANCE

The Chair cleared his table and laid before the Senate a communication urging favorable school legislation.

EMPLOYE OF THE SENATE ELECTED

Mr. CHAPMAN offered the following resolution which was twice read, considered and agreed to:

In the Senate, February 24, 1942.

Resolved, That the following person be elected Custodian, Committee Rooms, of the Senate, Extraordinary Session of 1942, to fill existing vacancy:

CUSTODIAN—COMMITTEE ROOMS

Seely Campman—Vice—Michael E. Lazor

QUESTION OF PERSONAL PRIVILEGE

Mr. HALUSKA. Mr. President, I rise on a question of personal privilege.

The PRESIDENT. The gentleman from Cambria will proceed.

Mr. HALUSKA. Mr. President and gentlemen of the Senate, for eight years now I have had the pleasure of serving with most of you, both in the House and in this Chamber. I have been elected and I have served here as a Democrat. True, oftentimes I broke away from the Democratic leadership; I did so when I thought that they were wrong.

I noticed by the papers that the Democratic Caucus last week had elected a new floor leader, a colleague of mine, and a fine man, Senator McGinnis. I am sorry that I shall not have the opportunity, I might say the privilege, of working with him. I know of no better selection that my colleagues could have made as floor leader; I think we all agree that Senator McGinnis is an outstanding party man and will fight his cause to his very end.

I say I am sorry that I can not work with him and I feel that I should rise on my feet and explain my position this afternoon, that my colleagues on both sides might know what I am doing and what my ambitions are.

I have tried, Mr. President, to influence both parties, the Democratic Party and the Republican Party, to enact certain legislation. That certain legislation was pertaining to the aged of our Commonwealth, to give a pension to those who never again will have the apportunity of going back to private industry. That has been a long battle but it has been fought in vain. I am satisfied now that neither party has any thought of placing within their platform any such program.

The second part of my battle has been that I have always disagreed with party leaders, both Democrat and Republican, when any person who had been compelled to apply for relief or old age assistance or widow's pension, must first assign their wordly goods on the dotted line for repayment of any moneys or any aid that he or she might receive, and the records show, Mr. President, that I have fought hard for years trying to abolish the present system of relief. That battle has been in vain.

I promised in one of my last talks during the last session that if neither party saw fit to place within their program some repealers that I would enter in 1942 a third party in Pennsylvania politics.

Therefore, Mr. President, I wish it to be known now that today I am announcing the preempting of a third party. In doing so I want it to be known that there is no malice in my heart towards any Democrat or any Republican in this Chamber or in this Commonwealth. They probably acted wisely, or at least they thought they did. So, I have no malice towards any of you gentlemen but I feel I have a right to fight for a cause.

It has been said that possibly I was born ten years too soon; that might be true. I will find myself from today on very much isolated; I will find I am a man without party, a man without a home. It takes courage, Mr. President, to break away from any party, you must agree. However, I am no politician, I never hope to be, and if I win, if once we have placed upon our statute books a pension law, I promise that never again will I seek public office. Up until such time I expect to seek public office and fight in my humble way for the cause I am fighting for now.

I am preempting a third party carrying my own name for Governor; I will have with me a running mate for Lieutenant-Governor; and I will have with me a running mate as Secretary of Internal Affairs. They will be men from great organizations and we expect to travel the width and breadth of this Commonwealth to place our cause before the voting public.

If I should be defeated, if that should be my lot, I have no fear, but I hope that I will bring back with me into this next session at least several liberal members in this Chamber and at least a number of members in the House, when, if we have a close House or close Senate, we might be able to give the people of Pennsylvania what they have been asking for.

Oftentimes we have said give us liberty or give us death, and the old people of Pennsylvania say to you give us security or give us death.

So, Mr. President, in these words I wish to break my relations, I might say my political relations with both parties I shall cast my vote from now on as I see fit; it might be with the Democratic group or it might be with the Republican group, but I am preempting my party because I feel only in that way will I be in position to

carry my battle down to the home lines and let the people decide for themselves whether or not they believe the aged of our Commonwealth should have some security when they reach the autumn of their lives.

CALENDAR

BILL OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 19, on third reading, entitled:

An Act to protect property by prohibiting certain unlawful entries on, injuries to, and interference with property and waters and attempts or conspiracies to do so; authorizing the closing of streets; conferring powers on the Water and Power Resources Board, and on peace officers, watchmen, guards and supervisors, and providing penalties.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL RECOMMITTED

Mr. GELTZ. Mr. President, I move that Senate Bill No. 20, on third reading, entitled:

An Act giving the consent of the Commonwealth of Pennsylvania, to the acquisition by the United States of America of about 34 acres of land in the Borough of Eddystone, Delaware County, Pennsylvania, for use in the establishment of a plant to produce steel forgings and other articles necessary for National Defense; and ceding jurisdiction to the United States.

be recommitted to the Committee on State Government.

Mr. SNOWDEN. Mr. President, I second the motion.

The motion was agreed to.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 21, entitled:

An Act authorizing political sub-divisions to levy a special tax for the purpose of providing funds, a part or all of which may be appropriated to any local or district council of defense within said political subdivisions; authorizing political subdivisions to borrow money, under certain conditions for such purposes; and ratifying, confirming and validating appropriations heretofore made for said purposes.

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill?

RECONSIDERATION OF SENATE BILL No. 21

Mr. GELTZ. Mr. President, I move to reconsider the vote by which the bill passed second reading.

The PRESIDENT. How did the Senator vote?

Mr. GELTZ. Mr. President, I voted "aye".

Mr. MILLER. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. MILLER. Mr. President, I voted "aye".

The motion was agreed to.

And the question recurring,

Will the Senate agree to the bill on second reading?

The sections were severally reconsidered.

The first section was read.

On the question,

Will the Senate agree to the Section?

Mr. CROWE. Mr. President, I desire to offer amendments.

The Clerk read the amendments as follows:

Amend Section 1 page 1 line 5 after the word "township" by striking out the words: "and school district"

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the question as amended?

It was agreed to.

The second section was read.

On the question,

Will the Senate agree to the section?

Mr. CROWE. Mr. President, I desire to offer an amendment.

The Clerk read the amendment as follows:

Amend Section 2 page 2 lines 8, 9 and 10 after the word "to" by striking out the words: "assess levy and collect a special tax not exceeding ——mills the proceeds of which shall be used by the political subdivision for making"; and insert in lieu thereof the word: "make"; Amend Section 2 page 2 line 11 at the beginning of the line by srtiking out the following word: "to"; and insert in lieu thereof: "for the payment of expenses of"; Amend Section 2 page 2 line 11 after the word "defense" by striking out the following words: "as hereinafter"; Amend Section 2 page 2 line 11 after the word "defense" by inserting the following: "and to provide for protection of the health welfare and safety of the civilian population of the said political subdivision A political subdivision in making such appropriations may specify the amounts and purposes for which the moneys so appropriated may be used by such councils of defense or other agency to or for which such appropriation may be made"; Amend Section 2 page 2 lines 12 through 17 inclusive by striking out the whole of said lines

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The third section was read.

On the question,

Will the Senate agree to the section?

Mr. CROWE. Mr. President, I desire to offer an amendment.

The Clerk read the amendment as follows:

Amend Section 3 page 2 lines 18 and 19 by striking out after the word "subdivision" the following: "which has heretofore prepared its budget and levied its taxes for"; and insert in lieu thereof the word: "during"; Amend Section 3 page 2 lines 21, 22 and 23 by striking out after the word "money" the following words: "not exceeding in the aggregate the amount which said political subdivision may raise by taxation under the provisions of Section 2 hereof but the"; and insert in lieu thereof the following: "necessary for the purposes authorized in Section 2 hereof

The budget and"; Amend Section 3 page 2 line 24 after the word "the" and before the word "year" by inserting the word: "fiscal"; Amend Section 3 page 2 line 25 after the part-word "cient" by striking out the word: "additional"; and insert in lieu thereof the following words: "appropriation and"; Amend Section 3 page 2 line 25 after the word "to" by striknq out the word: "liquidate"; and inserting in lieu thereof the word: "repay"; Amend Section 3 page 2 line 25 at the end of said line after the word "loan" by inserting the words: "within said year."

On the question,
Will the Senate agree to the amendment?
It was agreed to.
On the question,
Will the Senate agree to the section as amended?
It was agreed to.

The fourth section was read.
On the question,
Will the Senate agree to the section?

Mr. CROWE. Mr. President, I desire to offer an amendment.

The Clerk read the amendment as follows:

Amend Section 4 page 2 lines 26, 27, 28 and 29 by striking out the whole of said lines and insert in lieu thereof the following: "Section 4 Any political subdivision may levy a tax in excess of any statutory limitation for the purposes of this act on application to and approval of such excessive levy for each year by the court of quarter sessions of the county in which such political subdivision is situated"; Amend Section 4 page 3 lines 1, 2, 3 and 4 by striking out the whole of said lines.

On the question,
Will the Senate agree to the amendment?
It was agreed to.
On the question,
Will the Senate agree to the section as amended?
It was agreed to.

The fifth section was read and agreed to.
The sixth section was read.
On the question,
Will the Senate agree to the section?

Mr. CROWE. Mr. President, I desire to offer an amendment.

The Clerk read the amendment as follows:

Amend Section 6 page 3 line 10 after the word "appropriations" by inserting the following: "and expenditures"; Amend Section 6 page 3 line 12 at the beginning of said line before the word "are" by inserting the following: "or for the purposes specified in Section 2 of this act".

On the question,
Will the Senate agree to the amendment?
It was agreed to.
On the question,
Will the Senate agree to the section as amended?
It was agreed to.

The seventh section was read and agreed to.
The title was read.
On the question,
Will the Senate agree to the title?

Mr. CROWE. Mr. President, I desire to offer an amendment.

The Clerk read the amendment as follows:

Amend page 1 line 1 of the title by striking out after the word "a" the following word: "special"

On the question,
Will the Senate agree to the amendment?
It was agreed to.
On the question,
Will the Senate agree to the title as amended?
It was agreed to.

And said bill as amended having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 27, entitled:

An Act to provide for the expenses of the Extraordinary Session of the Legislature assembled February seventeenth, one thousand nine hundred forty-two, in pursuance of the proclamation of the Governor of the Commonwealth dated February tenth, one thousand nine hundred forty-two, and the supplement thereto.

And said bill having been read at length the third time, and agreed to,

On the question,
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Barr,	DiSilvestro,	Lanius,	Stiefel,
Bartlett,	Ealy,	Letzler,	Tallman,
Becker,	Edmonds,	Mallery,	Taylor,
Carr,	Farrell,	McCreesh,	Thomas,
Cavalcante,	Frey,	McGinnis,	Tyler,
Chapman,	Geltz,	McQuiddy,	Wade,
Coleman,	Haluska,	Miller,	Walker,
Cox,	Heyburn,	Reed,	Watkins,
Crider,	Homsher,	Ruth,	Wilson, H. I.,
Crowe,	James,	Scarlett,	Wilson, T. B.,
Deitrick,	Jaspan,	Snowden,	Woodward,
Dent,	Kephart,	Stevenson,	Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 28, entitled:

An Act to further amend Section 801 of the act, approved the fifth day of May, one thousand nine hundred and thirty-three (P. L. 457), entitled "An act relating to the business of building and loan associations; providing for the organization and voluntary dissolution of such associations; defining the rights, powers, duties, liabilities, and immunities of such associations, and of their officers, directors, shareholders, solicitors, and other employes; prohibiting the transaction of business in this Commonwealth by foreign building and loan associations; conferring powers and imposing duties upon the courts, recorders of deeds, and certain State departments, commissions, and officers; establishing limitations of actions; imposing penalties; and repealing certain acts and parts of acts," by authorizing building and loan associations to act as fiscal agents of the United States Government for

the sale of United States Defense Bonds and Defense Stamps, and permitting such associations to pledge their assets for the faithful performance of their duties as such agents.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Barr,	DiSilvestro,	Lanius,	Stiefel,
Bartlett,	Ealy,	Letzler,	Tallman,
Becker,	Edmonds,	Mallery,	Taylor,
Carr,	Farrell,	McCreesh,	Thomas,
Cavalcante,	Frey,	McGinnis,	Tyler,
Chapman,	Geltz,	McQuiddy,	Wade,
Coleman,	Haluska,	Miller,	Walker,
Cox,	Heyburn,	Reed,	Watkins,
Crider,	Homsher,	Ruth,	Wilson, H. I.,
Crowe,	James,	Scarlett,	Wilson, T. B.,
Deitrick,	Jaspan,	Snowden,	Woodward,
Dent,	Kephart,	Stevenson,	Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

SENATE BILL No. 19 CALLED UP

Mr. GELTZ. Mr. President, I now call up Senate Bill No. 19, which went over in its order on third reading.

Mr. STEVENSON. Mr. President, I second the motion.

It was agreed to.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 19, entitled:

An Act to protect property by prohibiting certain unlawful entries on, injuries to, and interference with property and waters and attempts or conspiracies to do so; authorizing the closing of streets; conferring powers on the Water and Power Resources Board, and on peace officers, watchmen, guards and supervisors, and providing penalties.

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill?

RECONSIDERATION OF SENATE BILL No. 19

Mr. GELTZ. Mr. President, I move that the Senate do now reconsider the vote by which the bill passed second reading.

The PRESIDENT. How did the Senator vote?

Mr. GELTZ. Mr. President, I voted "aye."

Mr. STEVENSON. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. STEVENSON. Mr. President, I voted "aye".

The motion was agreed to.

And the question recurring,

Will the Senate agree to the bill on second reading?

Sections one to fourteen of the bill were severally reconsidered.

Sections one to seven were read and agreed to.

The eighth section was read.

On the question,

Will the Senate agree to the section?

Mr. STEVENSON. Mr. President, I desire to offer an amendment.

The Clerk read the amendment as follows: Amend Section 8, page 5, line 2, after the word "corporation" and before the word "or", by striking out the words; "of this state"; Amend Section 8, page 5, line 3, after the words "subdivision" and before the word "engaged", by striking out the word; "thereof"; Amend Section 8, page 6, line 5, by striking out the word "owner" and insert in lieu thereof the following: "individual, partnership, association, corporation, or political subdivision or its or their representative."

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The ninth and tenth sections were read and agreed to.

The eleventh section was read.

On the question,

Will the Senate agree to the section?

Mr. STEVENSON. Mr. President, I desire to offer an amendment.

The Clerk read the amendment as follows:

Amend Section 11, page 8, line 16, by inserting after the word "not" the word; "regulated"; Amend Section 11, page 8, line 17, by striking out the word "streets" where it first occurs and insert in lieu thereof: "highways"; Amend Section 11, page 8, line 17, by striking out the word "streets" where it occurs the second time and insert in lieu thereof: "highways"; Amend Section 11, page 8, line 20, by striking out the word "streets" where it first occurs in said line and insert in lieu thereof: "highways"; Amend Section 11, page 8, line 20, by striking out the word "streets" where it occurs the second time and insert: "highways"; Amend Section 11, page 8, line 21, by inserting before the word "restrict" the following: "regulate or"; Amend Section 11, page 8, line 22, by striking out the word "streets" and insert in lieu thereof: "highways"; Amend Section 11, page 8, line 23, by striking out the word "streets" and insert the word: "highways"; Amend Section 11, page 9, line 5, by inserting after the word "restrict" the words: "or regulate"; Amend Section 11, page 9, line 6, by strking out the word "streets" and insert: "highways"; Amend Section 11, page 9, line 7, by striking out the word "streets" and insert the word: "highways"; Amend Section 11, page 9, line 15, by inserting after the word "Penalty" the following: or "public travel on this highway restricted or regulated by order of — — — Penalty for violation"; Amend Section 11, page 9, line 16, by inserting after the word "closed" the following: "or regulated or restricted",

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The twelfth and thirteenth sections were read and agreed to.

The fourteenth section was read.

On the question,

Will the Senate agree to the section?

Mr. STEVENSON. Mr. President, I desire to offer an amendment.

The Clerk read the amendment as follows:

Amend Section 14, page 10, line 12, after the word "enactment" by inserting the following words: "and shall remain in effect so long as a state of war exists between the United States and any foreign country and six months after such state of war ceases to exist,"

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The title was read.

On the question,

Will the Senate agree to the title?

Mr. STEVENSON. Mr. President, I desire to offer an amendment.

The Clerk read the amendment as follows:

Amend title, line 4, by striking out the word "streets" and insert in lieu thereof the following: "highways or the regulation or restriction of travel thereon,"

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

And said bill as amended having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 3, entitled:

A Joint Resolution proposing an amendment to article nine, section eight of the Constitution of the Commonwealth of Pennsylvania, further regulating indebtedness of political subdivisions.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 25, entitled:

A Joint Resolution proposing an amendment to section thirteen, Article three, of the Constitution of the Commonwealth of Pennsylvania.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 26, entitled:

A Joint Resolution proposing an amendment to article eight, section eleven, of the Constitution of the Commonwealth of Pennsylvania.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 33, (House Bill No. 1), entitled:

An Act concerning the election of representives of the people of Pennsylvania to serve in the House of Representatives of the Congress of the United States providing for the apportionment of the Commonwealth into Congressional districts and for the election of one representative in Congress at large.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

REPORT FROM COMMITTEE

Mr. BARTLETT. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. BARTLETT, from the Committee on Welfare, Public Assistance and Pensions reported as amended, Senate Bill No. 31, entitled:

An Act making available the services of recipients of general assistance by permitting them to earn a limited amount of money without forfeiting their right to assistance or any part thereof.

MOTION TO READ BILLS THE FIRST TIME

Mr. GELTZ. Mr. President, I move that the Senate do now proceed to the first reading of all bills reported from committees for the first time at today's session.

Mr. MILLER. Mr. President, I second the motion.

The motion was agreed to.

BILL ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 31, entitled:

An Act making available the services of recipients of general assistance by permitting them to earn a limited amount of money without forfeiting their right to assistance or any part thereof.

And said bill having been read at length the first time,

Ordered, To be laid aside for second readin

BILL INTRODUCED

Mr. GELTZ. Mr. President, I ask unanimous consent to introduce a bill at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ read in place and presented to the Chair Senate Bill No. 36, entitled:

An Act making an appropriation to the Committee appointed pursuant to Senate Concurrent Resolution number one hundred forty of the Regular Session of one thousand nine hundred forty-one, adopted July fifteenth, one thousand nine hundred and forty-one, to report recommendations for Congressional reapportionment.

Which was committed to the Committee on Appropriations.

ADJOURNMENT

Mr. GELTZ. Mr. President, I move that the Senate do now adjourn until Wednesday, February 25, 1942, at 2:00 o'clock, p. m. Eastern War Time.

Mr. MILLER. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 3:19 o'clock, p. m. Eastern War Time until Wednesday, February 25, 1942, at 2:00 o'clock, p. m. Eastern War Time.

HOUSE OF REPRESENTATIVES

TUESDAY, February 24, 1942

The House met at 3 p. m.

The SPEAKER (Elmer Kilroy) in the Chair.

PRAYER

The Chaplain, Rev. Donald McFall offered the following prayer:

Almighty God, even though gloom covers all the earth, and a black cloud shrouds the nations of the world, yet we Americans not only continue to look to Thee for guidance but express our gratitude for Thy eternal light which shines upon us.

In being thrust into this present crisis, make us conscious of both heaven and earth, and more especially of Thy promises to those who put their trust in Thee. Since we live in a world of unexpected developments and decisive events, we seek Thy blessing upon us as a State and Nation. May each man of this House find Thy benediction as in his private meditation he seeks Thy help in the discharge of his duties. Be with the men who are bearing arms for the cause of freedom.

Help us to emulate the best from a valiant leader of our country, of whom is inscribed;

"Washington, the brave, the wise, the good,
Supreme in war, in council, and in peace.
In disaster calm, in success moderate; in all, himself.

Who, when he had won all, renounced all, and sought in the bosom of his family and of nature, retirement, and in the hope of religion, immortality."

Hear our humble prayer. Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of Thursday, February 19, 1942.

The Clerk proceeded to read the Journal of Thursday, February 19, 1942, when, on motion of Mr. RILEY, unanimously agreed to, the further reading was dispensed with and the Journal approved.

BILLS INTRODUCED AND REFERRED

By Mr. POLEN. HOUSE BILL No. 11.

An Act to further amend section eight hundred twenty-eight of the act, approved the first day of May, one thousand nine hundred twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicls, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," authorizing the Secretary of Revenue, during the period of national emergency, to suspend the operation of certain provisions of this act relating to school busses, when such provisions conflict with priority claims for material.

Referred to the Select Committee on Special Session Legislation.

By Mr. PRESLEY N. JONES. HOUSE BILL No. 12.

An Act prescribing the rights of persons enlisting or being drafted into the military or naval service of the United States during the war under licenses issued by the Department of Revenue to operate any motor vehicle, and providing for the renewals after discharge from such service.

Referred to the Select Committee on Special Session Legislation.

By Mr. CHUDOFF. HOUSE BILL No. 13.

An Act to amend article sixteen of the act, approved the eighteenth day of May, one thousand nine hundred eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by providing for courses of instruction in the various phases of civilian defense in all high schools of the Commonwealth during any period in which the United States is at war.

Referred to the Select Committee on Special Session Legislation.

By Mr. PRESLEY N. JONES. HOUSE BILL No. 14.

An Act increasing the salaries or compensation of certain employes of the Commonwealth; and making an appropriation.

Referred to the Select Committee on Special Session Legislation.

By Mr. PRESLEY N. JONES. HOUSE BILL No. 15.

An Act making it a misdemeanor to commit a crime during an alert or black-out and imposing penalties.

Referred to the Select Committee on Special Session Legislation.

By Mr. PRESLEY N. JONES. HOUSE BILL No. 16.

An Act regulating the retail sale of explosives for the duration of the war; and imposing penalties.

Referred to the Select Committee on Special Session Legislation.

By Mr. PRESLEY N. JONES. HOUSE BILL No. 17.

An Act to repeal the act, approved the eighteenth day of July, one thousand nine hundred forty-one (App. Acts, p. 66), entitled "An act making an appropriation to the Department of Commerce out of the Motor License Fund for the proper conduct of a specific portion of its work," lapsing the unobligated balance of the appropriation made thereby.

Referred to the Select Committee on Special Session Legislation.

PETITION

The SPEAKER laid before the House the following petition which was read by the Clerk.

OLD AGE AND PUBLIC ASSISTANCE

A petition from citizens of the School Service Committee of Townsend Club, Milton, requesting enactment of legislation increasing Old Age Assistance grants and Public Assistance,

Referred to the Select Committee on Special Session Legislation.

REPORT OF THE DELAWARE RIVER JOINT COMMISSION

The SPEAKER laid before the House the report of The Delaware River Joint Commission of Pennsylvania and New Jersey for 1941.

(For report see Appendix to Legislative Journal.)

WRIT OF ELECTION

The SPEAKER. The Chair issued writ of election for filling of the vacancy in the House of Representatives caused by the resignation of the Hon. Charles E. Voorhees.

The writ of election will be spread upon the Journal of the House and printed in the Legislative Journal.

The writ of election was read by the Clerk as follows:

COMMONWEALTH OF PENNSYLVANIA, SS:

To Miss S. R. R. O'Hara, Secretary of the Commonwealth, and to Morton Witkin, James C. Clark and John J. Monnessey, constituting the Board of Elections of the County of Philadelphia:

Greeting: Whereas, A vacancy exists in the office of Representative of the Commonwealth of Pennsylvania for the Eighth Legislative District of the County of Philadelphia, caused by reason of the resignation of Charles E. Voorhees, the Representative from said District on the fourteenth day of February, one thousand nine hundred and forty-two.

Now Therefore, I, Elmer Kilroy, Speaker of the House of Representatives, by virtue of the authority vested in me by the Constitution of the State of Pennsylvania and by the Act of Assembly in such case made and provided, do hereby command you: That you cause an election to be held in the said County of Philadelphia on the nineteenth day of May, A. D. one thousand nine hundred and forty-two, to choose a person to represent said Legislative District in the House of Representatives of Pennsylvania for the remainder of the term expiring December first, one thousand nine hundred and forty-two, and that you give due and public notice of said election throughout said District and to at least one of the inspectors of each election district therein, in the form and manner directed by law.

Given under my hand and seal at Harrisburg, Pennsylvania, this 19th day of February, A. D. one thousand nine hundred and forty-two.

ELMER KILROY (SEAL)
Speaker of the House of Representatives

Attest:
THOMAS J. CALLAHAN
Chief Clerk of the House of Representatives

Commonwealth of Pennsylvania }
County of Dauphin }

William Carson being duly sworn according to law, says that he resides at 1330 South Hollywood Street, Philadelphia County, Pennsylvania, that he is a Sergeant-at-Arms of the House of Representatives, Commonwealth of Pennsylvania.

That he served on the Board of Elections of Philadelphia County, on the 20th day of February, 1942, at 12 o'clock, p. m., at its office in Philadelphia, a writ for a special election for the office of Representative in the General Assembly for the Eighth Legislative District of the County of Philadelphia, by command of the Honorable Elmer Kilroy, Speaker of the House of Representatives of the Commonwealth of Pennsylvania.

WILLIAM CARSON
Sergeant-at-Arms

Sworn and subscribed to before me this 20th day of February 1942.

LOUIS TRODSKY
Notary Public

My Commission Expires Aug. 2, 1942.
CHAS. BROWN.

Commonwealth of Pennsylvania }
County of Dauphin }

William Carson being duly sworn according to law, says that he resides at 1330 South Hollywood Street, Philadelphia County, Pennsylvania, that he is a Sergeant-at-Arms of the House of Representatives, Commonwealth of Pennsylvania.

That he served on the Honorable Gene D. Smith, Deputy Secretary of the Commonwealth of Pennsylvania, on the 19th day of February, 1942, at 12:55 o'clock, p. m., at her office in the Capitol Building in Harrisburg, a writ for a special election for the office of Representative in the General Assembly for the Eighth Legislative District of the County of Philadelphia, by command of the Honorable Elmer Kilroy, Speaker of the House of Representatives of the Commonwealth of Pennsylvania.

WILLIAM CARSON
Sergeant-at-Arms

Sworn and subscribed to before me this 20th day of February 1942.

LOUIS TRODSKY
Notary Public

My Commission Expires Aug. 2, 1942.
CHAS. BROWN.

LEAVE OF ABSENCE

By unanimous consent leave of absence was granted as follows:

Mr. Dennison for Mr. SARGE on account of illness for today.

Mr. Lichtenwalter for Mr. WILKINSON for today.

Mr. George E. Jones for Messrs. SOLLENBERGER and FISHER for today.

RESOLUTION

SUSPENSION OF LAWS

Mr. BROWN offered a resolution and asked and obtained unanimous consent that it be read for the information of the House.

The resolution was read by the Clerk as follows:

In the House of Representatives, February 24, 1942.

Whereas, The General Assembly of the Commonwealth of Pennsylvania has been called into Extraodrinary Session by Proclamation of the Governor, in order to consider and adopt certain legislation which is deemed necessary as a result of the war in which this Nation is now engaged; and

Whereas, At the suggestion of the Governor, there has been introduced for adoption, a bill (Senate Bill No. 14), which would authorize him, in accordance with the recommendations of the State Council of Defense, to suspend or modify the operation of any laws, in whole or in part, during the continuation of the war; and

Whereas, Under Article 1, Section 12, of the Constitution of the Commonwealth of Pennsylvania, there is grave doubt as to whether or not such broad authority to suspend or modify laws, as that which would be conferred by Senate Bill No. 14, would be valid; and

Whereas, The power to suspend or modify the operation of any laws, in whole or in part, as granted under Senate Bill No. 14, would, in practical effect, be equivalent to complete power to legislate, which would be an undoubted abrogation of its rightful functions on the part of the Legislature, in clear violation of Article 2, Section 1, of the Constitution of the Commonwealth, which vests all legislative power in the General Assembly; and

Whereas, It is by no means certain that such broad powers, as those sought by the Governor under Senate Bill No. 14, which would make the Executive Branch of the Commonwealth paramount to the Legislative Branch, are necessary, or even advisable, as a means of aiding the Government of the United States or of this Commonwealth in prosecuting the present war; and

Whereas, An examination of the various statutes adopted by other states, both during the present and past World Wars, does not indicate that any such broad grant of power to suspend laws has been deemed proper elsewhere; and

Whereas, The present Extraordinary Session of the General Assembly, could by recess, instead of adjournment, hold itself in a position to provide in a consittutional manner for the suspension, modification or enactment of any laws which may be found necessary or advisable for the prosecution of the war; and

Whereas, Any expenses which would be entailed by recess, instead of adjournment, could be largely minimized by proper legislative action; now therefore be it

Resolved (if the Senate concur), That, if the Governor of the Commonwealth of Pennsylvania satsifactorily establishes that there may be substantial need for the suspension or modification of laws during the continuation of the present war, the present Extraordinary Session of the General Assembly shall not adjourn finally, but shall recess only, and hold itself in readiness to consider and provide for such suspension or modification of statutes as is deemed advisable.

The SPEAKER. The resolution lies over for printing under the Rules.

PERMISSION TO ADDRESS HOUSE

Mr. BROWN asked and obtained unanimous consent to address the House.

Mr. Speaker Members of the House, the supplemental proclamation of the Governor—presented to this General Assembly in its first item contains a proposal so sweeping that it calls for some expression on the part of the members of this House. In view of the fact that item number one of the supplemental call has been followed by Senate Bill No. 14, which is now in the Senate Committee, I do not deem it advisable to discuss Senate Bill No. 14 for fear that I might transgress upon the rules of procedure of this House.

However, I call your attention to the fact that item No. 1 of the Governor's Supplemental Proclamation namely:

> "Legislation authorizing the suspension or modification of existing laws that interfere with the prosecution of any war in which this Nation is, or may become, engaged."

is embodied in the statement of powers asked for in Senate Bill No. 14, and therefore when we discuss the supplemental proclamation we are discussing Senate Bill No. 14.

I have presented a resolution which you were kind enough to allow to be read and I express the hope that the Select Committee will study the resolution carefully and see if we cannot cooperate with the Governor and with the other Departments of the Commonwealth in a legal and constitutional way during this emergency.

I say to the Governor that this Legislature, in the

language of a distinguished jurist of this state, "has no power to barter away its essential attributes of sovereignty," and if we pass legislation as has been proposed by the Governor so that item No. 1 of his supplemental proclamation becomes law we will be bartering away the essential attributes of our sovereignty.

I say to the Governor that he knows or he should know that the people of this Commonwealth will not stand for any person or any body of persons who would attempt at this time of crisis in our history to undermine the fundamental principles upon which this government rests. I say to him and I say to the members of this House that our Constitution recognizes the three coordinate, separate and distinct branches of the government, as the cornerstone of our freedom: it has survived in the past and it will survive in the future.

I call your attention, as I have before, to the address of George Washington as he presided over the Constitutional Convention when he said: "Let us raise a standard to which the just and wise will repair"; not destroy, not tear down, but "a standard to which the wise and just will repair."

I say if there needs to be a modification or a suspension of laws of this Commonwealth, those laws can be modified, those laws can be suspended in a constitutional way only by the Legislature which has the sole authority to make laws.

Isn't it a rather absurd thing to say that the Constitution as is provided for by Article II, Section 1, wherein the sole right to legislate is vested in the Legislature, and at the same time propose to give to some administrative body, not answerable to the people, the right to modify and suspend any law which in their opinion might affect the prosecution of this war.

Nothing so drastic and unprecedented has been done in any General Assembly in any Commonwealth of this nation or in the Congress of this nation.

We heard the President last night bring to our minds the memorable words of one of the most profound thinkers of this nation when he said: "Tyranny is like hell, hard to conquer." Such legislation as has been proposed by the Governor, although he may be so far as he is concerned and so far as the Council of Defense is concerned, patriotic citizens, is the first step towards tyranny, and we ought to be admonished by those words of those profound thinkers and writers of the past to steer our ship clear from any such proposal.

Our constitutional government has sustained us throughout all the trying times of the past. Coming up on the train today, I had the honor to read a famous book by Prof. Harold J. Laski who tells us that this government has gone through five distinct crises: In 1789 to start with the Republic, George Washington was at the head; in 1800 Jefferson was our leader; in the crisis of 1861 Abraham Lincoln was at the head and in the crisis of 1914 Woodrow Wilson was our president. In the crisis of our depression Franklin D. Roosevelt guided us. There Mr. Laski stopped because his book was published prior to what happened to us in December 1941. The sixth crisis is our present emergency and we have as our head Franklin D. Roosevelt. Our president has asked for no such power as have been asked for by the Governor of this Commonwealth.

Therefore I have presented this resolution which will call for patriotism on our part and if need be to stay in session. That we will not adjourn but we will recess, but before recessing we will pass sufficient legislation so that there will be but little expense to the people of this commonwealth.

I say in closing while today men are dying in the air and while men are dying on the surface of the earth and are dying on the surface of the sea and the ocean and underneath the surface of the seas and the oceans for the protection and the preservation of the constitutional government of our United States of America, for in it and through its operation we find freedom, liberty, justice and equality, that the least we can do as patriotic citizens is to remain on the firing line and keep intact the constitution of Pennsylvania and the Constitution of the United States.

SENATE MESSAGE

The Clerk of the Senate being introduced, presented extracts from the Journal of the Senate which were laid on the table.

PERMISSION TO ADDRESS HOUSE

Mr. TURNER asked and obtained unanimous consent to address the House.

Mr. Speaker, I listened with a great amount of interest, as I always do, to the remarks of the gentleman from Allegheny, Mr. Brown. We all know that he never approaches any subject on the floor of the House without careful study and consideration, and for his views, on legal matters particularly, we all have profound respect.

I would not attempt at this time to debate the issue which is raised because I do not feel that we have arrived at the point where there is any difference of opinion between us. I think all of us are trying to approach this problem from the standpoint of the necessity of the times, and that is the proper thing to do. I would be the last one to give away any of the prerogatives of the legislative branch of the government to the executive. I think I have stood here in enough battles on that problem to feel that whatever I say must be taken at its full face value.

However, I think that the gentleman from Allegheny, Mr. Brown, perhaps inadvertently in the resolution which he submitted made a mistake when he said that no past or present legislation of any of the states is as drastic—I will put it that way because I do not remember his exact words—that no piece of legislation is as drastic as that which has been submitted to this special session. I am very reliably advised—I have not seen the statutes, but I am very reliably advised that Massachusetts within a very short space of time, several days, has passed an act granting to the Governor power to do almost anything by executive order, power similar to that which Congress has granted to the President of the United States, to do almost anything by executive order. I understand there he has power to set aside law, without any check upon him; it is within his power as chief executive.

I know that within the last couple of months the New Jersey Legislature granted wide, sweeping powers to the

Governor of New Jersey. I happened to be in a meeting with the leader of the Senate of New Jersey who told me he was offering a bill the following Monday in the Legislature of New Jersey which was going to give the Governor of New Jersey sweeping powers in the war emergency.

I have conversed with several Governors who told me that under their constitutions their attorneys-general have told them that they have sweeping powers to do almost anything that was necessary in the emergency. And so I might go on. Connecticut or Rhode Island has also passed a measure that is far more sweeping than anything heretofore passed, giving great powers to the Governor, the Chief Executive of the Commonwealth.

I think in view of these things there must be some indication—it is not necessarily so because some other state does it that Pennsylvania must keep up with the Joneses, but there must be some indication that Legislatures in the United States were thinkng that there must be some necessity for the granting of extensive powers to their Chief Executives, in order that we may not only carry on the plan of defense but also the production of materials to supply our armed forces, as well as in the matter of civilian defense.

The second thing I would like to say to keep the record straight, if I may, is that I feel it is unfair to place the Governor in the position of asking for himself some kind of dictatorial powers. I do not so read the bill as it has been introduced, nor do I so understand the proposal, a proposal which leaves with the State Council of Defense a recommendation and determination; a Council of Defense consisting of besides the Governor, the Lieutenant-Governor, the President pro tem of the Senate, the Speaker of the House, the Auditor General and the State Treasurer. There are five members of that body who are independent of the Executive Branch of the government and the Chief Executive. It certainly seems to me that a proper check has been furnished in the proposal.

I am not saying that I agree with the proposal that we need to grant to somebody power to suspend our laws or to revise them. I am not ready to take that stand at the moment, but I do say it is rather unfair, as the gentleman from Allegheny did, to lay that matter in the lap of the Governor of the Commonwealth as asking for extensive powers, when it seems to me that the powers asked for are so hedged about with restrictions, both by the fact that there will have to be a recommendation by the Council of Defense which has on it elective and other officers who are not a part of the Executive Branch of the government, and also by the fact that it is subject to review by the Courts. Certainly no greater protection could be thrown around a proposal, and certainly no one who is grasping for power or trying to assume dictatorial power would place any check or balance of that kind upon it. In addition this proposal is to remain in existence only sixty days after the next session of the Legislature begins.

I again say I do not intend to debate the matter with the gentleman from Allegheny, Mr. Brown. Certainly on the question of delegation of authority or the handing over of the prerogatives of the legislature I am in accord with him, and I am not ready to say that I have felt it is necessary to grant extensive powers for revision. I have run up against the restrictions imposed upon the municipal governments and know the difficulties which are experienced by our municipal governments under the present exigency, so that I know there is some necessity to relax here and there the restrictions we have in effect at this time, if we are to function and if the local governments and the state government is to function during the crisis.

Therefore, let us not approach it on the highly emotional basis of what we free men in the coordinated branch of the legislature feel should be done, but let us approach it from a practical standpoint of what is the emergency, what is the necessity, what is the best way to handle it.

PERMISSION TO ADDRESS HOUSE

Mr. ACHTERMAN asked and obtained unanimous consent to address the House.

Mr. Speaker, it is my feeling in relation to Senate Bill No. 14, in which the Governor has asked extraordinary powers, that in the first instance this House, and as a matter of fact the Legislature should endeavor to learn what laws need modification under present conditions and also what laws might need to be suspended. To that end, Mr. Speaker, I today addressed a letter to each and every Department head, requesting him promptly to advise me what laws pertaining to his Department or what laws which are administered by his Department need suspension or modification.

I believe that once we get the entire picture and learn what is needed in the Commonwealth in that particular line, the question and the problem will resolve itself; at least it strikes me that that is the orderly method of procedure, first to ascertain what is needed and then act upon that need.

FORMER MEMBER INTRODUCED

The SPEAKER. If there is no objection the Chair at this time would like to invite to the rostrum a former member of the House, Judge L. Kenneth Harkins of the Municipal Court of Allegheny County.

REMARKS BY HONORABLE L. KENNETH HARKINS

HON. L. KENNETH HARKINS. Mr. Speaker and my former colleagues, it is a real pleasure to be back. It seems just like last summer when I used to hear my two colleagues, Representative Brown and Representative Turner making those fine speeches. I see the House is just like it used to be. Representatives Brown and Turner are still carying on their fine debates. Just as usual, Mr. Turner is agreeing with Mr. Brown, only saying something different.

I told the Speaker that I knew all you fellows would be glad to hear a long speech, but since I can only give short sentences I won't be able to make a long speech.

I noticed that the Speaker is carrying Philadelphia out inot Allegheny County again when he says Municipal court. There are no Municipal Court Judges in Allegheny County, and we forget all about the Common Pleas Court down there when we say County Court, because it seems

at throughout the rest of Pennsylvania everybody says ounty Courts. So, as far as I am concerned, the County ourt is the Court in Allegheny County.

It is really very fine to be here, and I know I will watch ith keen delight and interest the results of this session. I want to take this opportunity to thank my Republican lleagues from Allegheny County who told me they would so glad to have the chance of filling the seat that I uld vacate with a Republican, that they would vote r me. I really appreciate those votes. Fortunately I dn't quite need the three or four that I got, but anyway they were welcome and I was glad to have them.

The SPEAKER. I wish the Judge would come down to see our beautiful Municipal Court building. I do not think he would mind moving down there.

ADJOURNMENT

Mr. RHEA. Mr. Speaker, I move that this House do now adjourn until Wednesday, February 25, 1942, at 1 p. m.

The motion was agreed to, and (at 3:40 p. m.) the House adjourned.

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal.

Extraordinary Session of 1942.

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SENATE

WEDNESDAY, February 25, 1942.

The Senate met at 2:00 o'clock, p. m., E. W. T.

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the Chair.

PRAYER

The Chaplain, Rev. EDWIN S. WALLACE offered the following prayer:

O God, the Eternal, who is and was and always will be, before whose face the generations rise and linger for a little while and pass away, grant to us while we have the light of day the light of the knowledge of the glory of God. Thus we shall learn that there is no limit to Thy loving care.

Our fathers in their pilgrimage walked with Thee, trusted in Thy promises and fell asleep in the firm belief that they would meet the embrace of the God of the living.

May we, the children of to-day, emulate their faith and good works, that we have their peace now, and in ages to come their blessedness.

We pray that Thou wilt give us grateful hearts as we consider the favors that crown our days. Let us learn by adversity, if this is Thy will for us, that by adversity nations and individuals are brought to a realization of their need of divine direction and assistance. Thus in times past Thou hast dealt with Thy people and by process of refining hast eliminated the weak and the unworthy. Refine every debasing substance from our characters that we may be of real value to Thee and to our nation in these trying times.

Give to Thy servants, the President of these United States and to the Governor of this Commonwealth, the wisdom that cometh from above. Bless this session of the Senate. In all their deliberations and conclusions may Thy will be done. We ask all in the name of our Lord. Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. WADE and Mr. TAYLOR, the further reading was dispensed with, and the Journal was approved.

WELCOME EXTENDED TO HIGH SCHOOL STUDENTS FROM BOILING SPRINGS HIGH SCHOOL

The PRESIDENT. On behalf of the Senator from Cumberland, Mr. Wade, the Chair wishes to welcome to the Senate some of the high school students of Boiling Springs High School, Cumberland County, who are in the gallery.

NOMINATIONS BY THE GOVERNOR

NOTARIES PUBLIC

The Secretary to the Governor being introduced, presented in writing from His Excellency, the Governor of the Commonwealth, nominations for appointment as Notaries Public.

CONSIDERATION OF NOTARIES PUBLIC

Mr. JAMES. Mr. President, I move that the Senate do now proceed to the consideration of nominations for appointment as Notaries Public, sent to the Senate, February 25, 1942, by His Excellency, the Governor of the Commonwealth.

Mr. MILLER. Mr. President, I second the motion.

The motion was agreed to.

The nominations were read as follows:

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 25, 1942.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

Ralph H. Lynch, Harrison Twp., P. O. Box 637, Natrona Heights.
Joseph D. Minnick, Harrison Twp., Brackenridge.

BEAVER COUNTY

Mrs. Pauline C. Stanovich, Ambridge.

BERKS COUNTY

Miss Miriam Boone, Reading.
Mrs. Catherine A. Heckert, Reading.

CAMBRIA COUNTY

Emil C. Schwing, Johnstown.

DELAWARE COUNTY

Mrs. Elizabeth R. Rowe, Chester.

LACKAWANNA COUNTY

Fred W. Lewis, Carbondale.

LANCASTER COUNTY

Chas. W. Eaby, Jr., Lancaster.

PHILADELPHIA COUNTY

Robert J. Carrigan, Phila., 1945 Sparks Street.
Ralph W. Chepigan, Phila., 222 W. Washington Square.
Walter N. Holstrum, Phila., 931 Commercial Trust Bldg.
Miss Anna Mae La Ross, Phila., Broad Street Station Bldg.
Miss Margaret M. McGrath, Phila., Phila. Savings Fund Bldg., 12 South 12th Street.
Albert H. Miller, Phila., 42 North 6th Street.
Raymond E. Molter, Phila., 2708 W. Girard Avenue.
Jacob L. Heilman, Phila., Margaret and Bermuda Streets.

YORK COUNTY

Joseph C. Danker, Red Lion.

ARTHUR H. JAMES.

NOMINATIONS FOR NOTARIES PUBLIC

A motion was made by Mr. JAMES and Mr. MILLER That the Senate do advise and consent to said nominations.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Barr,	DiSilvestro,	Lanius,	Stiefel,
Bartlett,	Ealy,	Letzler,	Tallman,
Becker,	Edmonds,	Mallery,	Taylor,
Carr,	Farrell,	McCreesh,	Thomas,
Cavalcante,	Frey,	McGinnis,	Tyler,
Chapman,	Geltz,	McQuiddy,	Wade,
Coleman,	Haluska,	Miller,	Walker,
Cox,	Heyburn,	Reed,	Watkins,
Crider,	Homsher,	Ruth,	Wilson, H. I.,
Crowe,	James,	Scarlett,	Wilson, T. B.,
Deitrick,	Jaspan,	Snowden,	Woodward,
Dent,	Kephart,	Stevenson,	Ziesenheim,

NAYS—0

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

He also presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Executive Nominations.

NOMINATIONS AS MEMBERS OF COUNTY BOARDS OF ASSISTANCE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 25, 1942.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for reappointment as members of County Boards of Assistance, for the terms set opposite their names:

ALLEGHENY COUNTY

R. Maurice Moss, 1300 Fifth Avenue, Pittsburgh, until December 31, 1943.

ARMSTRONG COUNTY

Ralph Bittinger, Bellwood Gardens, Ford City, until December 31, 1943.

BUTLER COUNTY

R. J. Ferguson, 330 East Pear Street, Butler, until December 31, 1944.
Mrs. Daisy Riddle, 609 North Main Street, Butler, until December 31, 1943.

CARBON COUNTY

Mr. George H. Mitten, 18 Jones Street, Lansford, until December 31, 1943.

CHESTER COUNTY

Mrs. Laura E. Knauer, 343 Price Street, West Chester, until December 31, 1943.
Mrs. Edith H. Owens, Parkesburg, until December 31, 1943.

CLINTON COUNTY

Howard Gundlach, R. D. No. 2, Jersey Shore, until December 31, 1943.
Mrs. Estella Cummings, 460 South High Street, Lock Haven, until December 31, 1944.

GREENE COUNTY

A. G. Wiley, Wind Ridge, until December 31, 1943.

LACKAWANNA COUNTY

Edgar Oliver, 807 South 9th Avenue, Scranton, until December 31, 1943.
Barry Searle, Jr., 20 Washington Street, Carbondale, until December 31, 1943.

MONTOUR COUNTY

Mrs. Mary Perry, 248 West Mahoning Street, Danville, until December 31, 1943.
Miss Anna Pritchard, 219 Water Street, Danville, until December 31, 1943.

WASHINGTON COUNTY

William D. Davies, 210 Third Street, McDonald, until December 31, 1943.

ARTHUR H. JAMES.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 25, 1942.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate J. E. Nagel, Hadley, Mercer County, for appointment as Justice of the Peace in and for the Township of Perry, Mercer County, until the first Monday in January, 1944, vice Elsie Powell, resigned.

ARTHUR H. JAMES.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 25, 1942.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate James

A. Thomas, 558 Orchard Street, Warrior Run, Peely, Luzerne County, for appointment as Justice of the Peace in and for the Borough of Warrior Run, Luzerne County, until the first Monday in January, 1944, vice John Wiener, resigned.

ARTHUR H. JAMES.

MEMORIALIZING CONGRESS NOT TO APPROVE OR AUTHORIZE CONSTRUCTION OF PROPOSED ST. LAWRENCE SEAWAY

Mr. MALLERY offered the following resolution which was twice read, considered and agreed to:

In the Senate, February 25, 1942.

The often re-appearing question of the construction of the St. Lawrence Seaway is again pending in the Congress of the United States.

Now, when every available dollar and every hour of productive effort is needed in starting the offensive warfare promised by our President, it seems most unwise to expend our money and effort for the accomplishment of anything that is not urgent at this time.

All available money, material and man power should be used now to insure and bring about a speedy conclusion of the war. To do otherwise will prolong the war and result in the needless sacrifice of many American lives.

The construction of the contemplated seaway can add nothing to a successful offensive and the man power diverted from the production of weapons of war may contribute to disaster, therefore be it,

Resolved, That the Senate of the Commonwealth of Pennsylvania is opposed to the construction of the proposed St. Lawrence Seaway at this time on account of the necessary and consequent expenditure of funds and the use of man power, both of which are vitally necessary to carry on the offensive warfare, promised by our military and naval leaders, and to successfully terminate the war, and be it further

Resolved, That the Senate of the Commonwealth of Pennsylvania hereby memorializes the Congress of the United States not to approve or authorize the construction of the proposed St. Lawrence Seaway; and be it further

Resolved, That a copy of this resolution be transmitted to the Secretary of the United States Senate, the Speaker of the House of Representatives, and to each Senator and Representative elected from the Commonwealth of Pennsylvania.

Mr. STIEFEL. Mr. President, I wish to be recorded as voting against the resolution.

The PRESIDENT. The vote of the gentleman from Philadelphia will be so recorded.

TIME OF NEXT MEETING

Mr. CARR offered the following resolution which was twice read, considered and agreed to:

In the Senate, February 25, 1942.

Resolved, (if the House of Representatives concur), That when the Senate adjourns this week, it reconvene on Monday, March 2, 1942, at four o'clock p. m., and when the House of Representatives adjourns this week, it reconvene on Monday, March 2, 1942, at nine o'clock p. m.

Ordered, That the Clerk present the same to the House of Representatives for concurrence.

MRS. ARTHUR H. JAMES PRESENTED

The PRESIDENT. The Chair is going to assume a little authority, in that he is going to ask that a short recess be taken and that the Senators remain in their seats.

We have an unusual privilege and pleasure today. The Chair wants to present Mrs. Arthur H. James, wife of the Governor.

REPORT FROM COMMITTEE

Mr. SNOWDEN, from the Committee on Highways reported as committed, Senate Bill No. 35, entitled:

An Act authorizing the Department of Highways to construct, replace or repair bridges in cities of the third class which form connecting links on State highways necessary for National defense in cases where Federal funds and city funds are available for such purposes and authorizing the Secretary of Highways to enter into agreements with the proper Federal authorities and the authorities of cities of the third class covering the construction, replacement or repair of such bridges; and making an appropriation.

BILLS INTRODUCED

Mr. WALKER read in his place and presented to the Chair Senate Bill No. 37, entitled:

An Act relating to air raid precautions, including blackouts; conferring certain powers and duties upon the State Council of Defense, local and district Councils of Defense, political subdivisions, members of certain municipal and volunteer agencies and civilians necessary for the safety, defense and protection of civilians and property in the Commonwealth; providing for the mobilization, coordination and use of certain municipal agencies and volunteer agencies, including their personnel and equipment; providing for immunity from liability for injury or death to persons or damage to property under certain circumstances; and providing penalties.

Which was committed to the Committee on State Government.

Mr. CAVALCANTE read in his place and presented to the Chair Senate Bill No. 38, entitled:

An Act to amend Section 4 of, and to add Sections 6.1 and 8.1 to, the act, approved the nineteenth day of March, one thousand nine hundred forty-one (P. L. 6), entitled "An act relating to national and State defense, providing for the establishment of a State Council of Defense and of local and district councils of defense, prescribing the powers and duties thereof, and making an appropriation therefor," by authorizing the State Council of Defense to accept and expend certain Federal funds, and to allocate such funds among local and district councils of defense; providing for the custody and disbursement of such Federal funds; authorizing political subdivisions to appropriate funds to local and district councils of defense, and ratifying appropriations heretofore made to such councils of defense.

Which was committed to the Committee on State Government.

SENATE BILL No. 33 ON THIRD READING CALLED UP

Mr. GELTZ. Mr. President, I now call up Senate Bill No. 33 (House Bill No. 1) on third reading and final passage, page 2 of the Calendar.

Mr. MILLER. Mr. President, I second the motion.

It was agreed to.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 33, (House Bill No. 1), as follows:

An Act concerning the election of representatives of the people of Pennsylvania to serve in the House of Representatives of the Congress of the United States providing for the apportionment of the Commonwealth into Congressional districts and for the election of one representative in Congress at large

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 For the purpose of electing thirty-two of the representatives of the people of Pennsylvania to serve in the House of Representatives of the Congress of the United States this Commonwealth shall be divided into thirty-two districts as follows

The first district shall consist of the first second third fourth fifth sixth twenty-sixth thirty-ninth and forty-eighth wards of the city of Philadelphia and will have one Congressman

The second district shall consist of the seventh eighth ninth tenth twenty-fourth twenty-seventy thirtieth thirty-sixth and forty-fourth wards of the city of Philadelphia and will have one Congressman

The third district shall consist of the eleventh twelfth thirteenth fourteenth sixteenth seventeenth eighteenth nineteenth twentieth twenty-fifth thirty-first thirty-seventh and forty-fifth wards of the city of Philadelphia and will have one Congressman

The fourth district shall consist of the fifteenth twenty-eighth twenty-ninth thirty-second thirty-eighth and forty-seventh wards of the city of Philadelphia and will have one Congressman

The fifth district shall consist of the twenty-third thirty-third thirty-fifth forty-first and forty-third wards of the city of Philadelphia and will have one Congressman

The sixth district shall consist of the thirty-fourth fortieth forty-sixth and fifty-first wards of the city of Philadelphia and will have one Congressman

The seventh district shall consist of the twenty-first twenty-second forty-second forty-ninth and fiftieth wards of the city of Philadelphia and will have one Congressman

The eighth district shall consist of the county of Delaware

The ninth district shall consist of the counties of Bucks and Lehigh

The tenth district shall consist of the counties of Lancaster and Chester

The eleventh district shall consist of the county of Lackawanna

The twelfth district shall consist of the county of Luzerne

The thirteenth district shall consist of the counties of Schuylkill and Northumberland

The fourteenth district shall consist of the county of Berks

The fifteenth district shall consist of the counties of Bradford Clinton Lycoming Tioga Susquehanna Wayne Columbia Montour Sullivan and Wyoming

The sixteenth district shall consist of the sixth ninth twenty-first twenty-second twenty-third twenty-fourth twenty-fifth twenty-sixth and twenty-seventh wards of the city of Pittsburgh and all the boroughs and townships lying north of the Ohio and Allegheny rivers in the county of Allegheny

The seventeenth district shall consist of the county of Montgomery

The eighteenth district shall consist of the counties of Fulton Huntingdon Juniata Mifflin Perry Snyder Bedford and Union

The nineteenth district shall consist of the counties of Cumberland Dauphin and Lebanon

The twentieth district shall consist of the counties of Warren Venango Forest Clarion Elk Potter McKean and Cameron

The twenty-first district shall consist of the counties of Northampton Carbon Monroe and Pike

The twenty-second district shall consist of the counties of Adams York and Franklin

The twenty-third district shall consist of the counties of Clearfield Centre and Blair

The twenty-fourth district shall consist of the counties of Fayette Somerset and Greene

The twenty-fifth district shall consist of the county of Washington and the following boroughs and townships in the county of Allegheny boroughs of Bridgeville Coraopolis Dormont Heidelberg McDonald Oakdale and townships of Bethel Collier Crescent Findlay Moon Mt Lebanon North Fayette Robinson Scott South Fayette and Upper St Clair

The twenty-sixth district shall consist of the counties of Beaver Butler and Lawrence

The twenty-seventh district shall consist of the counties of Armstrong Indiana Jefferson and Cambria

The twenty-eighth district shall consist of the county of Westmoreland

The twenty-ninth district shall consist of the counties of Crawford Erie and Mercer

The thirtieth district shall consist of all the boroughs and townships lying between the Allegheny and Monongahela rivers the city of McKeesport and the boroughs of Homestead Munhall West Homestead and Whitaker in the county of Allegheny

The thirty-first district shall consist of the first second third fourth fifth seventh eighth tenth eleventh twelfth thirteenth fourteenth and fifteenth wards of the city of Pittsburgh in the county of Allegheny

The thirty-second district shall consist of the sixteenth seventeenth eighteenth nineteenth twentieth twenty-eighth twenty-ninth thirtieth thirty-first and thirty-second wards of the city of Pittsburgh the cities of Clairton and Duquesne the boroughs of Brentwood Carnegie Castle Shannon Crafton Dravosburg Greentree Ingram Mt Oliver McKees Rocks Rosslyn Farms Thornburg and West Elizabeth and the townships of Baldwin Jefferson Kennedy Mifflin Neville Snowden and Stowe in the county of Allegheny

Section 2 The thirty-third representative to which the people of the Commonwealth of Pennsylvania are entitled in the House of Representatives of the Congress of the United States shall be elected at large by the electors of the Commonwealth and such Congressman at large shall be nominated and elected in the same manner as is now or hereafter may be provided by law for the nomination and election of candidates for the office of Governor of the Commonwealth

Section 3 The provisions of this act shall become effective immediately upon final enactment and the first election under this act shall be held at the general election in the year one thousand nine hundred and forty-two

The members of Congress now in office shall continue in such office until the expiration of their respective terms

Vacancies now existing or happening after the passage of this act and before the commencement of the terms of the members elected at the election of one thousand nine hundred and forty-two shall be filled for the unexpired terms in the manner now provided by law

Section 4 The act approved the twenty-seventh day of June one thousand nine hundred and thirty-one (P. L. 1416) entitled "An act to apportion the State into congressional districts" is hereby repealed

All other acts and parts of acts inconsistent herewith are hereby repealed

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill on third reading?

Mr. HALUSKA. Mr. President, I desire to interrogate the gentleman from Westmoreland.

The PRESIDENT. Will the gentleman from Westmoreland permit himself to be interrogated?

Mr. DENT. I will, Mr. President.

Mr. HALUSKA. Will the gentleman from Westmoreland tell me whether or not he was the author of a resolution at the last session of the General Assembly setting up a ten man board to investigate or to work out a decent reapportionment bill?

Mr. DENT. That is right.

Mr. HALUSKA. Did that resolution pass, Mr. President?

Mr. DENT. Yes.

Mr. HALUSKA. Mr. President, was the gentleman from Westmoreland a member of the committee?

Mr. DENT. Yes, Mr. President.

Mr. HALUSKA. At that time or at the time the committee decided upon coming to some conclusion with respect to this bill, did you consider at any time or did the committee consider giving some relief to the twenty-seventh district of this Commonwealth?

Mr. DENT. Yes, Mr. President, we did.

Mr. HALUSKA. Did you arrive at any conclusion?

Mr. DENT. Well, Mr. President, the conclusion arrived at by the committee is set forth in the bill now before us. We could not get a solution that was satisfactory to everybody but we did get some solution and that to our minds was better than none at all.

Mr. HALUSKA. Mr. President, did the committee really have knowledge of the fact that the district I am now speaking of, in which I reside, is the second largest district in this Commonwealth.

Mr. DENT. Yes, Mr. President, that was known to the committee and that caused quite a bit of controversy and quite a bit of discussion in the committee. I again repeat that although the bill which came out of the committee does not touch the twenty-seventh district you will find that the committee members themselves, individually and collectively, thought that something ought to be done concerning the twenty-seventh district, but in arriving at a solution to the problem we could not get that district taken care of.

Mr. HALUSKA. Was it not possible, Mr. President, to at least take some of the counties that are not connected with Cambria County and join them to some other district.

Mr. DENT. May I have that question repeated, Mr. President.

Mr. HALUSKA. Was it not possible for the committee to at least take one of the four counties away from the twenty-seventh district and tie it in with some other district?

Mr. DENT. For the information of the Senator and the Senate, we had arrived at a tentative agreement following the letter sent out by myself on November 4, 1941, in which I offered a proposal which would have eliminated a congressional district from the County of Allegheny. In this proposal it was also a part of the program to take Jefferson County out of the twenty-seventh district and change the twenty-seventh district with some of the neighborhood districts. However, when that plan was blocked the substitute plan which was later submitted ignored the twenty-seventh, and as a member of the committee I could not do anything but go along.

Mr. HALUSKA. Mr. President, I am not going to speak long concerning my district. I think the record shows that at the last session I explained in detail my reasons for opposing any bill that came before this assembly unless it gave some relief to the twenty-seventh district. We have the second largest district in this Commonwealth.

Ten years ago, when we saw fit to cut one congressman off our list, the eyes of the General Assembly turned toward Cambria County, which was a district all by itself, and they added thereto the counties of Indiana, Jefferson and Armstrong.

We had hoped, Mr. President, that the next time we would be confronted with this problem, this district would get some relief. It seems now that the General Assembly is paying no attention whatsoever to that district. They have taken the easiest way out.

The gentleman from Westmoreland has said they were all conscious of the fact that the district should have some relief but they closed their eyes and let it go by.

We have now before us what I would term purely a fake bill, the way I see it. It is fine to go back home and say you have done your job. You have done that, but how? I can not and I will not vote for any measure that might be before us unless it has some relief for the twenty-seventh congressional district. I am very much disappointed and at the last session I tried, in vain of course, to be placed on that committee. I tried to give the members of that committee some light as to why my district should be reduced. I was ignored.

They have placed on that committee other members who had no reason to be on it and naturally they did not bring forth the real facts, so once again it appears that the people of the twenty-seventh district will take a licking and you men here will go back home with great pride and say we have done a good job, we will not run them at large, and as far as I am concerned you may as well run them at large because our man who represents that district, whether Republican or Democrat, can not do justice to his people.

Mr. TAYLOR. Mr. President, I did not know I was going to say anything about this matter, but for the benefit of the Senator from Cambria, when the gentleman from Westmoreland, Senator Dent, introduced the proposition he stated a moment ago, seven of us voted for that, but that did not do any good; if you could not get Achterman and Kilroy to go along there was not any use.

There is not any compromise that will suit everybody. We know that this is a bad bill, but it was the only conclusion that could be reached. I still think it is not so bad—although it does hurt some of my political friends on both sides, but we either had to take the position that we were going to protect the people of Pennsylvania or we were going to elect Congressmen at large and distress all the people, accept a poor substitution.

I refused in the committee when the Majority Leader of the House said, "you introduce the bill in the Senate and I will introduce it in the House," and I said, "I will

never put my name on it, it is a bad piece of legislation." I am just as much ashamed of this bill as you are.

I can only say, to be absolutely fair, that we could not get any satisfaction or adjustment, and in my opinion a divided House never can make a satisfactory apportionment plan. I think you will all agree to that, but we passed our word and as far as I am concerned I am going to keep the bargain. We signed and delivered to the Governor this proposition and on the strength of that he called an extra session and it comes with poor grace for us now not to go along with it.

Mr. DiSILVESTRO. Mr. President, for the informaton of my distinguished friend from Dauphin, I wish to assure the members of the Senate that I am not ashamed to vote for this bill.

Mr. DENT. Mr. President, I want to add a few words to those stated by Senator Taylor, for the simple reason that it has become quite apparent to me that this child has no father or mother. The bill belongs to nobody, and yet it is going to be the law of the state.

I was particularly amused during the discussions and debates on the bill in committee by the avowed intentions of every member of the committee to have some kind of a reapportionment bill but no one knew just what to do about it.

To prove to you that we did have some different kinds of proposals I have made a careful file of all the proposals submitted and I think if you will look those over you will find that we have enough proposals here to reapportion the entire United States and perhaps the world.

I want to say that I did take exception to some of the remarks contained in some of the Pittsburgh newspapers to the effect that this plan was the Dent plan. You know, I would feel it an honor if I had the power to submit to this Senate and to this General Assembly a bill that would pass without any argument such as this one has, because there are only some remarks made, not really any argument against it, and I would be proud to except the sponsorship of this act for that reason, but I want to say that the Honorable Charles H. Ealy, President Pro-Tempore of this Senate and myself, who are blamed in most of the newspapers for the language of this bill and the make up of it, are not to blame at all.

I proposed that Allegheny County lose a Congressman as a way out of the mess, and the gentleman from Somerset, Senator Ealy, stepped forward and said, "Gentlemen, if it will help to break the deadlock, if it will help to get Pennsylvania congressmen elected in their respective districts, I would be willing to see my district take on more population," and out of that remark, why, he was later branded by someone as the sponsor of this obnoxious piece of legislation.

I know Governor James does not want to sign this bill, he knows the bill is not anything but a makeshift bill—he does not know it any better than the members of the Committee who signed the proposal—but I know that the Governer will sign it just the same as the members of the Committee signed the proposal and just the same as the members of this Senate will vote for it, because it is of more importance for the people of Pennsylvania that the principles of Democracy be maintained, that the elected officials represent them in Congress from their respective districts, rather than allow it to become a hodge podge election, in which men not qualified for office by training might be elected because of the chaos that would take place if you allowed men and women to run at large in the State of Pennsylvania.

Mr. President, Allegheny County ought not to feel very bad that they are going to lose a Congressman, but really they will not lose anything, they still have four Congressmen, and out where I come from we cover more area than you do with your four and we have only one Congressman. In fact, they would all be better off if they had only one because you would not have so many fights.

In the old days when they traveled by horse and wagons and bicycles, later on, it was all right to have more Congressmen so that they would not have to cover such large districts and so that they could cover the area and talk to their people, but today with trains and automobiles—if you can get tires—and airplanes, and so on, why, one Congressman could pretty near represent a district. Why, look, we are represented in Congress now, in the Senate—I think we are represented—by two men.

It is not so bad. If you people pass the right kind of laws in Pennsylvania and keep from chasing industry away, as you have been doing the last several years, pass a decent type of legislation and reduce taxes to the point where they ought to be, you will bring more people back into Pennsylvania and by the time of the next census we might gain two or three congressmen.

So, let us not be ashamed of this piece of legislation; let us admit it is bad but let us also admit that we defy any person in Pennsylvania to come forward with a better plan, in spite of the attempts to belittle the efforts of the members of this committee, when they say they will accept anything except this, when you touch our district it is bad, take it from anyone else, but together they could say, just as the gentleman from Philadelphia, Mr. DiSilvestro said, he will vote for this bill, but I can just picture him, bellowing and hollering, he would put up a fight if we had taken one out of Philadelphia. That is the motivating spirit on the part of all of them, everybody is very willing to lose somebody else's congressman, and so, without being criticized too much, I think the members of the committee ought to be complimented a little by the members of the Senate for at least getting some solution to a darn bad problem.

Mr. HALUSKA. Mr. President, I desire to interrogate the gentleman from Dauphin.

The PRESIDENT. Will the gentleman from Dauphin permit himself to be interrogated?

Mr. TAYLOR. I will, Mr. President.

Mr. HALUSKA. Mr. President, will the gentleman from Dauphin tell me whether or not I am to understand now, under this act as proposed, a congressman will be elected at large for ten years or for only this year?

Mr. TAYLOR. He could be for ten years, Mr. President; he will be elected for two years only, the same as the rest of the congressmen, but unless this law is repealed at a regular session of the legislature, this law would carry on for ten years. No congressman is elected for more than two years.

Mr. HALUSKA. Mr. President, do I understand the men that are elected could be proposed for reelection for the next five terms under this act.

Mr. TAYLOR. Surely, Mr. President.

Mr. HALUSKA. Mr. President, did I understand the gentleman from Dauphin to say also that seven members of this committee had different plans but two gentlemen, called Achterman and Kilroy, had overridden your plans and your good judgment; it that true?

Mr. TAYLOR. Well, to tell the truth, Mr. President, if my memory serves me right we had practically all agreed, except one member, and then later in the evening, after some conference over the telephone, a certain gentleman came back and said that if we thought we understood, we misunderstood. We knew when they went out to telephone that it was not agreeable to certain people and we thought that was the finish.

Now, after we had adjourned, and we drew up an agreement, and we were having dinner about seven o'clock in the evening, and about nine o'clock in the evening there was a misunderstanding—and, incidentally, I felt so good about it I paid for the dinner.

Mr. HALUSKA. Am I to understand, once more, Mr. President, this one member, whoever he might be, really is entirely responsible for this plan?

Mr. TAYLOR. No, Mr. President, I tried to say a moment ago, maybe I did not make it clear enough, it is not possible to get congressional reapportionment without the leaders of the House and it is not possible, I think, with a divided House.

We surrendered. We are willing to admit that we surrendered because if you could not get it through the House there is no use in talking about it or in putting a bill through the Senate. I have every respect for those gentlemen but I will still stick to that.

Mr. HALUSKA. Mr. President, I believe what the gentleman says and I believe that the committee worked hard and I am of the opinion that the gentleman from Westmoreland should be complimented. I am satisfied to give him a rising vote of thanks.

However, Mr. President, it is just too bad when one man in this great Commonwealth has sufficient powers to say to such a committee you will take my plan or you will take nothing, and then in the same breath you rise on this floor and say it will be a bad state of affairs if we elect congressmen at large. At least, you would have thirty-three men representing us, but now we have one man, your Speaker of the House, the leader of the House or whatnot, that he should have sufficient powers to tell this entire committee, have any plan you wish, I will not agree to it, and if I do not agree to it it is just too bad. And you speak of Communism, Bolshevism and Hitlerism. It is too bad in this Commonwealth when any one man gets so powerful he can dictate to the entire Senate or the entire House as to what type of bill shall be presented to this Governor for his approval. I am ashamed to think of it.

Mr. DENT. Mr. President, I do not think the gentleman from Dauphin left the impression or intended to leave the impression here that any one man blocked any one particular plan. I want to say here this bill is not the desire of any one particular man on that committee. If you look at it you will see it affects fifteen or sixteen counties and we all put our two cents worth into it.

No individual dictated the bill, Mr. President, no individual took a position of take his plan or not.

And I also want to say that Elmer Kilroy, the Speaker of the House, when he attended our meeting he was cooperative and tried his utmost to help untangle the situation. He and the gentleman from Somerset, Senator Ealy, were members of the committee ex-officio.

Mr. Kilroy did not at any time declare himself for or against any particular plan and I do not want that impression to get around.

Mr. TAYLOR. Mr. President, I want it definitely and distinctly understood that I did not refer to that, I thought I was speaking about the proposal of taking one out of Allegheny—taking one away from Jefferson. At that time some people left the room. I do not say they telephoned one man, I do not know how many men they telephoned, but I know they telephoned because they admitted when they came back "our people will not agree to this." The final plan, I will say, came from the committee; the final plan came from the committee because somebody proposed that plan, because it was impossible otherwise we could not reach a conclusion. I do not recall who proposed that we take one from the Republicans and one from the Democrats and have one run at large. That came from the committee itself. That was finally agreed upon, with this exception, if I may take the liberty of saying so, I said provided you take one out of a metropolitan district from the Democratic side. I think that states my position.

I do not want you to think that for a moment of Elmer Kilroy, who was very cooperative on this question, and he would go along with almost anything except to take one out of Philadelphia.

And the question recurring,

Will the Senate agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—41

Barr,	DiSilvestro,	Lanius,	Stiefel,
Bartlett,	Ealy,	Letzler,	Tallman,
Becker,	Edmonds,	Mallery,	Taylor,
Carr,	Farrell,	McCreesh,	Tyler,
Cavalcante,	Geltz,	McGinnis,	Wade,
Chapman,	Heyburn,	McQuiddy,	Walker,
Coleman,	Homsher,	Miller,	Watkins,
Crider,	James,	Ruth,	Wilson, H. I.,
Crowe,	Jaspan,	Scarlett,	Wilson, T. B.,
Deitrick,	Kephart,	Snowden,	Woodward,
Dent,			

NAYS—7

Cox,	Haluska,	Stevenson,	Ziesenheim,
Frey,	Reed,	Thomas,	

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

HOUSE MESSAGE

TIME OF NEXT MEETING

The Clerk of the House of Representatives being introduced informed the Senate that the House has concurred in Resolution from the Senate as follows:

In the Senate, February 25, 1942.

Resolved (if the House of Representatives concur), That when the Senate adjourns this week it reconvene on Monday, March 2, 1942, at four o'clock, p. m., and when the House of Representatives adjourns this week, it reconvene on Monday, March 2, 1942, at nine o'clock, p. m.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 3, entitled:

A Joint Resolution proposing an amendment to article nine, section eight of the Constitution of the Commonwealth of Pennsylvania, further regulating indebtedness of political subdivisions.

And said bill having been read at length the third time, and agreed to,

On the question,

Will the Senate agree to the bill?

Mr. WOODWARD. Mr. President, what I will say briefly falls under two heads, first, the intrinsic merits of this proposal and, secondly, an emotional appeal to my colleagues to vote for it.

This Joint Resolution does not directly repeal the personal property tax; it is an attack upon that very unscientific four mills county tax. We have said so often, and over and over again, so long as the personal property tax is united with the assessed value of real estate to determine the borrowing capacity it is impossible to repeal the four mills tax.

The goal, the real objective of this movement, is to set up in Pennsylvania a graduated income tax, and I believe both the Republicans and the Democrats favor such a tax; no other tax is as scientific as a graduated income tax.

The Senator from Erie, our very handsome Mr. Ziesenheim, objected in caucus that I was putting the cart before the horse. If you believe in a graduated income tax, he said, why not enact it? Well, the answer to that is that no voter is going to vote a double tax on himself, namely, an income tax plus a personal property tax and that was the trouble, of course, with the Joint Resolution which the gentleman from Berks, Senator Ruth, introduced at the last session and which passed both Houses and will be reenacted, I suppose, at the next session and then put up to the people.

The trouble is that the voter will hesitate and probably will not put himself in a position of paying two taxes.

I might say that if there are certain Senators who believe in the personal property tax, that it is a good tax, I have no argument with those men whatever, but I believe a majority of this Senate has been converted to the idea we ought to get rid of the personal property tax and if anyone knows of any other way of getting rid of it I would be very happy, but this seems the only way. It is indirect and slow, I admit.

I might say as a kind of postscript that anyone who has any doubt as to how to vote can really with a clear conscience vote for this Joint Resolution, because I would say the chances of this Joint Resolution being really enacted are about the same as Senator Haluska's third party. I would put it in that category. Democrats, perhaps some of the Senate Democrats, will admit that in the House there is no longer Democracy with a little "d"; it is Democracy with a capital "D", and all legislation there is submitted to a special committee, and if this goes to the House it will also be submitted to that special committee.

I have in all these years, as you know, been either a hero or a martyr, mostly martyr, in trying to amend the Constitution. Someone has said, some statesmen has described the Constitution as a rudder to steer the Ship of State; their statement was that it is an anchor. Well, after my experience over these years I am convinced that it is an anchor, that the Ship of State is anchored very, very firmly. In our committee meeting we had to lift the anchor three times, three Joint Resolutions, and this is one of them.

I hope that you will vote with the feeling that if you do not like it, it will never get beyond the special committee in the House, and as my doctor is probably going to order me to go south I could have a pleasanter vacation if I thought the Senate had supported this resolution and therefore from this very important point of view I I ask you to vote "aye".

And the question recurring,

Will the Senate agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—21

Bartlett,	Edmonds,	Mallery,	Tallman,
Becker,	Geltz,	Ruth,	Walker,
Crider,	Haluska,	Scarlett,	Watkins,
Crowe,	Homsher,	Snowden,	Wilson, H. I.,
Deitrick,	Letzler,	Stevenson,	Woodward,
Ealy,			

NAYS—24

Barr,	DiSilvestro,	Lanius,	Stiefel,
Carr,	Farrell,	McCreesh,	Taylor,
Cavalcante,	Frey,	McGinnis,	Thomas,
Chapman,	James,	McQuiddy,	Tyler,
Coleman,	Jaspan,	Miller,	Wilson, T. B.,
Cox,	Kephart,	Reed,	Ziesenheim,

Less than a constitutional majority of all the Senators having voted "aye" the question was determined in the negative.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 19, as follows:

An Act to protect property by prohibiting certain unlawful entries on injuries to and interference with property and waters and attempts or conspiracies to do so authorizing the closing of highways or the regulation or restriction of travel thereon conferring powers on the

Water and Power Resources Board and on peace officers watchmen guards and supervisors and providing penalties

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Short Title This act shall be known and may be cited as "The Sabotage Prevention Act"

Section 2 Definitions "Public Utility" includes any pipe line gas electric heat water oil sewer telephone telegraph radio railway airplane transportation communication or other system by whomsoever owned or operated intended or employed for public use

"Proper Authorities of the Commonwealth or of any Political Subdivision thereof" as used in Section 11 includes the Secretary of Highways the county commissioners the city council the borough or town council the township commissioners and the township supervisors

"Political Subdivision" shall mean any county city borough incorporated town or township

Section 3 Intentional Injury to or Interference with Property Whoever intentionally destroys impairs injures interferes or tampers with real or personal property within this state with reasonable grounds to believe that such act will hinder delay or interfere with or in any manner affect the defense of the United States or of this state or any other state or with the prosecution of war by the United States is guilty of a felony and on conviction thereof shall be sentenced to pay a fine not exceeding ten thousand dollars ($10,000) or to undergo imprisonment not exceeding ten (10) years or both Provided That if such person so acts with the intent to hinder delay or interfere with or in any manner to affect the defense of the United States or of this or any other state or with the prosecution of war by the United States the minimum punishments shall be imprisonment for not less than one (1) year

Section 4 Intentionally Defective Workmanship Whoever intentionally makes or causes to be made or omits to note on inspection any defect in any article or thing with reasonable grounds to believe that such article or thing is intended to be used in connection with the defense of the United States or this state or for the prosecution of war by the United States or that such article or thing is one of a number of similar articles or things some of which are intended to be so used is guilty of a felony and on conviction thereof shall be sentenced to pay a fine not exceeding ten thousand dollars ($10,000) or to undergo imprisonment not exceeding ten (10) years or both Provided if such person so acts or fails to act with the intent to hinder delay or interfere with or in any manner to affect the defense of the United States or this state or with the prosecution of war by the United States the minimum punishment shall be imprisonment for not less than one (1) year

Section 5 Attempts Whoever attempts to commit any of the crimes defined by this act shall be liable to one-half the punishment prescribed for the completed crime In addition to the acts which constitute an attempt to commit a crime under the law of this state the solicitation or incitement of another to commit any of the crimes defined by this act not followed by the commission of the crime the collection or assemblage of any materials with the intent that the same are to be used then or at a later time in the commission of such crime or the entry with or without permission of a building enclosure or other premises of another with the intent to commit any such crime therein or thereon shall constitute an attempt to commit such crime

Section 6 Conspirators If two or more persons conspire to commit any crime defined by this act each of such persons is guilty of conspiracy and subject to the same punishment as if he had committed the crime which he conspired to commit whether or not any act be done in furtherance of the conspiracy It shall not constitute any defense or ground of suspension of judgment sentence or punishment on behalf of any person prosecuted under this section that any of his fellow conspirators has been acquitted has not been arrested or convicted is not amenable to justice or has been pardoned or otherwise discharged before or after conviction

Section 7 Witnesses' Privileges No person shall be excused from attending and testifying or producing any books papers or other documents before any court magistrate referee or grand jury upon any investigation proceeding or trial for or relating to or concerned with a violation of any section of this act or attempt to commit such violation upon the ground or for the reason that the testimony or evidence documentary or otherwise required of him by the state may tend to convict him of a crime or to subject him to a penalty or forfeiture but no person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction matter or thing concerning which he may so testify or produce evidence documentary or otherwise and no testimony so given or produced shall be received against him upon any criminal investigation proceeding or trial except upon a prosecution for perjury or contempt of court based upon the giving or producing of such testimony

Section 8 Unlawful Entry or Property Any individual partnership association or corporation or any political subdivision engaged in or preparing to engage in the manufacture transportation or storage of any product to be used in the defense of the United States or of this state or for the prosecution of war by the United States or the manufacture transportation distribution or storage of gas oil coal electricity or water or any of said natural or artificial persons owning or operating or both any public utility whose property except as hereinafter otherwise provided is surrounded by a fence or wall or a fence or wall and buildings may post around such property at each gate entrance dock or railway entrance a sign reading "No Entry Without Permission" Provided That the following kinds of property may be similarly posted in the manner hereinafter provided without the necessity of fencing

(a) Property fronting on water at intervals of not more than three hundred feet along the water front

(b) Dams or breasts dikes and similar structures at both ends of such structures and also on such structures at suitable intervals

(c) Ponds and reservoirs created by dams breasts or similar structures at intervals of not more than three hundred feet on each side of the pond or reservoir

(d) Streams or other property immediately below dams or breasts dikes and similar structures at intervals of not more than three hundred feet on each side of such stream or property

(e) Water conduits flumes canals races waterways and electric telephone telegraph gas oil and water transmission or distribution lines at intervals of not more than one thousand feet

Who ever without permission of such inidvidual partnership association corporation or political subdivision or its or their representative shall wilfully enter upon premises so posted or shall wilfully destroy deface or remove any such sign shall on conviction thereof in a summary proceeding be sentenced to pay a fine not exceeding fifty dollars ($50.00) or to undergo imprisonment not exceeding ten (10) days or both

Section 9 Where any dam breast ramp power house or other structure located on any navigable stream or river or on any stream or river declared by law to be a public highway and the pond or reservoir created thereby is used or being prepared to be used by any individual partnership association or corporation of or authorized to do business in this state or by the Commonwealth or any political subdivision thereof for the generation manufacture transportation and distribution of electricity or for the storage of water for domestic industrial or water power purposes the Water and Power Resources Board of the Department of Forests and Waters with the approval

of the Governor may at the request of and at the expense of such individual partnership association corporation or political subdivision or at the expense of the Commonwealth where no private interest is involved post along each side of the pond or reservoir created by such dam or breast at intervals of not more than three hundred feet of water front from such dam or breast or any ramp and at intervals of not more than three hundred feet of water front on each bank of the river or stream below such dam breast ramp power house or other structure as the case may be signs reading "No Entry on these waters or property without Permission Commonwealth of Pennsylvania Water and Power Resources Board"

Whoever without permission of the Water and Power Resources Board shall wilfully enter or approach upon any dam or breast or on the waters of the pond or reservoir so posted shall on conviction thereof in a summary proceeding be sentenced to pay a fine not exceeding fifty dollars ($50.00) or to undergo imprisonment not exceeding ten (10) days or both

Section 10 Questioning and Detaining Suspected Persons Any peace officer or any person employed as watchman guard or in a supervisory capacity on or in connection with premises or waters posted as provided in sections eight and nine may stop any person found on any premises or waters to which entry without permission is forbidden by sections eight or nine and may detain him for the purpose of demanding and may demand of him his name address and business in such place If said peace officer or employe has reason to believe from the answers of the person so interrogated that such person has no right to be in such place said peace officer shall forthwith release such person or he may arrest such person without a warrant on the charge of violating the provisions of sections eight or nine and said employe shall forthwith release such person or turn him over to a peace officer who may arrest him without a warrant on the charge of violating the provisions of sections eight or nine

Section 11 Any individual partnership association corporation or political subdivision engaged in or preparing to engage in the manufacture transportation or storage of any product to be used directly or indirectly in the defense of the United States or of this state or in the prosecution of war by the United States or in the manufacture transportation distribution or storage of gas oil coal electricity or water or any of said natural or artificial persons operating any public utility who has property so used which he or it believes will be endangered if public use and travel is not regulated restricted or prohibited on one or more highways or parts of highways may petition the proper authorities of the Commonwealth or of any political subdivisions there of to close one or more of said highways or parts of highways to public use and travel or to regulate or restrict by regulation the use and travel upon one or more of said highways or parts of highways Upon receipt of such petition the proper authorities of the Commonwealth or of any political subdivision thereof as the case may be shall set a day for hearing and give notice thereof by publication in a newspaper having general circulation in the political subdivision in which such property is located such notice to be at least seven days prior to the date set for hearing If after hearing the proper authorities of the Commonwealth or of any political subdivision thereof determine that the public safety and the safety of the property of the petitioner requires it they may by regulation close to public use and travel or may by regulation restrict or regulate the use and travel upon one or more of said highways or parts of highways provided however that the proper authorities of the Commonwealth or of any political subdivision thereof may issue written permits to travel over the premises so closed to responsible and creditable persons for such term under such conditions and in such form as the public authorities may prescribe Notices in letters at least three inches high containing the following "Closed by Order of — — — Passing Prohibited under Penalty" or "public travel on this highway restricted or regulated by order of — — — Penalty for violation" shall be posted conspicuously at each end of the premises closed or regulated or restricted by such order The proper authorities of the Commonwealth or of any political subdivision thereof may at any time revoke or modify any regulation they have made

Whoever violates any regulation made under this section shall upon conviction thereof in a summary proceeding be sentenced to pay a fine not more than fifty dollars ($50.00) or to undergo imprisonment for not exceeding ten (10) days or both

Section 12 Rights of Labor Nothing in this act shall be construed to impair curtail or destroy the rights of employes and their representatives to self-organization to form join or assist labor organizations to bargain collectively through representatives of their own choosing and to engage in concerted activities for the purpose of collective bargaining or other mutual aid or protection

Section 13 Relation to Other Statutes All acts and parts of acts inconsistent with this act are hereby suspended in their application to any proceedings under this act If conduct prohibited by this act is also made unlawful by another or other laws the offender may be convicted for the violation of this act or of such other law or laws

Section 14 This act shall become effective immediately upon final enactment and shall remain in effect so long as a state of war exists between the United States and any foreign country and six months after such state of war ceases to exist

And said bill having been read at length the third time,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

Mr. CAVALCANTE. Mr. President, a bill similar to this one was introduced in the last General Assembly and for many reasons it was never enacted into law. Since that time great changes have taken place in the nation, we are now at war, and the attitude of people towards legislation that was once unfavorable is now favorable.

In the last general session, of 1941, it seemed that there was great opposition to a bill of this kind by employes or the labor leaders of the state, and their opposition was based on the notion that the bill was outlawing the rights of employes to strike or to picket lawfully.

In order that there may be some clarification of that point I think that it is well for us to express our opinions as to just how far this bill that is now before us might go.

It is true that Section 7 in general terms seeks to protect employes in matters of collective bargaining in their concerted activities and mutual aid in the formation of unions and labor organizations, but the section is in rather general terms and it is susceptible of construction that might be unfavorable.

I really think that we should state here on the record the exact legislative intent and purpose of this bill and I think that the gentleman from Clinton, who introduced the bill, is the gentleman that I think should state that, and to that end I would like to interrogate the gentleman from Clinton, Mr. Stevenson, on this matter.

The PRESIDENT. Will the gentleman from Clinton permit himself to be interrogated?

Mr. STEVENSON. With pleasure, Mr. President.

Mr. CAVALCANTE. Mr. President, I wish the gentleman from Clinton would answer me this question; is it the legislative intent and purpose of this bill to outlaw

strikes and picketing conducted in the lawful exercise of the rights of employes and their representatives to self-organization, to form, join or associate with labor organizations, to bargain collectively through representatives of their own choice, and to engage in concerted activities for the purpose of collective bargaining and for mutual aid and protection.

Mr. STEVENSON. Mr. President, I think the gentleman from Fayette in his preliminary remarks referred to Section 7; it should be Section 12.

Mr. CAVALCANTE. Section 12.

Mr. STEVENSON. In my opinion the legislative intent is to properly safeguard the vested rights of labor in every legal way possible. Strikes or picketing, when conducted lawfully, are properly safeguarded in Section 12 of this bill.

Mr. CAVALCANTE. Then, Mr. President, it is the opinion of the gentleman from Clinton that Section 12 includes in that protection employes or their representatives when engaged in lawful strikes and picketing.

Mr. STEVENSON. Yes, it is, Mr. President.

Mr. CAVALCANTE. And that is the legislative intent and purpose that you have in mind in inserting Section 12 in this act.

Mr. STEVENSON. That is my understanding.

Mr. CAVALCANTE. Thank you, sir.

Mr. JAMES. Mr. President, the Senator from Fayette has referred to former legislation upon this same subject. I am rather familiar with the history of that legislation inasmuch as I was the sponsor of that bill. The bill today introduced is based largely upon the former bill and is in many respects identical with the former bill.

I may say that bill, which was introduced by me at the session of 1941, was the result of a request made by the Attorney General of the United States of America for a conference of the Attorneys General of all the states of the union, together with peace officers, who assembled in Washington and I will read to you, if I may, an extract from the Harvard Law Review of 1941, which reads in part as follows, the article is headed "The Model Sabotage Prevention Act" and it reads: "The prevention of sabotage is a vital cog in the machinery of national defense. Sabotage is far more dangerous now than it has ever been in the past, because in the mechanized war of today the products of the factory are essential to the success of the army. In the first World War, armies required quite some mechanical equipment, but today the need not only for guns but for airplanes, tanks and trucks as well is many times as great. If our country is to prepare for a possible modern war and is actively to pursue its now openly avowed policy to assist England in defeating the Axis powers, every available factory must work at top speed. Destruction of machinery, factories and utilities will spell defeat just as surely as rout in the field.

"A realistic appreciation of the importance of preventing sabotage and other subversive activities led the Department of Justice, the Inter-State Commission on Crime, the National Association of Attorneys General, the Governors' Conference, and the Council of State Governments to call the Federal State Conference on law enforcement problems of national defense. The model sabotage prevention act is one of the acts drafted as a result of this conference."

As a member of the Inter-State Crime Commission appointed by His Excellency, the Governor of this Commonwealth I, in company with the Attorney General of this Commonwealth, attended the conference, which lasted some few days. We were addressed by the Attorney General of the United States, now upon the Supreme Bench of the United States, and this model act was a result of that conference and suggestion of not only the Attorney General's office but of all peace officers all over the United States of America, who agreed upon a model sabotage act.

This act as it is now presented to the Senate is in substantially the same form, in fact, as the bill that I introduced at the last session and which passed the Senate at that time but died a natural death in one of the committees over in the House. I have compared that bill that was passed at the 1941 session with the bill which is now before us and I find, taking up section by section, it is almost the same.

The title, with the exception that there is an addition of highways and travel thereon, which appears in the bill itself, is the same. Section 2 is the same and on page 2 the first paragraph, proper authority, and the second paragraph, political subdivisions, are new in this act; section three is practically the same; section four practically the same; secton five is identical in language; section six is identical in language; section seven is identical in language; in section eight there has been some addition to subsections a, b, c, d and e. Section seven is exactly the same except that it adds individual partnerships, various corporations, political subdivisions or their representatives. Section nine appearing in the bill now before the Senate is new. Section ten is exactly the same; section eleven is new; section twelve is the same and section thirteen is new.

That bill which was prepared and placed in my hands for introduction was modeled from the act which was as a result of the conference held in Washington, and in speaking of the labor clause, mentioned by my friend from Fayette County, I desire to quote from that proposed act. I am reading now from the model act, proposed section eleven, rights of labor: "Nothing in this act shall be construed to impair, curtail or destroy the rights of employes and their representatives to self organization, to form, join, or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in activities, for the purpose of collective bargaining or other mutual aid or protection."

At that time the very question raised by the gentleman from Fayette was raised in that discussion and the conclusion was, at least by the members and representatives at that meeting, that the rights of labor were amply protected.

I think that will answer your question, sir.

Mr. MILLER. Mr. President, speaking as I have before on several occasions as Legislative Chairman, Department of Pennsylvania, American Legion, I feel that I would be remiss in my duties if I did not state for the record that not only the Department of Pennsylvania, American Legion but the affiliated organizations heartily approve of

passage of this act and that they feel that the rights of labor are adequately protected in the bill.

Mr. DENT. Mr. President, I believe it is necessary to have some type of legislation on the books. I believe this bill will serve that purpose, if it is administered by men who will use good judgment. I would hate to think, if I helped in the passing of this legislation, that it could be used to frame or railroad any particular individual in an industrial plant who because of accident or unavoidable circumstances might be the indirect or direct cause of sabotage of production, although there was no intention to do so.

I believe the bill can be interpreted by those who administer it to give fair play in cases such as I have just mentioned and with that thought in mind, that all of us will do our utmost in this crisis to see that our wheels of production are not stopped, I intend to vote for the bill, but I sincerely hope no person in Pennsylvania will take advantage of some of the provisions of this act that could be administered very unfairly to those who produce.

And the question recurring,

Will the Senate agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Barr,	DiSilvestro,	Lanius,	Stiefel,
Bartlett,	Ealy,	Letzler,	Tallman,
Becker,	Edmonds,	Mallery,	Taylor,
Carr,	Farrell,	McCreesh,	Thomas,
Cavalcante,	Frey,	McGinnis,	Tyler,
Chapman,	Geltz,	McQuiddy,	Wade,
Coleman,	Haluska,	Miller,	Walker,
Cox,	Heyburn,	Reed,	Watkins,
Crider,	Homsher,	Ruth,	Wilson, H. I.,
Crowe,	James,	Scarlett,	Wilson, T. B.,
Deitrick,	Jaspan,	Snowden,	Woodward,
Dent,	Kephart,	Stevenson,	Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL RECOMMITTED

Mr. GELTZ. Mr. President, I move that Senate Bill No. 21, on third reading, entitled:

An Act authorizing political subdivisions to levy a tax for the purpose of providing funds, a part or all of which may be appropriated to any local or district council of defense within said political subdivision; authorizing political subdivisions to borrow money, under certain conditions for such purposes; and ratifying, confirming and validating appropriations heretofore made for said purposes.

be recommitted to the Committee on County Government.

Mr. MILLER. Mr. President, I second the motion.

The motion was agreed to.

BILL OVER IN ORDER

Mr. MALLERY, Mr. President, I ask unanimous consent that Senate Bill No. 25, on third reading, entitled:

A Joint Resolution proposing an amendment to section thirteen, Article three, of the Constitution of the Commonwealth of Pennsylvania,

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 26, as follows:

A Joint Resolution proposing an amendment to article eight section eleven of the Constitution of the Commonwealth of Pennsylvania

The General Assembly of the Commonwealth of Pennsylvania hereby resolves as follows

Section 1 The following amendment to the Constitution of the Commonwealth of Pennsylvania be and the same is hereby proposed in accordance with the eighteenth article thereof

Article eight section eleven of the Constitution of Pennsylvania is hereby amended to read as follows

Section 11 Townships and wards of cities and boroughs shall form or be divided into election districts of compact and contiguous territory and their boundaries fixed and changed in such manner as may be provided by law

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill?

Mr. REED. Mr. President, I would like to ask one of the sponsors of the bill to explain the purpose of this bill.

Mr. STEVENSON. Mr. President, under a recent decision by Judge Shull, District Court, 41D and C, 1, he held that the provisions of the election code relating to this subject were restrictive of the rights of courts and therefore unconstitutional. That means now that the laws of Pennsylvania as set up by the Legislature are no longer effective in the matter of the division of election districts.

Therefore, Mr. President, it resolves itself down to a point where each judge will form his own rules and make up his mind as he wants, politically or otherwise, in the set up of election districts.

If this should be adopted by the Supreme Court, of course it has not yet gone that far and probably never will, but in its present status there is a great deal of uncertainty in Pennsylvania regarding this question. In order that the Legislature may again constitutionally pass a law covering the matter of election districts, it is felt necessary that the Constitution of Pennsylvania be so amended.

Mr. REED. Mr. President, may I inquire further as to what changes this resolution will make with respect to the creation of election districts?

Mr. STEVENSON. This, Mr. President, will remove the power of the judge to use his individual discretion in the matter. He will in the future have to proceed under the provisions as laid down by legislative enactment.

And the question recurring,

Will the Senate agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Barr,	DiSilvestro,	Lanius,	Stiefel,
Bartlett,	Ealy,	Letzler,	Tallman,
Becker,	Edmonds,	Mallery,	Taylor,
Carr,	Farrell,	McCreesh,	Thomas,
Cavalcante,	Frey,	McGinnis,	Tyler,
Chapman,	Geltz,	McQuiddy,	Wade,
Coleman,	Haluska,	Miller,	Walker,
Cox,	Heyburn,	Reed,	Watkins,
Crider,	Homsher,	Ruth,	Wilson, H. I.,
Crowe,	James,	Scarlett,	Wilson, T. B.,
Deitrick,	Jaspan,	Snowden,	Woodward,
Dent,	Kephart,	Stevenson,	Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 31, on second reading, entitled:

An Act making available the services of recipients of general assistance under certain circumstances by permitting them to earn a limited amount of money in work essential to the prosecution of the existing war in which the United States of America is engaged without forfeiting their right to assistance or any part thereof.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL SIGNED

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) announced that the Chief Clerk having reported that the following bill has passed both houses of the General Assembly and the same being correct, the title was publicly read as follows:

House Bill No. 1, entitled:

An Act concerning the election of representatives of the people of Pennsylvania to serve in the House of Representatives of the Congress of the United States providing for the apportionment of the Commonwealth into Congressional districts and for the election of one representative in Congress at large.

Whereupon,

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the presence of the Senate signed the same.

MOTION TO READ BILLS THE FIRST TIME

Mr. GELTZ. Mr. President, I move that the Senate do now proceed to the first reading of all bills reported from committees for the first time at today's session.

Mr. SCARLETT. Mr. President, I second the motion.

The motion was agreed to.

BILL ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 35, entitled:

An Act authorizing the Department of Highways to construct, replace or repair bridges in cities of the third class which form connecting links on State highways necessary for National defense in cases where Federal funds and city funds are available for such purposes and authorizing the Secretary of Highways to enter into agreements with the proper Federal authorities and the authorities of cities of the third class covering the construction, replacement or repair of such bridges; and making an appropriation.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

ADJOURNMENT

Mr. GELTZ. Mr. President, I move that the Senate do now adjourn until Monday, March 2, 1942, at 4:00 o'clock, p. m. Eastern War Time.

Mr. WALKER. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 3:34 o'clock, p. m. Eastern War Time until Monday, March 2, 1942, at 4:00 o'clock, p. m. Eastern War Time.

HOUSE OF REPRESENTATIVES

WEDNESDAY, February 25, 1942

The House met at 1 p. m.

The SPEAKER (Elmer Kilroy) in the Chair.

PRAYER

The Chaplain, Rev. Donald McFall offered the following prayer:

Almighty God, lend us grace to be honest, to prove and to try our lives, to consider our ways. Help each one of us and all of us as a nation, to see that Thou hast not failed us, but that we are frustrated because we have failed Thee. We seek Thee this day with all our heart, for we would walk this side of eternity in the warm glow of Thy Fatherly love.

"God bless our native land!
Firm may she ever stand
Through storm and night;
When the wild tempests rage,
Ruler of wind and wave,
Do Thou our country save
By Thy great might."

—Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of yesterday.

The Clerk proceeded to read the Journal of yesterday, when, on motion of Mr. CROOP unanimously agreed to, the further reading was dispensed with and the Journal approved.

PETITIONS AND COMMUNICATIONS

The SPEAKER laid before the House the following telegrams which were read by the Clerk.

SUSPENSION OF LAWS

A telegram from John M. Samson, President, Board of Directors, Westmoreland Hospital;

A telegram from Dr. Walter M. Bortz, President, Staff of Westmoreland Hospital; and

A telegram from Mr. Bob Hershey, Smethport, supporting suspension or modification of existing laws that interfere with the prosecution of any war in which this Nation is, or may become, engaged.

Referred to the Select Committee on Special Session Legislation.

BILLS INTRODUCED AND REFERRED

By Messrs. REUBEN E. COHEN and O'NEILL.

HOUSE BILL No. 18.

An Act to further amend the act, approved the fifth day of December, one thousand nine hundred thirty-six (1937, P. L. 2897), entitled "An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry and its existing and newly created agencies with personnel (with certain exceptions) selected on a civil service basis; requiring employers to keep records and make reports, and certain employers to pay contributions based on payrolls to provide monies for the payment of compensation to certain unemployed persons; providing procedure and administrative details for the determination, payment and collection of such contributions and the payment of such compensation; providing for cooperation with the Federal Government and its agencies; creating certain special funds in the custody of the State Treasurer; and prescribing penalties," by changing the provisions thereof, and the rights, obligations and procedure thereunder.

Referred to the Select Committee on Special Session Legislation.

By Mr. CHUDOFF. HOUSE BILL No. 19.

An Act to amend sections five hundred one and six hundred one of the act, approved the fifth day of December, one thousand nine hundred thirty-six (1937, P. L. 2897), entitled "An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry and its existing and newly created agencies with personnel (with certain exceptions) selected on a civil service basis; requiring employers to keep records and make reports, and certain employers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons; providing procedure and administrative details for the determination, payment and collection of such contributions and the payment of such compensation; providing for cooperation with the Federal Government and its agencies; creating certain special funds in the custody of the State Treasurer; and prescribing penalties," by providing for the payment of interest at the rate of six per centum per annum upon unemployment compensation payments during the period of suc' payments are withheld pending the determination of appeals filed with the Unemployment Compensation Board of Review.

Referred to the Select Committee on Special Session Legislation.

SENATE MESSAGE

SENATE BILLS FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence bills numbered and entitled as follows:

SENATE BILL No. 27. (HOUSE BILL No. 20).

An Act to provide for the expenses of the Extraordinary Session of the Legislature assembled February seventeenth, one thousand nine hundred forty-two, in pursuance of the proclamation of the Governor of the Commonwealth dated February tenth, one thousand nine hundred forty-two, and the supplement thereto.

Referred to the Select Committee on Special Session Legislation.

SENATE BILL No. 28. (HOUSE BILL No. 21).

An Act to further amend Section 801 of the act, approved the fifth day of May, one thousand nine hundred and thirty-three (P. L. 457), entitled "An act relating to the business of building and loan associations; providing for the organization and voluntary dissolution of such associations; defining the rights, powers, duties, liabilities, and immunities of such associations, and of their officers, directors, shareholders, solicitors, and other employes; prohibiting the transaction of business in this Commonwealth by foreign building and loan associations; conferring powers and imposing duties upon the courts, recorders of deeds, and certain State departments, commissions, and officers; establishing limitations of actions: imposing penalties; and repealing certain acts and parts of acts", by authorizing building and loan associations to act as fiscal agents of the United States Government for the sale of United States Defense Bonds and Defense Stamps, and permitting such associations to pledge their assets for the faithful performance of their duties as such agents.

Referred to the Select Committee on Special Session Legislation.

RESOLUTION INTRODUCED AND REFERRED

By Mr. BROWN. (Concurrent) RESOLUTION No. 7.

In the House of Representatives, February 24, 1942.

Whereas, The General Assembly of the Commonwealth of Pennsylvania has been called into Extraordinary Session by Proclamation of the Governor, in order to consider and adopt certain legislation which is deemed necessary as a result of the war in which this Nation is now engaged; and

Whereas, At the suggestion of the Governor, there has been introduced for adoption, a bill (Senate Bill No. 14), which would authorize him, in accordance with the recommendations of the State Council of Defense, to suspend or modify the operation of any laws, in whole or in part, during the continuation of the war; and

Whereas, Under Article 1, Section 12, of the Constitution of the Commonwealth of Pennsylvania, there is grave doubt as to whether or not such broad authority to suspend or modify laws, as that which would be conferred by Senate Bill No. 14, would be valid; and

Whereas, The power to suspend or modify the operation of any laws, in whole or in part, as granted under Senate Bill No. 14, would, in practical effect, be equivalent to complete power to legislate, which would be an undoubted abrogation of its rightful functions on the part of the Legislature, in clear violation of Article 2, Section 1, of the Constitution of the Commonwealth, which vests all legislative power in the General Assembly; and

Whereas, It is by no means certain that such broad powers, as those sought by the Governor under Senate Bill No. 14, which would make the Executive Branch of the Commonwealth paramount to the Legislative Branch, are necessary, or even advisable, as a means of aiding the Government of the United States or of this Commonwealth in prosecuting the present war; and

Whereas, An examination of the various statutes adopted by other states, both during the present and past World Wars, does not indicate that any such broad grant of powers to suspend laws has been deemed proper elsewhere; and

Whereas, The present Extraordinary Session of the General Assembly, could by recess, instead of adjournment, hold itself in a position to provide in a constitutional manner for the suspension, modification or enactment of any laws which may be found necessary or advisable for the prosecution of the war; and

Whereas; Any expenses which would be entailed by recess, instead of adjournment, could be largely minimized by proper legislative action; now therefore be it

Resolved, (If the Senate concur), That, if the Governor of the Commonwealth of Pennsylvania satisfactorily establishes that there may be substantial need for the suspension or modification of laws during the continuation of the present war, the present Extraordinary Session of the General Assembly shall not adjourn finally, but shall recess only, and hold itself in readiness to consider and provide for such suspension or modification of statutes as is deemed advisable.

Referred to the Select Committee on Special Session Legislation.

REPORTS FROM COMMITTEES

Mr. WOODRING, from the Select Committee on Special Session Legislation reported as committed, House Bill No. 10, entitled:

An Act to further amend section six hundred twenty-eight, and to amend section six hundred twenty-nine of the act approved the third day of June, one thousand nine hundred thirty-seven (P. L. 1333), entitled "An act concerning elections, including general, municipal, special and primary elections, the nomination of candidates, primary and election expenses and election contests; creating and defining membership of county boards of elections; imposing duties upon the Secretary of the Commonwealth, courts, county boards of elections; county commissioners; imposing penalties for violation of the act, and codifying, revising and consolidating the laws relating thereto; and repealing certain acts and parts of acts relating to elections," extending the time within which writs of election may issue for holding special elections to fill vacancies occurring in either house of the General Assembly, and the time within which nominations therefor may be filed.

Mr. BROWN, from the Select Committee on Special Session Legislation, reported as committed, House Bill No. 11, entitled:

An Act to further amend section eight hundred twenty-eight of the act, approved the first day of May one thousand nine hundred twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," authorizing the Secretary of Revenue, during the period of national emergency, to suspend the operation of certain provisions of this act relating to school busses, when such provisions conflict with priority claims for material.

BILL READ FIRST TIME

Mr. WOODRING asked and obtained unanimous consent for House Bill No. 10 to be read for the first time.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 10, entitled:

An Act to further amend section six hundred twenty-eight, and to amend section six hundred twenty-nine of the act approved the third day of June, one thousand nine hundred thirty-seven (P. L. 1333), entitled "An act concerning elections, including general, municipal, special and primary elections, the nomination of candidates, primary and election expenses and election contests; creating and defining membership of county boards of elections; imposing duties upon the Secretary of the Commonwealth, courts, county boards of elections; county commissioners; imposing penalties for violation of the act, and codifying, revising and consolidating the laws relating thereto; and repealing certain acts and parts of acts relating to elections," extending the time within which writs of election may issue for holding special elections to fill vacancies occurring in either house of the General Assembly, and the time within which nominations therefor may be filed.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

BOILING SPRINGS HIGH SCHOOL WELCOMED

The SPEAKER. The Chair welcomes to the House the Senior Class of the Boiling Springs High School, Boiling Springs, Cumberland County, who are the guests of the gentleman from Cumberland, Mr. McIntosh.

PERMISSION TO ADDRESS HOUSE

Mr. WRIGHT asked and obtained unanimous consent to address the House.

Mr. SPEAKER. Little more than a year ago, Governor Arthur H. James came before the Legislature with a message that was described by this body as the most statesmen-like he has ever delivered.

Its practical merit, and patriotic inspiration won praise alike from the Governor's friends and the general public. But after this good start, Mr. James fell down on his own program.

Now comes the Governor with another message to this same Legislature, this time to a special session, made necessary because Mr. James dodged his responsibility last year.

The speech Mr. James delivered Tuesday night, Feb-

ruary 17th, is a perfect epitome of the serious mistake he and other leaders have made of the most important public issue which has developed since that previous message.

As you well know, more than half the Tuesday speech was devoted to a bitter, but childish, castigation of the Federal Social Security Board, because the Board insists that Mr. James live up to the Civil Service requirement of that law, and for that matter, his own Civil Service Law.

There are two other aspects of the Governor's address to the Legislature which are more than just silly. One is his unreserved endorsement of the farcical plan to reapportion the Congressional Districts of the State.

This so-called plan or scheme is so fraudulent and so shorn of any sense of responsibility that it is a serious threat to the basic foundations of representative government.

The best service this special session could have performed in the public interest was to pass an equitable Bill to reapportion, and to bury in oblivion the sham apportionment measure which the Governor describes as the only one available.

Even more dangerous than this shirking of plain moral duty, as evidenced by the Governor's speech, is his astonishing demand that the Legislature give to him and the State Defense Council the power to set aside or modify any State Law which they declare may interfere with some war activity.

This is a dangerous uncalled for proposal. It smacks of tyranny. It is opposed to every principle of our American form of government. This power if granted, would permit him to "suspend or modify" the operation of any State law after investigation hearing and written report with recommendations, from the State Defense Council of which Mr. James is chairman.

When Mr. James asked for Legislative power Tuesday night, he said "I am recommending it only because it offers the only solution in sight to matters of extreme urgency. We, the people, believe that any leader trying to use the nation's peril for personal gain or selfish purposes, will find themselves seared by the righteous anger of an enraged people, who believe that the National Government itself must lead the way in fairness, frankness, promptness and energy in times of peace or war, and in accordance with the Constitution and our democratic way of life.

Although it is an unprecedented demand for power, the Governor dismissed it with a paragraph of ambiguous generalities.

Mr. Speaker, and members of the House—Earlier in his speech he said in effect, he considered none of the subjects presented to the Legislature sufficient causes for the special session, save the issue of congressional reapportionment.

Yet he had a Bill to carry out this amazing power-grab introduced in the Senate, the night of his speech, and there is every indication of his intention to jam it through the Legislature if he can. The President outlined three high purposes in his address Monday night, his second one was (I quote) "we shall not demand special privileges for anyone."

This Bill, demanding sweeping war time powers to suspend or modify any state law, deserves speedy and decisive defeat by this Legislative body.

PERMISSION TO ADDRESS HOUSE

Mr. McFALL asked and obtained unanimous consent to address the House.

Mr. Speaker, My object in asking for this privilege is to voice my disapproval in the manner our Governor disposed of the plea made by the public school teachers of our state for some recognition in increasing their salaries by this special session.

What the future holds for each of us is difficult to say. What we do know, however, is the fact that increased cost of living must be met by increased wages and salaries for those who must struggle along in the lower brackets of income. And since education plays a prominent part in the whole system of Democracy, we may do well to pause in this session to consider the fact that when education fails, Democracy ceases to be motivated.

When the Governor addressed the joint Assembly last Tuesday night, he made this statement. Quote: "Such questions as relief allowances and teachers' salaries are not before this legislature, regardless of our sympathies and wishes, this legislature can accomplish nothing by bringing this up except to arouse bitterness and dissension."

The very reference to the poor on relief, and to the salaries of educators, and the immediate dismissal of any consideration for their needs, will in my estimation arouse real bitterness in the hearts and minds of those who have made a most worthy appeal.

My wish is to refresh memories and bring attention to these pertinent facts regarding the present situation, particularly to the high cost of living that is passed over by the Governor by saying, quote: "I have eliminated scores of suggestions because I believe they could be delayed until the regular session next January."

Who knows what a whole year may bring forth to the army of school teachers, drawing small salaries. It may mean a travesty.

The cost of living has increased about ten percent since August 1939. Food prices have increased about twenty percent. During the past two years factory workers have received an increase in wages amounting to around thirty percent. Farmers and other groups have shared likewise.

We all know this has been caused by increased cost of production and distribution. Many there be, who will be caught in this vicious circle with very little hope of succor. On good authority, estimates have been made that the cost of living will increase another fifteen or twenty percent by the end of 1942.

The question then is—Can the efficient personnel which education demands and is entitled to be retained under the present salaries or will teachers seek higher paid vocations that present conditions offer? The danger of losing our best qualified teachers should be manifest to all of us.

Not one of us wishes to weaken in any way the struc-

ture that has taken years to build, one of our greatest free institutions—our free public schools.

CONDOLENCE RESOLUTION

Messrs. HEATHERINGTON and MORAN offered the following resolution which was twice read, considered and adopted:

In the House of Representatives, February 25, 1942.

We, the Members of the House of Representatives of the Commonwealth of Pennsylvania in session duly assembled this 25th day of February 1942, do hereby resolve that we express our sorrow at the untimely death of C. Verne Shoup and the loss the Members have suffered by his demise.

C. Verne Shoup was born June 24, 1885 at St. Petersburg, Pennsylvania, and died January 1, 1942 at the age of 56 years, through an unfortunate accident upon the Pennsylvania Turnpike while he was returning from Harrisburg, whither he had gone on matters of business in connection with the Taxpayers League of Allegheny County.

He was a man of sterling character, whose later life had been devoted to municipal problems and civic affairs. He had expert knowledge of all matters of legislation relating to municipalities, which was always at the disposal of anyone asking his aid. For the the past nine years he was Executive Director of the Taxpayers League and he devoted himself to the property owners' problems. He was fair-minded, loyal to his trust and a good companion.

We feel that by C. Verne Shoup's death the House, as well as the community which he so faithfully served, has suffered a distinct and irreparable loss.

We hereby resolve that a copy of this resolution be engrossed and a copy thereof sent to his widow and family and one copy thereof to the Taxpayers League of Allegheny County.

RESOLUTIONS

Mr. MORAN offered a resolution which was laid over for printing under the Rules.

AGE LIMIT FOR EMPLOYMENT

Mr. HOLLAND offered a resolution and asked and obtained unanimous consent to have it read for the information of the House.

The resolution was read by the Clerk as follows:

In the House of Representatives, February 25, 1942.

Whereas, It has become the practice in administering the selective military service law to exempt men of draft age engaged in industry essential to the prosecution of the war; and

Whereas, At the same time, these same industries persist in a policy of refusing employment to able-bodied men, of more mature reasoning and discretion, for the reason only that they are above the age of forty-five; and

Whereas, It is now more important than ever to preserve economic order, which cannot be done if we continue to permit any class of competent workers to feel that they are not wanted in the industrial world, and to condemn them to remain on the relief rolls of the unemployed where they become the scorn of the press and of political fakers; and

Whereas, To win this war, it is necessary to fight it not only on all of the battle fronts the world over, but as well on the home front, in the industrial plants, and above all, to preserve the morale of the people by making each man, woman and child feel that he is a necessary part of a unified system of national defense in which his best services are needed and wanted; therefore be it

Resolved, That the House of Representatives hereby record itself as opposed to any policy of an age limit for employment in defense industry, and as committed to a policy of physical fitness and mental alertness, irrespective of age, as the qualifications for such employment; and that the Secretary of Commerce and the Secretary of Labor and Industry are hereby requested to contact all employers of labor in defense industries in this Commonwealth, and to urge upon them the necessity for waiving all age limits for employment, and to adopt the standard of fitness alone; and be it further

Resolved, That copies of this resolution be transmitted by the Chief Clerk to the Secretary of Commerce and to the Secretary of Labor and Industry of this Commonwealth.

The SPEAKER. The resolution lies over for printing under the Rules.

Mr. EDWIN F. THOMPSON offered a resolution which was laid over for printing under the Rules.

Mr. BRETH offered a resolution which was laid over for printing under the Rules.

QUESTION OF PERSONAL PRIVILEGE

Mr. WAGNER. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman will state his question of personal privilege.

Mr. WAGNER. Mr. Speaker, on Page 32 of the Legislative Journal for February 17th, I note that the clerk has omitted my name from the roll call. I was present and distinctly answered that way.

The SPEAKER. The remarks of the gentleman will be spread upon the Journal of the House.

QUESTION OF PERSONAL PRIVILEGE

Mr. FISHER. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman will state his question of personal privilege.

Mr. FISHER. Mr. Speaker, on Page 32 of the Legislative Journal for February 15th, I note that the clerk has omittted my name from the roll call. I was present and distinctly answered that way.

The SPEAKER. The remarks of the gentleman will be spread upon the Journal of the House.

ANNOUNCEMENT

Members of the House and their friends are cordially invited to attend the Police Benefit Ball at Zembo Mosque, Tuesday, March 10th. Music will be furnished by two outstanding orchestras. Tickets 75 cents. Because of the many kindnesses extended to the Speaker on behalf of the Members, it is the Speaker's hope that as many members attend this function as possible. Tickets are available at the Speaker's office.

RECESS

The SPEAKER. If there is no objection the Chair is about to declare a recess until 2:45 p. m. Is there objection? The Chair hears none and a recess is declared.

AFTER RECESS

The House reconvened at 2:45 p. m.

The SPEAKER (Elmer Kilroy) in the Chair.

BILLS INTRODUCED AND REFERRED

By. Mr. CHUDOFF. HOUSE BILL No. 22.

An Act to provide that, in cities of the first class imposing an income or wage tax, a certain percentage of the receipts derived from such tax shall be placed in a separate fund and be used only for purposes of civilian defense, and authorizing such cities to appropriate such moneys to the local council of defense.

Referred to the Select Committee on Special Session Legislation.

By Mr. BRETHERICK. HOUSE BILL No. 23.

An Act to add clause forty-seven to section one thousand five hundred two of the act, approved the twenty-fourth day of June, one thousand nine hundred thirty-one (P. L. 1206), entitled "An act concerning townships of the first class; amending, revising, consolidating, and changing the law relating thereto," authorizing emergency appropriations by boards of township commissioners for purposes of civilian defense.

Referred to the Select Committee on Special Session Legislation.

RESOLUTIONS INTRODUCED AND REFERRED

By Messrs. MAXWELL and O'NEILL.
RESOLUTION No. 8.

In the House of Representatives, February 25, 1942.

Whereas, The Governor of the Commonwealth of Pennsylvania, by his Proclamation given February 10th, 1942, convened the General Assembly of the Commonwealth of Pennsylvania in Extraordinary Session to consider legislation on certain specific subjects; and

Whereas, By his Supplemental Proclamation, given on the 17th day of February, 1942, he included certain additional subjects for the consideration of the General Assembly at its Extraordinary Session; and

Whereas, Neither the original Proclamation nor the Supplemental Proclamation given by the Governor, as aforesaid, contains any provision which would permit legislation increasing the salary of school teachers throughout the Commonwealth, even though, as a result of the present war, the marked increase in the cost of living is imposing a real hardship upon a considerable number of such teachers; and

Whereas, The efficient conduct of the public schools throughout the Commonwealth plays a real and vital part in the defense effort, which may be seriously imperiled if the various school teachers are unable to maintain a decent standard of living; and

Whereas, The Governor of the Commonwealth has reputedly been advised by the Attorney General that, under the Constitution of the Commonwealth of Pennsylvania, additional subjects may be submitted for consideration by the Legislature at an Extraordinary Session, by the issuance of a Supplemental Proclamation after the date such session has convened; now therefore be it

Resolved, That His Excellency, Arthur H. James, Governor of the Commonwealth of Pennsylvania, be requested to issue a supplemental proclamation submitting for consideration by the General Assembly now met in Extraordinary Session, the subject of increasing the salaries of all school teachers in third and fourth class school districts by an amount not exceeding ten per centum; and be it further

Resolved, That the Chief Clerk of the House of Representatives shall transmit a copy of this resolution to the Governor, and to the Superintendent of Public Instruction.

Referred to the Select Committee on Special Session Legislation.

By Mr. EDWIN F. THOMPSON. RESOLUTION No. 9.

In the House of Representatives, February 25, 1942.

Whereas, At the last session of the General Assembly, a State Council of Defense was created, one of its purposes being to coordinate the defense activities of the Commonwealth with those of the entire Nation; and

Whereas, Almost a year has passed and industry in its all out effort for defense production is still handicapped because of the lack of skilled labor; and

Whereas, Nothwithstanding prior resolutions, public statements and demands that all discrimination against the employment of Negroes in defense industries cease, it is well known that the policies of such discrimination still exist; and

Whereas, The neglect to remedy the intolerable conditions caused by such discriminatory policies is a serious deterrent to the success of our defense program; and

Whereas, The failure to fully utilize the services of available and competent Negro workers, who are thus denied the right of all patriotic citizens to live and work and die in the service of their country is a serious menace to the welfare and morale of all citizens of our Commonwealth and Nation, and directly opposed to the great traditions of the true democratic ideals and principles upon which this Nation was founded; therefore be it

Resolved, That the House of Representatives hereby requests the Governor of this Commonwealth and the State Council of Defense to request and demand the elimination of all discrimination in the employment of negroes in industry; and be it further

Resolved, That the Chief Clerk of the House submit a copy of this resolution to the Governor of the Commonwealth and to the State Council of Defense so that appropriate action hereunder may immediately be instituted.

Referred to the Select Committee on Special Session Legislation.

By Mr. HOLLAND. RESOLUTION No. 10.

In the House of Representatives, February 25, 1942.

Whereas, It has become the practice in administering the selective military service law to exempt men of draft age engaged in industry essential to the prosecution of the war; and

Whereas, At the same time, these same industries persist in a policy of refusing employment to able-bodied men, of more mature reasoning and discretion, for the reason only that they are above the age of forty-five; and

Whereas, It is now more important than ever to preserve economic order, which cannot be done if we continue to permit any class of competent workers to feel that they are not wanted in the industrial world, and to condemn them to remain on the relief rolls of the unemployed where they become the scorn of the press and of political fakers; and

Whereas, To win this war, it is necessary to fight it not only on all of the battle fronts the world over, but as well on the home front, in the industrial plants, and above all, to preserve the morale of the people by making each man, woman and child feel that he is a necessary part of a unified system of national defense in which his best services are needed and wanted; therefore be it

Resolved, That the House of Representatives hereby record itself as opposed to any policy of an age limit for

employment in defense industry, and as committed to a policy of physical fitness and mental alertness, irrespective of age, as the qualifications for such employment; and that the Secretary of Commerce and the Secretary of Labor and Industry are hereby requested to contact all employers of labor in defense industries in this Commonwealth, and to urge upon them the necessity for waiving all age limits for employment, and to adopt the standard of fitness alone; and be it further

Resolved, That copies of this resolution be transmitted by the Chief Clerk to the Secretary of Commerce and to the Secretary of Labor and Industry of this Commonwealth.

Referred to the Select Committee on Special Session Legislation.

By Mr. MORAN. RESOLUTION No. 11.

In the House of Representatives, February 25, 1942.

Whereas, The requirement that all persons employed in any defense industry shall produce a birth certificate in order to establish his or her citizenship, has made the Bureau of Vital Statistics in the Department of Health a most important agency of the State Government, and places it in a position where the measure of promptness of its service, directly affects the expeditiousness or delay of national defense; and

Whereas, This now very important bureau is several weeks in arrear with its work, and the delays in obtaining birth certificates are steadily increasing, with apparently no prospect of their ever improving under present conditions; therefore be it

Resolved, That the House of Representatives do now recess, and betake itself in a body to the offices of the Bureau of Vital Statistics in the South Office Building, there to conduct a first hand investigation of the causes for the altogether unwarranted delays in obtaining birth certificates for persons seeking to engage in national defense industry, and to determine what steps should be taken in order to remedy and improve the deplorable conditions now existing.

Referred to the Select Committee on Special Session Legislation.

By Mr. BRETH. RESOLUTION No. 12.

In the House of Representatives, February 25, 1942.

Whereas, The problem of an adequate water supply in this Commonwealth, is one involving a natural resource, that has assumed tremendous importance with relation to the industrial output of our industries; and

Whereas, The problem of stream and water pollution in the Commonwealth has engaged the attention of the public authorities of our cities, State and Nation for many years; and

Whereas, This condition, more particularly in the populous centers of the Commonwealth, is a serious menace to the health and safety of its residents; and

Whereas, The contamination of the Commonwealth's water sheds has likewise reduced the availability of the water supply which is so necessary and important to the fullest industrial expansion of our industries for the National Defense needs of our Nation; and

Whereas, Contamination will increase as the natural result of more continuous operations of National Defense industries, adding considerably to pollution of the water supply; and

Whereas, The availability of chemical purifying agents such as chlorine may be restricted because of the demands in National Defense, creating a serious threat to the health, welfare and safety of the residents of the Commonwealth; and

Whereas, It is deemed desirable to make a thorough and immediate study in order that preparations may be made to properly remedy or alleviate these conditions; therefore be it

Resolved, That the Speaker of this House appoint a committee of twenty-one members, whose duty it shall be to make a careful, thorough and impartial study of the causes and reasons for the continuance of these conditions, and that said committee shall make a report of its findings and recommendations to this House as soon as possible; and be it further

Resolved, That said committee shall have power to issue subpoenas under the hand and seal of its chairman requesting and commanding any person or persons to appear before them and to answer such questions touching matters properly being inquired into by the committee, and to produce such books, papers, records and documents as the committee may deem necessary. Such subpoenas may be served upon any person, and shall have the force and effect of subpoenas issued out of the courts of this Commonwealth. Each member of said committee shall have power to administer oaths and affirmations to witnesses appearing before the committee. Any person who shall wilfully neglect or refuse to testify before said committee or to produce any books, papers, records or documents shall be subject to the penalties provided by the laws of the Commonwealth in such cases.

Referred to the Select Committee on Special Session Legislation.

SENATE MESSAGE

TIME OF NEXT MEETING

The Clerk of the Senate being introduced presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, February 25, 1942.

Resolved, (if the House of Representatives concur), That when the Senate adjourns this week, it reconvene on Monday, March 2, 1942, at four o'clock p. m., and when the House of Representatives adjourns this week, it reconvene on Monday, March 2, 1942, at nine o'clock p. m.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

On the question,

Will the House concur in the resolution of the Senate?

It was unanimously concurred in.

Ordered, That the Clerk inform the Senate accordingly.

CONDOLENCE RESOLUTION

Messrs. CULLEN, McCLANAGHAN and FINESTONE offered a resolution which was twice read, considered and adopted as follows:

In the House of Representatives, February 25, 1942.

Whereas, The House of Representatives today learned of the death of Mary D. Ladner, wife of Judge Grover C. Ladner of the Orphans' Court of the County of Philadelphia; and

Whereas, Most of the present membership of the House, through years of association with the Honorable Grover C. Ladner in his capacity as first, Deputy Attorney General and then as Judge of the Orphans' Court of Philadelphia, have grown to prize their friendship for him, and to hold him highly in their personal esteem; and

Whereas, The loss he has suffered is one which they themselves feel most keenly; be it therefore

Resolved, That the House of Representatives pause in its deliberations to note the passing of the wife of a distinguished fellow-Pennsylvanian; and be it further

Resolved, That a copy of this resolution be transmitted to the family of the deceased, conveying thereby the profound sympathy of the House for them in their great bereavement.

ANNOUNCEMENT BY SPEAKER

The SPEAKER. Under the rules of the House when a Member introduces a resolution four copies are required, the Press has requested the Members to attach an extra copy for the information of the Press.

BILL INTRODUCED AND REFERRED

By Mr. McCLANAGHAN. HOUSE BILL No. 24.

An Act relating to air raid precautions, including blackouts; conferring certain powers and duties upon the State Council of Defense, local and district Councils of Defense, political subdivisions, members of certain municipal and volunteer agencies and civilians necessary for the safety, defense and protection of civilians and property in the Commonwealth; providing for the mobilization, coordination and use of certain municipal agencies and volunteer agencies, including their personnel and equipment; providing for immunity from liability for injury or death to persons or damage to property under certain circumstances; and providing penalties.

Referred to the Select Committee on Special Session Legislation.

SENATE MESSAGE

HOUSE BILL CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1.

An Act concerning the election of representatives of the people of Pennsylvania to serve in the House of Representatives of the Congress of the United States providing for the apportionment of the Commonwealth into Congressional districts and for the election of one representative in Congress at large

With the information that the Senate has passed the same without amendment.

BILL SIGNED BY SPEAKER

Bill numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the title was publicly read as follows:

HOUSE BILL No. 1.

An Act concerning the election of representatives of the people of Pennsylvania to serve in the House of Representatives of the Congress of the United States providing for the apportionment of the Commonwealth into Congressional districts and for the election of one representative in Congress at large

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

ADJOURNMENT

Mr. O'MULLEN. Mr. Speaker, I move that this House do now adjourn until Monday, March 2, 1942, at 9 p. m.

The motion was agreed to, and (at 3:28 p. m.) the House adjourned.

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal.

Extraordinary Session of 1942.

Vol. 26. HARRISBURG, PA., MONDAY, MARCH 2, 1942. No. 7.

SENATE

MONDAY, March 2, 1942

The Senate met at 4:00 o'clock, p. m., E. W. T.

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the Chair.

PRAYER

The PRESIDENT. In the absence of the regular Chaplain, the Senator from Berks, Dr. Ruth, will offer prayer.

Dr. RUTH. Our Father in Heaven, we come to Thee in this evening hour and we thank Thee that Thou hast given us the health and strength to meet here again. We know that Thou hast given us work to do and that Thou dost expect us to give the best that we have in these times, and we pray that Thou wilt strengthen and guide us in each step we take, in each word we speak, that it may be to Thy honor and glory and to the peace of all mankind.

In the Master's Holy name. Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. EALY and Mr. MALLERY, the further reading was dispensed with, and the Journal was approved.

LEAVE OF ABSENCE

Mr. Ealy asked and obtained leave of absence for the Senator from Lehigh, Mr. TALLMAN.

Mr. Stiefel asked and obtained leave of absence for the Senator from Philadelphia, Mr. SHAPIRO.

Mr. Geltz asked and obtained leave of absence for the Senator from Lebanon, Mr. BECKER, whose absence is necessary because of work in connection with a defense plant.

Mr. McGinnis asked and obtained leave of absence for the Senator from Luzerne, Mr. MUNDY, who is ill.

NOMINATIONS BY THE GOVERNOR

NOTARIES PUBLIC

The Secretary to the Governor being introduced, presented in writing from His Excellency, the Governor of the Commonwealth, nominations for appointment as Notaries Public.

CONSIDERATION OF NOTARIES PUBLIC

Mr. JAMES. Mr. President, I move that the Senate do now proceed to the consideration of nominations for appointment as Notaries Public, sent to the Senate, March 2, 1942, by His Excellency, the Governor of the Commonwealth.

Mr. GELTZ. Mr. President, I second the motion.

The motion was agreed to.

The nominations were read as follows:

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 2, 1942.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

S. J. Creighton, Ingram.
Joseph V. Cywinski, Harrison Twp., 65 Linden St., Natrona.
Herbert C. Degenhardt, Pittsburgh, 2400 Saw Mill Run Blvd.
N. F. Dougherty, Mount Lebanon Twp., 630 Shady Drive East, Mount Lebanon.
A. C. Gracey, Moon Twp., R. D. 3, Coraopolis.
Lester G. Hillegass, Versailles Twp., 3400 Walnut St., McKeesport.
Ray W. House, Braddock Twp., 522 Park Ave., R. D. 1, Box 850, Wilkinsburg.
Louis Oliver, Etna.
Russell Seitz, Etna.
Mrs. Frances C. Spence, Clairton.

BLAIR COUNTY

Lynn K. Fasnacht, Logan Twp., P. O. Box 1003, Altoona.

CARBON COUNTY

Mrs. Mary R. Engler, East Mauch Chunk.

CENTRE COUNTY

Miss Frances E. Custer, Philipsburg.

DAUPHIN COUNTY

Miss Catherine L. Shaffner, Harrisburg.

DELAWARE COUNTY

Miss Agnes B. Elliott, Chester.

LAWRENCE COUNTY

Elmer D. O'Neill, New Castle.
Miss Edna M. Robison, Union Twp., R. R. 2, New Castle.
Miss N. Elizabeth Taylor, New Castle.

McKEAN COUNTY

Mrs. Jean B. Patterson, Lafayette Twp., Westline.

MERCER COUNTY

R. L. Kerber, Sharon.

MONTGOMERY COUNTY

Miss Elaine Barrett, Norristown.
Donald R. Coffin, Jenkintown.

NORTHUMBERLAND COUNTY

Miss Leah M. Templin, Shamokin.

PHILADELPHIA COUNTY

Miss Thelma J. Brouthers, Phila., 2080 E. Cumberland St.
David A. Flacker, Phila., 1101 Spruce St.
Miss Grace A. Giger, Phila., 3617-19 North 8th St.
Miss Edna M. Hill, Phila., Roger Williams Bldg., 1701-3 Chestnut St.
Miss Doris M. Ludescher, Phila., 640 N. Broad St.
Harry R. Northamer, Phila., 33d and Beaver Sts.
Emanuel J. Reshes, Phila., 949 North 8th St.
Dominick A. Ruggiero, Phila., 1518 Sansom St.

WARREN COUNTY

Chester C. Eddinger, Sheffield Twp., 311 Horton Ave., Drawer E, Sheffield.

WASHINGTON COUNTY

Harold B. Elliott, Washington.

ARTHUR H. JAMES.

NOMINATIONS FOR NOTARIES PUBLIC

A motion was made by Mr. JAMES and Mr. GELTZ.

That the Senate do advise and consent to said nominations.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Barr,	DiSilvestro,	Lanius,	Stiefel,
Bartlett,	Ealy,	Letzler,	Taylor,
Carr,	Edmonds,	Mallery,	Thomas,
Cavalcante,	Farrell,	McGinnis,	Tyler,
Chapman,	Frey,	McQuiddy,	Wade,
Coleman,	Geltz,	Miller,	Walker,
Cox,	Heyburn,	Reed,	Watkins,
Crider,	Homsher,	Ruth,	Wilson, H. I.,
Crowe,	James,	Scarlett,	Wilson, T. B.,
Deitrick,	Jaspan,	Snowden,	Woodward,
Dent,	Kephart,	Stevenson,	Ziesenheim,

NAYS—0

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

COMMUNICATION FROM SPEAKER, HOUSE OF REPRESENTATIVES

The PRESIDENT. The Chair is in receipt of a communication from the Honorable Elmer Kilroy, Speaker of the House of Representatives, which he will ask that the Clerk read.

The communication was read as follows:

"OFFICE OF THE SPEAKER
"HOUSE OF REPRESENTATIVES
"Harrisburg, Pa., March 2, 1942.

"Hon. Samuel S. Lewis
"State Capitol, Harrisburg, Pennsylvania

"Dear Governor:

"The following resolution was adopted by the House of Representatives on Thursday, February 19, 1942.

"Whereas, The Honorable George H. Earle, former Governor of this Commonwealth, Ambassador to Austria and Minister to Bulgaria, has recently returned from war-torn Europe and Africa; and

"Whereas, It is the earnest desire of the Members of this House to be apprised, as accurately as possible, of the true conditions in said countries and to personally welcome him back to his native state; therefore be it

"Resolved, That the Honorable George H. Earle be invited to appear before, and to address this House of Representatives as soon as his presence in Harrisburg can be arranged."

Adopted, February 19.

The Honorable George H. Earle has accepted the invitation and will address the House on Monday, March 2, 1942 at 9:30 o'clock p. m. I, therefore, wish to extend to the Members and Officers of the Senate a cordial invitation to be present. Seats will be reserved in the front of the House for the Senate.

Yours truly,
(signed) ELMER KILROY,
Speaker.

COMMUNICATION FROM WASHINGTON CAMP SEVEN, PATRIOTIC SONS OF AMERICA

The Chair cleared its table and laid before the Senate a communication from Washington Camp Seven, Patriotic Sons of America, urging that the members of the General Assembly give assistance to local authorities of Civil Defense and to assist in providing the necessary funds, proper material and information to aid them in the promotion of this much needed work at this time.

The PRESIDENT. The communication is referred to the Committee on State Government.

TIME OF NEXT MEETING

Mr. MALLERY offered the following resolution which was twice read, considered and agreed to:

In the Senate, March 2, 1942.

Resolved (if the House of Representatives concur), That when the Senate adjourns this week, it reconvene on Monday, March 9, 1942, at four o'clock p. m., and when the House of Representatives adjourns this week, it reconvene on Monday, March 9, at nine o'clock p. m.

Ordered, That the Clerk present the same to the House of Representatives for concurrence.

WINNERS, 1941 FIRST AID CONTEST, ANTHRACITE MINE SECTION, INTRODUCED TO THE SENATE

Mr. WATKINS. Mr. President, as a representative of the anthracite counties I am proud to present to the

Senate today the winning First Aid Team of the Colonial Colliery Corporation, Natalie, Northumberland County, Pennsylvania, who competed with some eighty-seven teams in the anthracite region of Pennsylvania and who were successful last summer, and were awarded the Ira Thomas plaque today by the Secretary of Mines.

Mr. President, the members of the team are sitting to the left. I will ask them to rise so that the Senate may see them. The members of the team, Mr. President, are Charles Schaffer, Elysburg, Pennsylvania, John Sepanskie, Keiser, Pennsylvania, Hilton Henninger, Shamokin, Pennsylvania, Thomas Weikel, Shamokin, Pennsylvania, George Smutz, Natalie, Pennsylvania, August Dellatore, Natalie, Pennsylvania, and Marvin Billman, Natalie, Pennsylvania.

PERSONAL PRIVILEGE

Mr. JASPAN. Mr. President, I rise on a question of personal privilege.

The PRESIDENT. The gentleman from Philadelphia will proceed.

Mr. JASPAN. Mr. President, when we assembled for this special session, few of us, if any, suspected that we might be called upon by the Governor to consider surrendering to the State Council of Defense the authority to suspend or modify such Pennsylvania statutes as might interfere during the present war emergency with what the Governor describes as the "all out prosecution of war and defense." It was my impression and possibly yours, that the big job ahead of us at this session was re-apportionment of the State's Congressional Districts. The bombshell, however, has fallen, and attached to the bomb, as received by you and me, a letter of "explanation" by the Governor for his reasons in asking this most extraordinary action on our part.

Now, it may be conceded, that changes of one sort or another in the set routine of our lives during a wartime, are necessary in the interests of national unity and defense, but to change the character of the pattern of government under which the people of a sovereign Commonwealth have seen fit to live, is the most vital usurpation of political power in which a people can engage and before they are asked to surrender their right to live that way or to enact or suspend laws in any manner save through the legislatures of their own choice, the reasons must be far more compelling than those mentioned by the Governor in his letter. I think we ought to follow the rule which Puck once announced as the rule of President Cleveland: "Be sure you are right; then stop a little."

As I see it, the combat between communism and fascism on the one hand, and democracy on the other, in the last analysis, comes down to the simple question: What, if any, place, shall be given to the average man and woman in government? What voice shall they have? Both communism and fascism would rob them of every right, every privilege, every guarantee given them in our Constitution, personal liberty, and all the attributes of liberty. The first line of defense therefore against a dictatorial government is the preservation of the people's liberties.

When Septimus Severus, I think he was a Roman Emperor, was dying, he said to his successor: "Pay the soldiers well, and don't worry about anything else." His idea apparently was that so long as the army was not disaffected, the government would stand. One might also say: "So far as the emergency thrust upon us by communism or fascism is concerned, preserve the rights of free speech, free press, right of assemblage and the other guarantees, and don't worry about anything else."

People do not voluntarily surrender their liberty, once they have enjoyed it. Thomas Jefferson said, you will recall:

> "Where every man is a sharer in the direction of his ward, republic or some of the higher ones, and feels that he is a participator in the government of affairs, not merely at an election one day in the year, but every day, he will let the heart be torn out of his body sooner than his power wrested from him by a Caesar or a Bonaparte."

Men may be cheated out of it, misled and deceived into surrendering their liberty, or they may be subjugated by force. But they do not surrender these things voluntarily. If the guarantees of the Constitution of the United States remain intact, if the Courts and Legislatures remain open, there is little chance indeed for arbitrary government, for any considerable length of time, especially.

To put it another way, the only sure cure for dictatorship is good, old-fashioned Americanism. I use that term, not as we use it on the Fourth of July or on state occasions, but as an expression of the doctrine of individual liberty.

It does not seem to me that there is nearly so much danger to our institutions in the out-and-out advocates of communism or fascism, as there is in our tendency to praise the principles of democracy but employ the methods of fascism. In the way of illustration, I read in a current magazine the words of an important official, which are strikingly like that contained in the Governor's letter, and which are as follows:

> "Certain conclusions appear clear. In the first place it seems clear that in these difficult times we need centralization of leadership. Decentralization of leadership may be a good thing for local matters, but what can it avail in our national affairs? If such leadership is an important requirement, from what source can it be obtained? Can it come from 435 Congressmen and the ninety-six Senators? Can it come from nine justices of the Supreme Court? It would appear that a single leader is the only source with any hope of effective results."

A certain dictator never stated the doctrine of Fascism with greater boldness or greater clarity than it is here stated "Centralization of leadership!" We have a practical and impressive illustration of that now! A certain dictator, having silenced the voice of the people, having reduced to pitiable impotency the representatives of the people, having disregarded the Constitution and having made subservient the judges so that no citizen can appeal to the courts for justice according to the Constitution, leads his people according to the discretion and judgment of "centralization of leadership." There you have speedy action, quick decision, undivided responsibility, with no power of appeal to the courts or to the Constitution, and no right of discussion.

Here is this official's statement, as in the Governor's letter, is an unmistakable contention that courts and members of the General Assembly and Congress elected by the people are an impediment. Then follows, although it is not mentioned, what must inevitably follow, that free

speech, and a free press, and the right of assemblage, would be an impediment to "centralized leadership." It also follows that any form of business, any labor union, any political group, might likewise prove an impediment to "centralized leadership."

Individual leadership has its place, but there is a higher leadership to which all individual leadership must be subordinated, and that is the leadership which comes from the combined heart and brain, and from the conscience and the soul of millions of intelligent and patriotic people. That is a leadership less amenable to the call of ambition, less likely to suffer from the corroding effect of power, and more likely to take into consideration the welfare of all.

The Governor offers as a precedent for his request, the action of the Pennsylvania General Assembly in 1777, when an enemy had already invaded our shores, and when nothing but the raw courage of a rags and tatters and half-starved army and the God-given leadership of a Washington stood between victory and stark defeat. Should there—perish the thought—should there ever occur an invasion of this nation by the modern vandals with their swift, merciless tactics of warfare, rest assured that we too can then safely bulwark our powers of resistance by entrusting absolute power of life and death to a Safety Defense Council or any other leader as the circumstances may warrant. But until that time comes, the precedent offered by the Governor is without sense or without fitness and either shows an unholy groping for power or a siege of hysteria in his mind unworthy of his high office.

He even admits that some members of the Council of Defense have been far from enthusiastic about taking over these dictatorial powers. Only last week distinguished members of the Defense Council emphatically mentioned in a public statement that they recoiled from the obvious implications of such a vast transfer of power to a centralized leadership, however sincere the patriotism of that leadership. All the more glory to them for thinking that way and keeping their feet on the ground.

But I can answer the Governor's offer of precedent by referring you to other occasions in the nation's history when efforts were made to suspend the laws and the privileges of the people during times of great emergency and stress and strain.

These occasions involved attempts at suspension of constitutional rights rather than privileges granted by the laws of the several states, but the analogy is the same.

Now, the Constitution is not a divine institution, but in my opinion, it is the most nearly perfect institution yet devised by the wit of man for the preservation of liberty.

Tell me, if you will, where you will find a document of government so right in human rights as the Constitution? It is true that technically the Bill of Rights was not a part of the Constitution when it was formerly submitted, but it is also true, that in everybody's contemplation, the Bill of Rights was a part of the Constitution at the very beginning.

Think of adopting a Charter of government in 1789 which guaranteed religious liberty, free speech, a free press. No such rights upon the part of the people existed to any extent at that time in the entire world. It seemed like madness to other governments, and they made no concealment of their derision. Compare these rights with what you find elsewhere in the world today, and reflect upon what a small portion of the globe now sees the people enjoying free speech, a free press, the right of parliamentary assembly. We sometimes hear it said that those who wrote the Constitution did not trust the people. But no greater trust could be reposed in the people than the power to handle their own affairs of government. It was an expression of confidence in the judgment, patriotism and statemanship of the average man and woman. At the time the Constitution was written the world at large regarded such bestowal of power upon the people as incredible demagoguery. At that time governments were neither made or changed by the people. And do not forget that every privilege and right that even the humblest citizen of this Commonwealth enjoys in the participation of the civil affairs of government in this State is derived from that document.

And yet there have been occasions when the political side of government felt justified in invading some of these human rights. But then what happened? The Courts invariably struck down the laws which took away or compromised these rights. And they did so in some instances under the most trying and adverse circumstances.

You will recall that, in the midst of the excitement of the so-called Burr conspiracy, men were seized without warrant, transported hundreds of miles and thrown into prison and denied trial. They were protected by the Courts.

When President Lincoln suspended the writ of habeas corpus, Chief Justice Taney unhesitatingly declared that act was in violation of the Constitution, and imperiled the liberty of all citizens. No finer example of judicial courage is to be found in the history of jurisprudence than that of the venerable justice bending under the furious assault of war passion, but courageously upholding what he believed to be the plain provisions of the Constitution. And now when the passion of that hour has subsided, few men will be found to question the soundness or the importance of Taney's views.

When Congress under a plea of emergency subjected the citizen to trial by court-martial, this law too was defeated. And so on throughout the pages of American history. If the roll of martial drums and the fury of war dinning in the ears of earlier generation did not cause a suspension of the fundamental rights of the citizen, there is less reason for it now, when a nation great in strength, and well able to repel any invader faces another great crisis in its history.

The Federal Government hasn't dared to go so far as the Governor asks us to do. Congress remains in constant session, considering new problems from day to day, yet it has given no blanket powers of abdication such as is requested by the Governor. Moreover, no emergency we can foresee for the future in this state can be so great or so devastating that the broad emergency powers of the Government cannot cope with it. I ask the Governor why he cannot point out now what laws he considers as an impediment to an all out effort. I ask him why he thinks the Legislature, should the emergency be as he pictures it, cannot sit from day to day as Congress does or at least be within quick call for any such emergency. Why does he distrust the legislature and ask it to sign away its

rights of future control over the State laws, unless it is because he knows deep down in his heart that it would be very reluctant to feed him the kind of meat that Caesar fed on and suspend the laws of the Commonwealth except for the very best of reasons and then only after fair consideration. Or is it because he is afraid that it will deny him the absolute powers he so recently accused the President of the United States of seeking in the now notorious controversy over the right to fire Social Security employes without a hearing. And most significant of all is his reticence and reluctance to answer questions as to just what laws he has in mind when he speaks of suspension. Surely, he must know with some degree of certainty what laws are now or may be later impediments to the all out war effort. But speaking of distrust, wouldn't it be far nearer the truth to say that the legislature might well distrust the motives of the Governor, the same executive who disregarded its plain mandate in the Parole Act and other recent evidences of disregard on his part of the will of the Legislature.

Despite the syrupy (and I use the word very advisedly) assurances of his letter, what assurance have we that once we are shoved into a corner, that the Governor might not in good time, classify as objects of the exercise of this extraordinary war-time power, the very things he has openly and consistently fought since he has been in office—labor, liberal laws, liquor control and a whole host of his pet dislikes and aversions? No man is exempt from human error, from human temptation, and "dressed in little, brief authority plays such trick before the high heavens, as to make the angels weep."

Or should we say with Hamlet:

> "Tis better to bear the ills we have than to fly to others that we know not of; thus conscience does make cowards of us all, and thus the native hue of resolution is sicklied o'er with the pale cast of thought; and enterprises of great pith and moment, with this regard, their currents turn awry, and lose the name of action."

In the Governor's letter, we hear constantly of these "difficult times" as an argument for wiping out all the rights and guarantees given the people under their chosen form of government. But it was in difficult times, very difficult times—times which tried men's souls, that the young nation was founded, and "centralization of leadership" was for all times rejected. It was in difficult times when economic and financial chaos reigned, that Washington calmly rejected the proffered "Centralization of leadership." It was in difficult times, very difficult times, a time when we were torn with civil strife, that the great martyr declared that the government of the people must not perish.

They had faith in our form of government, and difficult as the times were, they did not indulge in the defeatist policy of surrendering vital principles upon which a free government rests. They did not speak of the time when the Day of Disaster might find the young nation with their noses buried in law books. They knew that when you remove the restraints of popular judgment, you not only have taken the first step but you have taken the last step toward absolute dictatorial power.

A little patience, at little courage, a little faith, will stimulate tremendously one's confidence in the efficiency and the permanency of constitutional government.

PERMISSION TO ADDRESS THE SENATE

Mr. GELTZ. Mr. President, I desire permission to address the Senate.

The PRESIDENT. The gentleman from Allegheny will proceed.

Mr. GELTZ. Mr. President, the question that comes to my mind at this time is, will wonders ever cease? I certainly never expected to hear a New Dealer take the floor in this Senate chamber and condemn the idea of delegation of authority and centralization of power.

My colleague from Philadelphia seems to be very much exercised over a bill which the Governor requested to be introduced, as being one which gives the Governor, or the Chief Executive of this state, dictatorial powers. I wonder if my colleague from Philadelphia has even read the bill, because if he has read it, he would understand that the power given to the Governor under the bill is merely a negative power and not a positive power, such as the New Dealers at Washington have been giving President Roosevelt for the last seven or eight years.

Apparently the gentleman from Philadelphia also makes no distinction, from the standpoint of time, because the New Dealers have been delegating authority for years before this nation was at war. Now, Mr. President, we are at war and it is only since the United States is at war that the Chief Executive of this Commonwealth asks for some remedy to a troublesome situation. I think any inquiry or any investigation in connection with the various departments of this government of the Commonwealth would immediately convince anyone that something must be done.

I am not, Mr. President, standing here to protect or uphold the bill that has been introduced, but I am standing up here to say that I think it most unfair to make the kind of statement that has just been made, instead of doing what each and everyone of us should be doing, thinking about this matter, thinking about the troubles and the difficulties with which our state departments are confronted, and then trying to find some solution for the difficulty, so that, instead of employing our time here in condemnation, we will put our time to good use in trying to figure out a proper method or program to overcome these difficulties; I think we will then have accomplished something worthwhile.

I will say at this time, Mr. President, that I know a number of our colleagues are giving this matter considerable thought, and I will also say, Mr. President, that I feel certain that as a result of that thought there will be introduced and proposed some method of eliminating or overcoming, at least to some extent, the obstacles with which we are presently faced. I think that can be done very easily, Mr. President, in conformance with our democratic principles of government under the Constitution, without the delegation of authority, and therefore in all probability, also, to the satisfaction of our good colleague from Philadelphia who is so alarmed because the Chief Executive of this state has proposed something that is unusual, and who evidenced apparently, no alarm when the New Dealers were handing out unprecedented power to the Chief Executive of this nation before this country was at war.

PERMISSION TO ADDRESS THE SENATE

Mr. DENT. Mr. President, I desire permission to address the Senate.

The PRESIDENT. The gentleman from Westmoreland will proceed.

Mr. DENT. Mr. President, I know we have other important work to do and do not like to get into any discussion about this matter. Not being much of an attorney, I cannot go into the legal phases of it, but I can take up a political argument when I see one, and I think from experience I recognize a political argument when I happen to be in it.

It seems to me, Mr. President, the allegations made towards the New Dealers in voting dictatorial powers to President Roosevelt have no part whatsoever in this particular argument, for the simple reason that the powers that were delegated to President Roosevelt were so done by the Congress of the United States, with respect to specific laws as per the Constitution of the United States, and at no time did the Congress of the United States take the entire bailiwick of laws and say to the President, you can have any law that you want changed to suit your own purposes. When the gentleman from Allegheny says we do not delegate this power to the Governor by the passage of this bill, I want to say to that gentleman that you do so, only the Governor has not the courage to ask for it directly, he asks for it indirectly, he asks for it through the State Council of Defense, which is a creature of his creation, he alone created the State Council of Defense I want to remind you also that many of the so called defense leaders taking the positions are now candidates for public office on the strength of what they can get in the way of votes from being connected with the State Council of Defense. I also want to say that if you set aside the laws and give them the whip hand in this matter, they will use it for political purposes.

I also want to remind the gentleman that although this is a very crucial period in our history, that the days following Hoover, when President Roosevelt took office, were also crucial days in American history, and although we are threatened now by enemies from without, every person in this room knows that in 1932 we were threatened by enemies from within and we were as near to the brink of disaster in the late days of the Hoover administration as we are today, because the enemies that we have today, we know who they are, we know how to fight them, and when we get around to it, which each of us hopes will be soon, we will show we can handle them, but the thing we were fighting in 1932 took a very strong man at the helm of this government to save this nation from catastrophe, the farmers out west, mind you, were setting aside the law, were taking the law in their hands; the police officials could not enforce the laws of the states, because they could not go into the farmers' homes and take their homes, because they had no income and they had no way of earning an income. We were at that time, as I said before, closer to disaster than we are today, and if this Governor wants this power, let him come out and say he wants it directly, and not say, I do not want this power, I would not ask for it, as the Great White Father has in Washington, I only ask for it indirectly, give it to the State Council of Defense, and then I will name the State Council of Defense.

EMPLOYES OF THE SENATE ELECTED

Mr. CHAPMAN offered the following resolution which was twice read, considered and agreed to:

In the Senate, March 2, 1942.

Resolved, That the following persons be elected employes of the Senate, Extraordinary Session of 1942, to fill existing vacancies:

PAGE

Donald Barrett Houtz—Vice—Mark Gruell

PASTER AND FOLDER

Robert Wotherspoon—Vice—Elizabeth C. Barlup

REPORT FROM COMMITTEE

Mr. THOMAS, from the Committee on County Government, re-reported as amended, Senate Bill No. 21, entitled:

An Act authorizing political subdivisions to levy a special tax for the purpose of providing funds, a part or all of which may be appropriated to any local or district council of defense within said political subdivision; authorizing political subdivisions to borrow money, under certain conditions for such purposes; and ratifying, confirming and validating appropriations heretofore made for said purposes

BILLS OVER IN ORDER

Mr. CAVALCANTE. Mr. President, I ask unanimous consent that Senate Bill No. 25, on third reading entitled:

A Joint Resolution proposing an amendment to section thirteen, Article three, of the Constitution of the Commonwealth of Pennsylvania

go over in its order

I have spoken to the sponsor of the bill, the gentleman from Blair, Mr. Mallery and I understand he has no objection.

Mr. MALLERY. I have no objection Mr. President.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 31, on second reading, entitled:

An Act making available the services of recipients of general assistance under certain circumstances by permitting them to earn a limited amount of money in work essential to the prosecution of the existing war in which the United States of America is engaged without forfeiting their right to assistance or any part thereof

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 35, entitled:

An Act authorizing the Department of Highways to construct, replace or repair bridges in cities of the third class which form connecting links on State high-

ways necessary for National defense in cases where Federal funds and city funds are available for such purposes and authorizing the Secretary of Highways to enter into agreements with the proper Federal authorities and the authorities of cities of the third class covering the construction replacement or repair of such bridges; and making appropriation.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

ADJOURNMENT

Mr. GELTZ. Mr. President, I move that the Senate do now adjourn until Tuesday, March 3, 1942, at 1:00 o'clock, p. m. Eastern War Time.

Mr. WALKER. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 5:03 o'clock, p. m., Eastern War Time until Tuesday, March 3, 1942 at 1:00 o'clock, p. m., Eastern War Time.

HOUSE OF REPRESENTATIVES

MONDAY, March 2, 1942

The House met at 9 p. m.

The CHIEF CLERK. (Thomas J. Callahan) in the Chair.

The CHIEF CLERK. The Speaker will be delayed in coming to the House this evening. He has directed me to request the gentleman from Berks, Mr. Readinger, to act as Speaker pro tempore until his arrival.

MR. READINGER IN THE CHAIR

PRAYER

The Chaplain, Rev. Donald McFall offered the following prayer:

Almighty God, Thou who art the God of Life and the God of Love, look with favor upon this House of Representatives, as its members convene again after a week-end when each had the opportunity to worship Thee in beauty and in truth according to the dictates of his individual heart.

Continue Thy blessing, we beseech Thee, upon every official and citizen of our State and Nation, yea, and upon those within our country who have not come to appreciate this land as the land where freedom reigns and where men are men. Hasten the day, we pray Thee, when every individual within this great Nation may pledge his allegiance to Thee, the one true and living God, and to our government—a government of the people, by the people, and for the people.

Would that we might face these dark days and even years that lie ahead, secure in the feeling that we are God's Country because we have heeded the words of the Psalmist; "Blessed is the Nation whose God is the Lord, the people whom He hath chosen for His own inheritance."

Hear Thou our prayer. Amen.

JOURNAL APPROVED

The SPEAKER pro tempore. The Clerk will read the Journal of Wednesday, February 25, 1942.

The Clerk proceeded to read the Journal of Wednesday, February 25, 1942, when, on motion of Mr. NAGEL, unanimously agreed to, the further reading was dispensed with and the Journal approved.

BILLS INTRODUCED AND REFERRED

By Mr. POLASKI. HOUSE BILL No. 25.

An Act to further amend section twenty-one of the act, approved the seventh day of June, one thousand nine hundred fifteen (P. L. 900), entitled "An act to provide for the immediate registration of all births and deaths throughout the Commonwealth of Pennsylvania, by means of certificates of births and deaths, and burial or removal permits; requiring prompt returns to the Central Bureau of Vital Statistics as required to be established by the State Department of Health; and, in order to secure prompt and faithful registration of births, marriages, deaths, and diseases, of practitioners of medicine and surgery, of midwives, nurses, and undertakers, and of all persons whose occupation is deemed to be of importance in obtaining complete registration of births, deaths, marriages, and diseases throughout the State, as provided in section ten of an act, entitled 'An act creating the Department of Health and defining its powers and duties,' approved the twenty-seventh day of April, nineteen hundred and five, and providing penalties for violations of this act," by directing the Department of Health to maintain branch offices in certain cities of the third class for the filing of birth and death certificates; authorizing such offices to issue certified copies of said certificates and make searches of their files; providing that such offices be supplied with duplicates of certain birth and death records now on file in Harrisburg; imposing additional duties upon local registrars in such cities and prescribing fees.

Referred to the Select Committee on Special Session Legislation.

By Mr. HOLLAND. HOUSE BILL No. 26

An Act making an appropriation to the State Council of Defense for allocation, on application of local councils of defense, to, and expenditure by, political subdivisions for the purpose of carrying on civilian home defense.

Referred to the Select Committee on Special Session Legislation.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILL No. 1

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 25, 1942.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 1, Printer's No. 2, entitled, "An act concerning the election of representatives of the people of Pennsylvania to serve in the House of Representatives of the Congress of the United States providing for the apportionment of the Commonwealth into Congressional districts and for the election of one representative in Congress at large."

ARTHUR H. JAMES.

REPORT OF SAVING FUND SOCIETY OF GERMANTOWN

The SPEAKER pro tempore laid before the House the report of the Saving Fund Society of Germantown and its Vicinity, Classification of Accounts together with the report of the Auditors.

(For report see Appendix to Legislative Journal)

EAST COCALICO VOCATIONAL HIGH SCHOOL

The SPEAKER pro tempore. The Chair welcomes to the House this evening the Seventh Grade of the East Cocalico Vocational High School, Lancaster County, who are the guests of the gentleman from Lancaster, Mr. Royer.

THE SPEAKER (Elmer Kilroy) IN THE CHAIR

The SPEAKER. The Chair thanks the gentleman from Berks, Mr. Readinger, for presiding during the Speaker's absence.

COMMITTEE APPOINTED

The SPEAKER. In accordance with the provisions of the resolution adopted by this House on the 19th day of February, 1942, the Chair appoints as a committee to escort Lieutenant Commander George H. Earle and His Excellency, Arthur H. James, Governor of the Commonwealth to the House Chamber, Messrs. O'Neill, Norman Wood, Falkenstein and Cadwalader.

The Sergeant-at-arms will escort the Committee to the Governor's Office in the performance of its duty.

REPORT OF COMMITTEE

Mr. O'NEILL. Mr. Speaker, your committee appointed to escort Lieutenant Commander George H. Earle and His Excellency, Arthur H. James, Governor of the Commonwealth, has performed that duty and they are now present.

The SPEAKER. It is my pleasure, at a time when we are engaged in dealing with serious problems that have arisen as a result of this tragic war to present a distinguished Pennsylvanian and a real American who has had unrivaled opportunity to observe first hand the operation of Nazi schemes and 5th column intrigue for world conquest. Lieutenant Commander Earle we welcome you home.

ADDRESS OF LIEUTENANT COMMANDER GEORGE H. EARLE

LIEUTENANT COMMANDER GEORGE H. EARLE. Mr. Speaker, Governor, President pro tempore of the Senate, Members of the House of Representatives, Members of the Senate, ladies and gentlemen, I can't tell you how deeply I appreciate the great honor of being here tonight without any element whatever of partisanship. That makes me very happy, and I can't tell you how deeply I appreciate it. I understand that Governor James flew from Wilkes-Barre in order to be here. That also I appreciate.

I called on Governor James this afternoon, we had a very nice talk. I said to him, "Governor, in strictest confidence I want to know what you really think, or what is your impression now of the telegram of congratulation I sent you when you were elected? I said, 'My heartiest congratulations and deepest sympathy'. How do you feel about it?" As I said, I pledged strictest confidence when I asked that question, so I cannot give you his answer.

I think one of the things that reconciled my stay over there was that the Bulgarians have a very good sense of humor. One of my American stories they really seemed to like better than any story I ever told. It related to an instance that actually happened to me in the 1934 campaign.

I never tell any stories about the 1938 campaign,—why bring that up? This is actually a true story. We had been campaigning, Guffey for Senate and I for Governor in the Southwestern part of the state. We came to Washington County, or the city of Washington down in the soft coal region near the West Virginia border, a very up and doing town, and we were going to make a speech in fifteen minutes. Joe Guffey belongs to that old school of political thought that believes that one shake of the hand is worth more than a speech to five hundred people; your speech will be forgotten while a hand shake will never be forgotten.

As I said, we had been driving in this caravan of cars for about four days, over the western part of the State. Joe and I had been walking around. He saw a fellow standing with a pleasant kind of expression on his face. He went up to him and said, "Glad to see you, I am Joe Guffey; I'm running for the Senate."

The fellow was a little bit embarassed and said, "Mr. Guffey, I'm glad to see you. I've been driving you around the last four or five days."

The Bulgarians love to tell political stories. They are the most politically minded,—I mean international politics,—they are the most international minded people I have ever seen. The Bulgarians are farmers and peasants; they do not have telephones or automobiles to interrupt their concentration, and they really think very clearly and very intelligently.

One of the favorite Bulgarian stories over there is with reference to when Germany loses the war.

Hitler, Goering and Goebbels were sitting together talking what they were going to do after Germany loses the war.

Goering said, "Well, I am going to be a pilot of an air line."

Goebbels said, "I am going to be manager of advertising in a big department store."

Hitler didn't say a word. Both Goering and Goebbels inquired of Hitler, "What are you going to do?"

Hitler said, "What am I going to do when Germany loses the war? Why do you ask me,—I am an Austrian."

They also tell the story of how Hitler sent for a leading Jewish rabbi in Germany.

Hitler said to the Rabbi, "I understand you can look into the future; I want you to tell me what day I am going to die."

"The rabbi said, "That is very hard to say, Herr Hitler."

Hitler said, "If you don't tell me, I am going to make it even tougher for you and your people."

The rabbi said, "I cannot tell you the exact day, but I

can tell you this, it will be the day before the greatest of all Jewish holidays."

Gentlemen, an interesting thing to you men who became lawmakers by reason of election by your constituents, is the question. How do the Nazis reconcile the constantly changing policies of Hitler and go along with him and seem to be contented?" Here in America a political saying is, a man can change his party but he cannot change his principles. Sometimes the parties change their principles, therefore a man can stick to conscience and change his party. But a man who changes his principles is doomed in America, ninety-nine times out of a hundred.

You must remember that Hitler in "Mein Kampf" poured out his heart and made a terrific attack against Bolshevism as a great menace to Germany and to the civilization of the world. Then he made a pact of friendship with them. After having made this pact of friendship, having reconciled his people to that, he reversed himself again, and again described it as evil and the greatest menace to civilization, and made an absolutely unprovoked, vicious attack on Russia.

How did Hitler get the German people reconciled to his change of policy? In the first place, what he would do and what the Nazi leaders would do would be this,—you must remember this, ladies and gentlemen, there are only about five million Nazis in Germany out of a total population of eighty million. There are seventy-five million Germans who are not members of the Nazi Party. It is this militant minority that runs Germany. They have this Nazi political system which is as follows: They have what they call a gauleiter. "Gau" means district, "leiter" means leader. That gauleiter will have about five hundred thousand people in his district, the city and the townships surrounding. There are one hundred sixty of those gauleiters. Under each gauleiter there are one hundred more subgauleiters and under those subgauleiters there are another on hundred subgauleiters, and under each of the one hundred there will be another subgauleiter, until finally you get down to the point where you have a Nazi leader for each fifty people in Germany.

Before Hitler makes any change in policy he has the ground prepared by calling in the one hundred and sixty gauleiters, giving them an inkling of what is coming. They in turn get their subgauleiters and the subgauleiters get their subgauleiters until the whole Nazi organization has been informed, then they go out and work on every German and prepare him for this right-about-face in political principles and strategy.

Then the newspapers break it, the radio takes it up as well as the moving pictures, all a part of this great Nazi propaganda machine. The groundwork having been laid by the organization, they are prepared for this right-about-face. There is your explanation of how Hitler and his Nazi leaders can reconcile the German people to an absolute right-about change in Nazi policy.

My wife and myself and my three boys arrived in Bulgaria on the 21st of March 1940. I will give you just a little sketch, something like the one I gave at the Zembo Mosque the other night, probably a little different. You see, ladies and gentlemen, I regret to say that I cannot tell you the most interesting things. That is why I cancelled a series of articles which the Philadelphia Inquirer was kind enough to ask me to write. I may not say any nice things about any of the people over there because if I did the Germans would throw them into concentration camps. I cannot talk intelligently or fairly, but I do give credit to those people who fought against this Nazi terror. For that reason my talk will not be as interesting as it would be if I could give you all the facts, but I will do as well as I can without hurting innocent people over there.

We arrived in Bulgaria on the 21st of March. On the train down I tried to remember all I had learned in three weeks of study in the State Department before I went over. I tried to conjecture whether we would find to be true what the people were saying, whether it was true in Bulgaria that the army was pro-German, the King pro-Russian and the people pro-English. That was a famous saying before I got into Bulgaria.

One of the amusing things that happened to me after I arrived, I had an air mail letter to send the day I arrived in Bulgaria. I went to mail it myself to be sure the letter was put into the mail box. I went up to what I thought was a mail box. A Bulgarian passed by and I held up the letter, and he went like this (indicating), so, I went to what I thought was another mail box and another Bulgarian passed by and went like that (indicating). I did that four or five times and finally I gave up and gave it to a clerk to mail for me. About a week later I learned that when a Bulgarian means yes he goes this way, and when he means no he goes that way.

The King was away at the time I arrived and I waited ten days. You have no official status until you present your credentials. I presented my credentials in a very colorful ceremony. When you call on the King you bow as you go in the door, you bow in the middle of the room and you bow again when you get up to the King. He answers every bow, then he answers you in French, which is the diplomatic language. I read my credentials in English and the King answered it in French. We talked about America. In that talk he told me an amusing story about his father, King Ferdinand.

The Bulgarians were freed from Turkey about 1875 by the Russian Tsar Alexander. Prince Ferdinand was the first Prince. Then in 1908 he became King. He would have been the greatest king in the southeastern part of Europe if the Germans had won the last war, but he bet on the wrong horse.

He was a great naturalist, and after the Bulgarian Army collapsed on the home front because of lack of supplies and munitions and started to mutiny from the Greek to the Roumanian fronts, he was warned that the mutinous soldiers were approaching his palace, and to hurry with all possible speed to a waiting automobile in order to escape.

King Boris told me this story himself. As he was running out through his garden to get into the car he saw a very rare butterfly. He rushed back into the palace to get a net and for fifteen minutes chased that butterfly all over the grounds while the noise of the approaching mutinous soldiers could be heard getting closer and closer. He finally caught the butterfly and handed it over to an attendant, got into the car and hurriedly escaped. That butterfly is in the museum in Sofia today with a sign telling where it came from.

My first duty after calling upon the King and presenting my credentials was to call upon my fellow diplomats. The Foreign Minister was always very fair to me and never lied to me. The foreign diplomats were all unanimous that no trouble would come to the Balkans, that Hitler did not want another front, he was fighting the French and English on the Western front, he did not want another front, the English did not want another front, and the Balkans were perfectly safe. That was true of all the diplomats. They thought the Balkans were perfectly safe. Then Mussolini, against the wishes of the Italian people, against the wishes of the Italian King, against the wishes of the Pope, got his Caesar complex and decided to attack Greece. The day he attacked I shall never forget, all the Bulgarians cursed Mussolini for that. He did it absolutely contrary to the wishes of the Italian people. But he had the tanks, the machine guns and the airplanes, and he could tell them what he wanted them to do. They had no means of resisting him. They attacked Greece and started all the misery and suffering in the Balkans.

I received a telegram from Bill Bullitt. I had asked him to telegraph me from Paris any time the situation looked bad. He telegraphed that day and I sent my wife and three boys back home. I am very glad I did because only two weeks later Italy declared war, it was very hard to go home in any other way except through Genoa.

About this time, German fifth columnists began to come in. They came in as tourists, as businessmen, as entertainers. They came in in every conceivable guise. They roamed everywhere. The Hotel Bulgaria, the most modern hotel in the Balkans, was filled with them. We had a saying over there, which later on proved to be true, if you wanted to get a message for information into circulation, in the quickest possible time, the best way to do it was to throw it into the waste paper basket in the Hotel Bulgaria. It would be in the German Legation inside of two hours. I later learned that was true. Those German fifth columnists came down there in order to mix with Bulgarians, pour out their propaganda and undermine every element of democracy that was there. They would buy up all of the newspapers. If they found anybody who had democratic theories, things would happen to that man that were very unpleasant. He would be discredited in some way by a frame-up. Their ways were very subtle, very effective, very unfair and very disgusting. One should say Nazis and not Germans because there are only five million Nazis who are running things in Germany today. Anything is all right that will help Germany, lies, murder, theft or any other crime. That is the reason I have warned in a number of speeches that they might use poison gas. The minute they think they can gain something by the use of poison gas, the fact that it is not civilized won't stop them for a moment. I have very good information to the effect that they are building up large stores of poison gas, cylinders, bombs and shells. They will use it if they become desperate. It will be a terrible thing, a new kind of gas. If it touches any part of your flesh, it eats it away. This new gas is not directed particularly against the lungs but against any exposed part of the body. It will eat the clothes right off your body. It is a terrible form of gas, and when they use it, it will be a signal that they are in the last throes of desperation, because they know the Allies will retaliate with the use of gas also.

In regard to food supplies over there, conditions grow steadily worse. In the countries they conquered by force of arms, Greece, Poland, Czechoslovakia they debased the usual rate of exchange. They put out worthless marks which they turned out on the printing press, and buy up all the supplies in those countries. For instance, they went up to Norway and looted all the fur farms, took those furs and sent them down to Bulgaria and Roumania and exchanged them for food and the things they needed. When I left there on Christmas Day last, the people were really suffering. Each week there would be a different shortage. One week it would be bread, another week it would be meat and another week it would be vegetables. The last week there was no salt, and it is really hard to get along without salt. One of our legation went up to Budapest to bring some. Without salt, food tastes like bran. That three weeks without salt was really worse than lack of food because without salt your food is absolutely tasteless.

The war went very badly for the Italians because the Greeks were fighting for their homeland. The Greeks were inured to fighting up in their mountains. The frost bites were terrible. They fought heroically in defense of their own homes, and they defeated the Italians, whose hearts were really not in it. You cannot have people put up much of a fight whose hearts are not in the fighting. The hearts of the Italians did not back up Mussolini in the conflict he had started. The war went from worse to worse. It was a terrible blow to Axis prestige, and it was realized that it was only a matter of time before Germany would have to come down and rescue Mussolini.

By this time the Germans were swarming all over Bulgaria. They were testing the bridges to see if they would carry the big guns. They were building pontoon bridges over the Danube, they were preparing to come into Bulgaria and from there to go down into Greece.

As an instance of how the Gestapo works and their vicious propaganda, in that little difference of opinion I had in the cafe over there with that German, after it was over the Germans tried to hush it up for two reasons; first of all, their man started it, and secondly, he got the worst of it. They tried to hush it up, but when they found it was getting beyond them, the Gestapo went to two brothers who were entertainers, dancers in the cafe and said to them, "If you will testify that the American Minister started this, that he was drunk and disorderly, we will give you a contract at double the price in Munich for a whole year." These two acrobats were in perfect condition,—I don't think they ever took a drink in their lives. They were so pro-American and so anti-German, they thought very fast. If they said, no, they would not do it, they would be sent into the concentration camp. If they said they would do it, they would be discredited by the people of the country which they loved. So these two men thought very fast and said, "We were too drunk to remember anything about it."

The Germans brought out the story that this man was a poor business man with his wife. As a matter of fact he was not with his wife, he was with a Bulgarian girl. I do not know whether he had a wife or not. He was not a business man; he was a fifth columnist. He was one of those Germans engaged in testing the bridges to see if they would carry the big guns down to the Greek border.

On thing that makes me absolutely certain we cannot lose this war is that there are only four million Facists out of a total population of forty-five million Italian people, and they are so utterly disgusting, and their propaganda is so very filthy from the American point of view. They said that the President of the United States has written a book—this is to stimulate the lagging morale of the German people—in which he advocated that as soon as the Allies won the war every German man, woman and child should be sterilized so that they could not have any more children. That was published by every German radio, every German official newspaper—I heard it again and again and again.

They also say that if anybody is against them they must be of Jewish origin, nobody could be against Nazism unless he was Jewish. They say Roosevelt's real name was Rosenfeldt and my real name was Earlstein, and we both had our names changed.

The most disgusting thing I heard was on Christmas Eve, the day before I left, on the official Italian radio in Rome.

I say to you, ladies and gentlemen, the Almighty Creator of this universe will not allow people like these to win when they resort to tactics like this. The official Rome radio, in German, undoubtedly engineered and operated by the Germans, said that a German high ranking official just before we declared war, was in Italy.

This official said to an Italian Count, "Count, I like your country, very much, but there is one thing I do not like, and that is there are not enough prostitutes."

The Italian Count answered, "We really don't need them, we have so many American women living in Italy."

Ladies and gentlemen, people like that cannot win; the good God above us won't let people win who resort to such tactics.

We forget the millions of personal tragedies, but I would like to tell you of one.

This is not really the most serious tragedy but it gives you an idea of how they work. I was coming down from Budapest in a plane that is run by an airline that is something like our T.W.A. Theirs is called the Lufthansa. Sitting there were two very nice looking people, a man about forty and a girl about twenty-seven or twenty-eight. They were very much in love. They looked like Scandinavians, as they were very blonde. He looked at her very appealingly. All the world loves a lover and I felt very kindly toward them. They got off the plane at Sofia. I heard him speak bad German. I could not hear her. So I thought they were probably Scandanavians. I did not see the man for three weeks. Then I saw him at a cocktail party given by the British Legation. I asked who he was. They told me he was a British official on diplomatic work.

I spoke to him and said, "I saw you on the plane." I told him how attractive I thought it was to see two people so fond of each other. His face turned red and he took his hat and coat and left the British Legation.

I turned to the first assistant in the British Legation and I said "What in Heaven's name have I said; what tactless thing did I say? I cannot understand." He told me the man was a British official and he met this German girl and fell very much in love with her. After two months they decided to get married. For some technical reasons they wanted to go to Sofia. When the girl arrived in Sofia she found a telegram stating her mother had been badly injured in an automobile accident, she was at the point of death and she must return at once. Very tearfully she said good-bye. She said she would be back as soon as her mother got better or died; she would come back as soon as she could.

She arrived in Berlin and found there was nothing wrong with her mother. They threw her into one of the most brutal concentration camps. This fellow could not bear to have this girl in a concentration camp. There are millions of these personal tragedies, most of them worse than this one.

The German troops arrived in Bulgaria the last day of February just a year ago. They came in over three or four pontoon bridges across the river swarmed into Bulgaria and took things over. The first duty of a diplomat is to get the news to his government. I tried to get the news out, but each time I was turned down, all the wires were cut and there were no connections. So the news came out in other ways than through me. I was blocked in every way I tried to get the news out. That was the case also with the members of the Press. From then on the Germans began to pour into Bulgaria with their terrific military machine.

With reference to the German military machine, one of the elements that makes it so powerful is the relationship between the men and the commissioned officers. In some respects it is the best I have ever seen. For example, among the British there is a distinct social line of demarcation between the officer and the enlisted man,—too much so in my opinion. In the Australian army there is none of that social line of demarcation. They have no discipline at all, which works against them, although they are very brave fighters.

The German enlisted man looks up to his commissioned officer like a little boy looks up to a big brother, and the big brother looks down on his little brother. It is very different from the old fashioned militaristic discipline; it is very effective; it is one of their great strengths. I saw this German military machine pour through Sofia to the Greek border. It was a terrific example of efficiency and cold blooded ruthlessness. Everything was arranged for them all over Bulgaria. They had depots for food. Every bridge was tested before they came down. They knew every airfield and knew just how much traffic it could stand. They had everything catalogued with absolute accuracy. On and on they poured day and night, in an unending stream, with big guns, little guns, motorcycles, every type of automobile carrying troops. I saw American cars that were at least fifteen years old. There were French and Belgian automobiles, automobiles from every occupied country. They kept going night and day. I kept on sending telegrams to our Legation at Athens as to what was going on.

Then came the Jugo-Slavians coup-d'etat. However, before I come to that I want to tell you something about the departure of the British Legation. When they saw that Bulgaria, about the tenth of March, permitted the Germans to use Bulgaria as a jumping-off place they broke relations with Bulgaria. The Bulgarians were coerced, they could not help themselves, and I have sympathy for them. They did not play the heroic role of

Czechoslovakia, because they would be left in ruins just like Poland was.

They had a large pile of luggage on the station platform with somebody watching it. If anybody attempted to take those bags away they would have been arrested, but if somebody brought some additional luggage and added to it nobody said a word. I accompanied one of the members of the British Legation, together with one of the members of our Legation, to the border just as a gesture of friendship to see that every courtesy was given. We got down to a town about four miles upon the Turkish border. There the British luggage was examined by two Turkish officers in charge. They found the two bags. They can not be blamed for their conduct, and yet it came very close to developing into a terrible tragedy. They found two bags wrapped in old newspapers containing what they thought were storage batteries. Storage batteries were bringing a big premium at that time, and were hard to get. So they put the two storage batteries back with the rest of the luggage.

So they got to Istanbul. The British minister and his daughter came in and the luggage was piled in the lobby of the hotel. They asked the British Minister for their passports. As soon as you go to a hotel in Europe you turn over your passports to the police. He turned over their passports, and the police said they would return them in a minute or two. The British Minister's daughter, a very impetuous and very attractive girl, did not like to be kept waiting. She said, "I can get the baggage when I come down." She and her father started up the stairs and got up to the first landing when a bomb exploded. It was one of the storage batteries. It killed eight people and wounded fifteen. The hotel was damaged to such an extent that they were still making repairs when I went through there in January. It was a frightful thing. An English girl had her legs blown off, one was killed instantly, several others were killed and a number were badly injured. It blew a hole through the floor into the cellar and everybody in the lobby fell through this hole and was injured.

The man who had the other bomb heard about the explosion and asked what it was. He suddenly realized that he had this unaccounted for storage battery. He went very calmly to the hotel, picked up the other battery and walked with it out to a place where nobody was. He went about fifty yards, stopped somebody and told him to bring the police. He told the police not to let anybody go near the bomb. The bomb never did explode, but that Englishman certainly showed very cool courage after the other one exploded, because he could naturally reason they would both explode about the same time. Up to this day nobody has ever learned who put the bombs in the luggage. It was a very terrible atrocity.

Well, a short while after came the Jugo-Slavian coup d'etat. The minute Jugo-Slavia decided that it must join the tri-party pact, that is Italy, Germany and Bulgaria, the people revolted against it. The agreement was never made. They broke the decision of the ministers, and then Germany decided that Jugo-Slavia must be brutually and ruthlessly punished.

In all this misery and suffering and death the action of Count Teleki stands out as a wonderful example of decency. A few weeks before he had made a pact of eternal friendship with Jugo-Slavia, Hungary and Czechoslovakia. The Germans at the time, thinking that Jugo Slavia was going to join the tri-party pact, did not object. When Jugo-Slavia kicked over the agreement made by a couple of their ministers and refused to abide by it, the Germans asked and received from the Foreign Minister permission to send German troops through Hungary to attack Jugo-Slavia.

Count Teleki wrote a letter to the Regent of Hungary in which he said:

> "I recently requested permission to send troops through Hungary to attack Jugo-Slavia. We are a flat country, we have no defense against their tanks and aeroplanes, we have no air force. They can destroy Budapest overnight, they can destroy all our country. My country comes before me, Hungary cannot refuse this German demand, but I am the instrument who made this pact of friendship with the Jugo-Slavians and my honor does not permit me to survive this great dishonor".

He went home and shot himself through the heart. I consider suicide a terrible thing, but I think Count Teleki was very wonderful.

Following this coup d'etat of Jugo-Slavia a stream of troops went through south to the Greek border, and at least three quarters of them turned northwestward, and for about two weeks, night and day, a procession of this terrific German machine went in two directions, one to the Greek border and one to the Jugo-Slavian border. There must have been at least five hundred thousand German troops on the Greek border and as many on the Jugo-Slavia border, Hungary and Bulgaria.

One of the terrible things in this war is the absolute lack of chance of the small countries to put up a decent fight. In the last war a small country could hold out for months or maybe a year and make it very uncomfortable for the large nations, but today with airplanes, the frightful stukas, with their death dealing bombs, and tanks, the little countries are hopelessly outclassed and it is just absolutely silly for them to resist, although Greece and Jugo-Slavia most heroically did so.

I will never forget what the Jugo-Slavian Minister said to me the day they refused to join the tri-party act and had the bloodless revolution in Belgrade. He said, "Jugo-Slavia has sealed her doom, but it is going to be a glorious doom", and he was right. In a German plane I passed over Belgrade 500 feet up about three weeks after the bombing of Belgrade. The stench from the dead bodies made me absolutely ill. It was horrible; twelve thousand people were killed and at least six thousand were where they could not get at them.

The Hungarians and Roumanians hate the Germans. Then you ask why the Hungarians and the Roumanians are fighting side by side with the Germans in Russia. The Hungarians were coerced into it. They only sent forty-five hundred Hungarian troops against the Russians. The Roumanians, while they hate the Germans, also hate Russia for taking Bessarabia away from them. They have about three hundred fifty or hour hundred thousand troops in Russia, and they have taken perfectly frightful losses.

I told an incident to an American reporter in Ankara. Ladies and gentlemen, you may have read this,—it was told to me by a Roumanian who was in a position unquestionably to know. He said a German captain in the regular army came back from the Russian front very badly mangled. He was taken to a hospital in Roumania and when he came out of the anesthetic he only had one leg and one arm. He started to curse Hitler in a remarkably strong voice. A Roumanian officer and some soldiers in the hospital took up the cursing, and the whole hospital became pandemonium of yells and shrieks against Hitler. Ten minutes later a representative of the German intelligence took out the German captain and the Roumanian soldier and under the window where everybody could hear and some could see, shot them to death. This gives you some idea of how the Nazi machine works.

To show you the hatred of the Roumanians and Hungarians for the Germans, only last November I was in one of the large clubs in Hungary with a very prominent Hungarian. There were about thirty-five people eating there—remember this is one of Germany's allies. He called out in a very loud voice so that everyone could hear him, "What is the latest news from Europe's No. 1 gangster, Adolph Hitler"? This was said loudly enough so that all the people in the club could hear it.

A day or two later I came down to the Danube to cross from Roumania to Bulgaria. I missed the boat. The boat had left ahead of time, thinking that nobody was coming, and I was pretty sore. There was a Roumanian general and some of his staff there. He said, "Mr. Minister, there is an official German boat down here and if they know who you are they will surely take you over." I was plenty sore; I had to get to Sofia and I said, "I would rather swim the Danube than ask those damn Germans to take me across." The minute I said that I realized I might have been indiscreet, but this Roumanian General shook hands with me and patted me on the back. That gives you an idea of how the Roumanians feel about their allies, the Nazis.

The Bulgarians never broke relations with Russia. King Boris very wisely knew and realized that the Bulgarian people were eighty-five percent pro-Russian, and if they sent an army against the Russians, the army would largely desert. You must remember that canditions change. What is true today may not be true tomorrow, but if Russia should offend Bulgaria they might send an army there to fight—they have very strong nationalistic feelings—but if they send an army into Russia, the Bulgarians would desert or mutiny, in my opinion.

The Bulgarian members of the legation were watched every second of the time and were followed by police cars, everywhere they went. I remember a Russian military attache who went to a diplomatic affair. The Bulgarian policeman had an engagement with his wife to do some shopping and he did not want to break the engagement. So he took out his pen knife and stuck it into the attache's tires, knowing that he could not get away, could not fix his tires for another two hours.

The Bulgarian general staff had absolute confidence that the Germans could overrun Russia in a very short time. They were certain of it. One Bulgarian general said to me, "It will be just an expeditionary force." The Russians did not do very well in Finland because they used the divisions garrisoned at Leningrad, and that was not the corps d'elite or the picked men of the Russian army. The Finns made a very fine showing against the Russians; they showed them where their weakness was just as the Mexican border showed us our weakness before we went into the World War.

When Japan declared war on us, there was undoubtedly an agreement between Germany and Japan and Italy to declare war on us. We had always been Bulgaria's friends, we had fed them, we educated them and we had saved them from being partitioned after the last war. Greece, Roumania and Turkey would like to have apportioned Bulgaria but we saved them and they were very grateful. The last thing in the world they wanted to do was to declare war on us.

After the Germans declared war on the eleventh of December, that afternoon the German field marshal and the German minister called on the King. They said, "Look here, you have gotten back all the territory you lost in the last war without firing a shot, you must show your solidarity with us and declare war on America and England. They can't get at you. You must show your solidarity with us. If you do not do it, we will take away all the territory that you gained and give it to Mussolini and stop all our exports." Bulgaria was coerced into declaring war. The shock to the Bulgarian people was terrific. If Germany lost the war, they thought of what would they gain, and they were sick at heart. I have never seen a sicker people in my life, and they knew that the declaration of war on America would be a terrible blow to them.

This is the way the Germans work. Bulgaria is a very poor country compared with us, although one of the richest in the Balkans. A German agent went to a lot of school boys and gave each of the students a sum of money to go down and smash all the windows in the American legation, "to show that Bulgaria hated the Americans." I was sitting in the legation. We took turns, and it was my turn to be there. One man stays in the legation at all times. I heard the shouting outside and the crashing of windows. They broke every one of the fifty-five windows in the legation. I went downstairs and got my shot-gun with some duck shells. They hammered on the door. If they broke into the legation, I had a right to shoot them because it was American territory. I thought of shooting out the window at them but realized that I might be on dangerous ground in doing so. The police came just before the door broke down, and grabbed about fifty of the boys. They were shouting: "We are ready to fight America." The King was furious. He said, "All right, you are ready to fight." He took them and put them doing the lowest work that a soldier can do, and he put them there for a couple of years. He said, "If you want to fight, here you are, go ahead." Then the King turned out every glazier, every person who knew anything about glass in the whole of Sofia. They worked all night long, and by daylight every window had been fixed. So Sofia the next day could not see any trace of this incident paid for by the Germans.

That is the way they work and spread their propaganda. They spread the news that Bulgarians had smashed the American legation because of their hatred for America. The Bulgarians were broken hearted at being forced to do that.

Now, ladies and gentlemen, I am about to finish with

a short, brief summary of my experiences over there. The dominant characteristic of the Nazi regime in Germany, and to a lesser extent the Fascist regime in Italy, can be described in one word, and that word is "terror," terror which is present day and night. Sofia and Bulgaria were far better than most of the occupied countries. If the Gestapo or secret Bulgarian police received an anonymous letter that a man was an enemy to the Nazis or to the Bulgarian regime, he would disappear. Upon an anonymous letter, remember. He would be put in jail and nobody would know where he was. His family could not inquire about him. If they could find no justification, if they could find no proof that the anonymous letter was true, he would be released after five or ten days. In the meantime his family would have no idea whether they would ever see him again or where he was.

What we are fighting against, Americans, never forget, can be summed up in one word, and that word is "terror." The people are just bugs in Germany, merely bugs to be experimented upon in the laboratories. Ever present, day and night, is terror, and that is what we are fighting against

Somebody said, "What caused this war?" Churchill used a very fine phrase about it. He said, "Hitler, that monstrous product of wrong and shame." That is a broad statement, but it is the truth. When this war is over and we have won—and we must win—there can be no appeasement for the hatred of the Nazi leaders for us. The one obstacle in the way of their world domination is America; they realize we are the people who are blocking them. They know they would have won the war if we had not first of all given help to our Allies and are now coming in.

If they get control of Europe and Germany can control Japan, the East Indies and Asia, Germany can work unmolested in the shipyards of Europe, and can attack us from both sides. Where do you think we are going to be? Americans will realize there can be no negotiated peace. Either this world is going to be Nazi or it is going to be democratic. There can be no half way about it.

Lincoln said, "This country cannot exist half slave and half free." Neither can this world exist half Nazi and half democratic where we can have life, liberty and the pursuit of happiness. It must come to an absolute showdown. The world must be either democratic and fair or Nazi and filled with terror.

When the war is won, we must not let this horrible thing happen again. We and some of our allies must see to it that there is absolute universal disarmament; we have got to police the world and see that world peace is maintained or it will happen again. We did not learn from the last war. Pray God that we remember that we must make it impossible for this horrible thing ever to happen again.

Ladies and gentlemen, I only wish you all had been where I was and had seen what I saw. You would more fully realize what we are fighting against and the great danger we are in now after having seen the efficient, merciless German machine, as I saw it. I only wish you all had been over there and could realize the real danger we are in today.

I said before that the reason I went into the Navy is that I want to fight the Nazis and the Japs; I do not want to fight Republicans. Ladies and gentlemen, we have a two-party system here, which is right. In time of war we cannot get rid of that two party system, and we do not want to get rid of it. The two party system means competition, and competition always means that everybody is on their toes to do better. But I say to you we must have a certain kind of truce. Let us Democrats have only constructive criticism of the Republicans. When we think they do wrong, let us propose something better, and if they do right, let us give praise to the Republicans; and let the Republicans do the same to us.

Ladies and gentlemen, in closing I think the feeling is that we are all in the same boat, and that there is only a hairbreadth's difference between Democrats and Republicans, as compared with the frightful difference between Nazi terror and democracy. That is true today more than I have ever known it to be in my life. When Governor James, an old time opponent of mine, and the Republican members of the House and Senate come here today and give me this very great honor, they do so because they know that I am not here as a Democrat, but I am here as an American, just as they are Americans.

COMMITTEE MEETING

The SPEAKER. The chair wishes to announce that there will be a meeting of the Select Committee on Special Legislation immediately in the Room at the rear of the House.

MR. LOVETT IN THE CHAIR

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

MESSAGE FROM THE GOVERNOR

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 2, 1942.

A MESSAGE TO THE GENERAL ASSEMBLY OF THE COMMONWEALTH OF PENNSYLVANIA

Reporting the Highlights of Pennsylvania's Effort in the National Defense Program

From

Immediately Prior to the Declaration of War Against the United States by Japan, Germany and Italy

To the Honorable, the General Assembly of the Commonwealth of Pennsylvania:

The United States is a great transcontinental rectangle of some 2500 miles by 1200 miles. Within its borders, on the eastern seaboard, is a smaller rectangle which measures about 300 by 150 miles. This smaller rectangle is our Pennsylvania.

Within this Pennsylvania rectangle are found the most priceless resources belonging to that greater land rectangle, the United States. In Pennsylvania's area are found those things and those people upon whom those of the larger area absolutely depend for their security and welfare—to an utterly incredible extent.

In Pennsylvania live a dominant share of those men and women who are the world's greatest artisans and crafts-

men and who possess the specialized skills so vital to the Nation. In Pennsylvania are the people, the resources and the enterprise upon which the United States has builded and grown great.

Therefore, when we of Pennsylvania, the latter day inheritors and custodians of grave responsibilities, think in terms of our Commonwealth's share in the National Defense effort, we must first realize that ours is a stewardship to the Nation as a whole—out of all proportion and therefore virtually incomparable with any other state or geographical subdivision of the United States.

To say that Pennsylvania is the keystone which holds up the arch of the states which form the Nation is simply to reiterate a household axiom which has obtained since colonial times.

This, then, was the point of view with which we approached the entire problem of Pennsylvania's resources and manpower in America's war effort. Because of this approach and because coming events had cast long and sinister shadows before, Pennsylvania was "on the alert," to borrow a military phrase, well in advance of the emergency period and the subsequent declaration of hostilities.

When men are no longer able to settle their disputes by ordinary means and must resolve their differences by force of arms, it is obvious that the winning side must have developed the best teamwork, responding the most competently to the directions of leadership.

It was clear to this Administration that Pennsylvania's resources and manpower could best be utilized as a single unit on a great team of forty-eight states. To use football terms, this philosophy naturally finds Pennsylvania in a fullback position, responding with all its power and drive to the signals called by the quarterback—not in getting off-side or in motion before the ball is snapped, not in playing up to the grandstand, and in not attempting to call signals.

Pennsylvania is the fullback on this National Defense team because it ranks second in industry of all the states in the Union and in forty important industries it ranks first. It is the most important mineral producing state. It produces a fifth of all the energy in the United States. It has a forty thousand mile network of State highways and fourteen trunk-line railroads. Its heavy industry is the third greatest in the world. It is one of the most important agricultural states. It is diversified almost beyond comprehension and has 10,000,000 citizens.

This is our responsibility to the Nation and the world, staggering to the imagination and shared by every Pennsylvanian alike. This war is not of our making but this war is now the responsibility of sons and daughters of the Old Commonwealth even as past wars have been the burden of our ancestors.

Like all the other states in the Union, Pennsylvania's protection rests with the armed forces of the United States under the direction of the President of the United States. Pennsylvania's job, as a state, is to provide internal protection for herself and her citizens, under Federal coordination, and as one of the states upon which the government draws for that of which an army or navy is made, Pennsylvania's duty is to respond competently to every call. While there has been some misunderstanding elsewhere on this subject there is no misunderstanding in Pennsylvania.

Detaching the cumulative processes by which Pennsylvania's artisans and resources had been put into play as events turned the world into a battlefield, Pennsylvania's all-out effort may be dated as having begun in July, 1940, following a series of conferences at the Executive Mansion.

In these conferences the broad outlines of Pennsylvania's participation in the obviously impending state of war for the United States were fully discussed.

During the next week cabinet officers and responsible authorities were given the outline in general.

These further conferences set in motion a series of studies which resulted in basic, over-all mobilization programs being drawn up which could cover any eventuality. Experts, analysts, tacticians and executives pored over these plans until far in the night.

By September 1, 1940, all possible was in readiness. The Selective Service program was re-planned, revitalized and placed in readiness.

The program of a State Guard to replace the National Guard was established. Civilian defense was gone into by research experts who compiled complete handbooks covering all phases, largely based on Great Britain's experience. Also received were plans for the mobilization of everything from education to private aviation. Pennsylvania was ready to carry the ball when the signal was called.

At this stage of the developments it is well to remember that throughout the nation had arisen assorted groups hoping by various means to seize control of the essential services, even including authority, in time of crisis.

The plans met these groups and agencies with the most direct method of attack—by building each of the national defense efforts on a firm foundation.

In this connection it might be pointed out that this Commonwealth has had to back-track not one single defense effort nor has it had to break up or withdraw from any defense program which it has started.

During the first week of September, 1940, we went into action on perhaps the most important front of all—Selective Service—in anticipation of the proclamation of the President of the United States calling for a registration of all men of the United States between the ages of twenty-one and thirty-six. The President made this proclamation on September 16th and the registration was directed for Wednesday, October 16th. A small group of men called into service from the military and various departments of the Capitol gathered together to carry out the work and form the nucleus of Pennsylvania's now magnificant state-wide Selective Service system. With their sleeves rolled up they met in a small room in the State Capitol with a few borrowed desks, a few typewriters, and a corps of stenographers borrowed from all the departments on Capitol Hill.

Lieut. Col. Benjamin F. Evans, Deputy Adjutant General, was given the task of carrying out the program pending the appointment of a State Director of Selective Service. Small though it was, this small group functioned with machine-like precision.

Pennsylvania was divided into 422 board areas in con-

formity with the tentative provisions of the National Selective Training and Service program and in order to set up the establishment I directed that board members should be selected initially by committees including the county commissioners of each of the sixty-seven counties and the Superintendent of Schools of each county and the President Judge of the Common Pleas Court of each county. This decision was made in order to insure absolute impartiality and a non-partisan, non-political set up. The Pennsylvania Constitution provides for minority representation in all county commissions.

While the advisory committees in each county were working on the personnel of the boards, which I was subsequently to recommend to the President, Selective Service Headquarters in Harrisburg went about getting the mass registration.

Here again we called on the counties to effect the registration by using the regular election machinery already in existence and the election places as the registering places.

A meeting was called of all the county commissioners of Pennsylvania, their duties explained to them and on September 18th I issued the first Selective Service Proclamation. Bids were ready for the gigantic printing program within a few days.

On September 25th I appointed one of America's great educators and executives to be the Director of Selective Service in Pennsylvania, Dr. William Mather Lewis, President of Lafayette College, Easton, Pennsylvania. Doctor Lewis took this post without compensation. The next day advance copies of Selective Service regulations began to come to Harrisburg from Brig. General Lewis B. Hershey, Selective Service Executive and subsequently to be National Selective Service Director. During this two-day period, permanent headquarters for Selective Service were established in the Governor's Office suite in the Main Capitol building.

The wisdom of this selection of Doctor Lewis was best expressed in a letter from General Hershey a year later, on December 15, 1941, after Doctor Lewis had found it necessary to be relieved from duty, after a year in service, so that he could again devote his full time to the affairs of Lafayette College:

"It was a very great pleasure to see you all and to participate in a well-deserved tribute to a man (Dr. Lewis) who has done a magnificent job."

On October 1, 1940, I issued the Registration Proclamation. This proclamation called for closing schools on Registration Day, thus more forcibly bringing its significance to all Pennsylvanians. The 5,100,000 forms necessary for Pennsylvania's registration were ready and in the process of distribution that same day.

Following through on the policy of decentralization, I called on the Medical Society of the State of Pennsylvania to furnish the names for the examining physicians of the 422 local boards and on the President Judges and Presidents of the Bar Associations in each of the counties to furnish the names of the legal advisors to registrants and the government appeal agents. On October 1st the Medical Society sent its list. On October 11th all of the agencies designated had completed their tasks. The recommendations for the 1266 board members, 422 examining physicians and 422 government appeal agents, were sent to the President for his approval on that date. Pennsylvania was one of the first states in the Union to complete this task.

The response to the program for registration was such that on October 14th, the President of the United States was advised that Pennsylvania was ready and fully prepared for the registration. On October 16th registration proceeded without incident. Every Pennsylvanian who participated did his full and utmost share, reflecting credit on all of us.

When the registration figures had been tabulated, it was found that the Keystone State had not only set a record in efficiency but had led the Nation, except for one state, in the number of those registered. There were 1,170,574 Pennsylvania men registered on that day and it was found that Pennsylvania, without exception, was operating the most important Selective Service Headquarters in the United States.

This brought unstinted praise from Washington. The first requisition for soldiers was received on November 4th. They were delivered by the Local Boards at the time and places indicated without delay or incident whatever. Thus was begun Pennsylvania's great Selective Service System, which now numbers 7000 persons assigned, and which has established record after record in effectiveness and economy of operation and which was to lead the way, at the request of National Selective Service Headquarters, in important changes and innovations.

During the year just passed it established the famed Pennsylvania plan which became the model for the Nation and was urged on other states by the Selective Service System. This plan eliminated the physical examination at the induction station and provided for final type physical examinations prior to induction with a waiting period between the two, thus ending the unhappy situation of inductees being rejected physically after being called to the colors.

C. A. Dykstra, National Director of Selective Service, wrote to the people of Pennsylvania on November 1, 1940, after the Registration tabulations had been completed:

"May I take this opportunity of thanking you for your State's splendid contribution to this National effort. Thousands of public-spirited citizens working under your direction have made this possible. I know full well that I can count on your continued cooperation."

At the end of the first year General Hershey wrote the State Selective Service director on December 15, 1941, in part, as follows:

"You and your staff have conducted the operations of the Selective Service System in your State in a highly commendable manner and in a spirit of cooperation that has been a source of real satisfaction. Based upon your past record, I am sure you will accept the increased responsibilities . . ."

It is fitting and proper to add that the cooperation given by national headquarters of the Selective Service System has been not only satisfactory, but altogether outstanding. It is especially worthy of note that Brigadier General Hershey has responded to Pennsylvania's efforts with the finest kind of direction and understanding of our problems.

The next test of the adequacy of the preliminary planning came with the call of the National Guard into active

duty and the necessity for the mobilization of a State Guard to replace it. The plan for this mobilization had been completed even before the Federal Act authorizing states to organize a State Guard was approved October 21, 1940.

Preliminary organization was immediately commenced and a State bill implementing the Federal act was submitted to the regular session of the Legislature. When the State bill was passed and approved on March 19, 1941, Pennsylvania's schedule was complete down to the last detail of the uniforms, even including the type of insignia which would be worn on the coats of the men. Brigadier General Robert M. Vail, the Acting Adjutant General, was designated as Commander of the State Guard which was subsequently given the official name of Pennsylvania Reserve Defense Corps by the General Assembly. Formation plans were released February 26th and tabulations of strength and equipment released on February 27th, location of units was announced on February 28th and the appointments of regimental commanders for the three State regiments were announced on April 2d.

By April 17th officers in the lower commands were being appointed. Enlistments were commenced on May 26th and were completed within thirty days.

On June 12th uniforms were being received in quantity; on July 25th the 30 calibre Lee-Enfield rifles were received from the Federal government; within a few days the State had purchased light machine guns and other equipment for heavy weapons work.

On October 7th, General Vail reported that the Pennsylvania Reserve Defense Corps was uniformed, trained and ready for active duty. Full strength was established, all officers commissioned and assigned, and companies housed in armories. With precision, Pennsylvania had created a standing army of two thousand officers and men and was the first state on the record so to advise the United States Army.

Thus it was that when the Third Corps Area of the United States Army called on Pennsylvania to guard military objectives, primarily vital bridges, after Japan's declaration of war on the United States, Pennsylvania met the call. The State Guard was called out in full on December 8th and has already established a real record of service.

Initial appointments of officers were made only from officers or ex-officers of the Regular Army, National Guard, Reserve Corps, Navy or Marine Corps, and they were in no instance advanced more than two grades over the rank held. As of today the State Guard is so self-sufficient that it is producing its own officers from its own enlisted ranks, as was the National Guard policy.

Naturally, the defense duties of the Department of Military Affairs have been without number but the best to illustrate the multiplicity of services, unheard of publicly, is this excerpt from a letter, dated June 4, 1941, from Frank Knox, Secretary of the Navy.

"On behalf of the Navy Department I wish to extend my sincere appreciation of the valuable assistance rendered by the State of Pennsylvania in extending the use of the facilities of the State Military Reservation to the Marine Corps."

In this particular instance Indiantown Gap was temporarily made available to the Marine Corps for its basic school for six weeks beginning April 14, 1941.

Pennsylvania's leadership was well established. Secretary of War Henry L. Stimson, on March 27, 1941, announced that only 27 or 28 of the 48 states were in the process of creating State Guards and he named only four of these states as deserving of commendation in the "material progress which was made"—one of the four he named was Pennsylvania.

In the early days of the 1941 Legislative Session, the General Assembly took under consideration one of the State's most far reaching defense efforts, in the form of an act creating the State Council of Defense. This act was passed and approved on March 19, 1941, with the provision that the Governor was authorized to call the State Council into being by proclamation "in time of emergency or public need."

The State Council consists, in addition to the Governor, of Lieutenant Governor Samuel S. Lewis, State Treasurer G. Harold Wagner, Auditor General F. Clair Ross, Secretary of Internal Affairs William S. Livengood, Jr., Acting Adjutant General Robert M. Vail, President Pro Tem of the Senate Charles H. Ealy, Speaker of the House Elmer J. Kilroy, and three citizens, one appointed by the Governor, one by the President Pro Tem and one by the Speaker. They are, in the order given: Mrs. William J. Clothier, Dr. Webster Newton Jones and Hon. Leo A. Achterman.

Pennsylvania is one of the few States with its Defense Council membership stipulated by the law. Incidentally, this thus far has assured minority party representation on the Council. Such a policy has aided Pennsylvania's war effort, in my opinion, and given us a sounder basis for the work than is found in those states where the Council operates merely as an adjunct of the Governor's Office and its membership is selected solely by the Chief Executive. The Pennsylvania Council's service and power are of vastly greater proportion because our Council represents the people through the Governor, the General Assembly, and the fiscal officers.

I issued the emergency proclamation on April 17th and almost coincidentally the announcement of the appointment of Dr. Arnaud C. Marts, as Executive Director of the State Council of Defense, was made by the Council. Once again Pennsylvania turned to an outstanding and recognized college president to do a big job. Doctor Marts is president of Bucknell University.

The calibre of Doctor Marts' work is perhaps best expressed in the words of Mayor F. H. LaGuardia, National Director of Civilian Defense, when he wired under date of December 10, 1941, requesting permission to place Doctor Marts in charge of the entire Third Civilian Defense Region, including Pennsylvania, Maryland, Virginia and the District of Columbia:

"He has his organization in good shape. He has a splendid grasp of the responsibilities and the addition of Maryland, Virginia and the District of Columbia would not be too burdensome."

The first mass meeting on National Defense, which was to be the forerunner of thousands of others throughout the State, was held under the supervision of the State Council on May 7, 1941. The State Council members, Doctor Marts, and their associates rolled up their sleeves and went to work with characteristic Pennsylvania vigor. The first tangible evidence that Pennsylvania had

again assumed leadership in organization came on September 5, 1941, when Mayor LaGuardia reported to the Nation that there were 2866 defense councils in operation in the United States. On this day Pennsylvania had 500 councils of defense under the State Council, or roughly one-sixth of the entire number of defense councils in all of the United States.

The initial test for this far-flung organization came in the drive for the collection of scrap aluminum throughout America, a job for the State Councils in each of the forty-eight states under the direction of the Office of Civilian Defense. This was the initial trial on which the strength of the work which had been done could be proven. Pennsylvania received first word of the drive on June 27th and went looking for the metal scrap in every nook and corner.

On September 30th the tabulations of the work done by each of the states were announced. The official publication of the Office of Civilian Defense said of the aluminum drive results:

"Second highest state was Pennsylvania with the recorded total of 900,000 pounds." The nearest state below Pennsylvania was Massachusetts with 699,150 pounds collected. The only state which exceeded Pennsylvania was New York with its substantially greater population. However, when the figure was broken down it was found that Pennsylvania had gone ahead of New York in the poundage of pots and pans collected per dwelling with a total of .358 pounds collected per dwelling as against New York's .286 per dwelling.

Consistently, Pennsylvania continued making firsts, seconds and thirds in cooperation as each phase—and there are almost countless phases—of the civilian effort developed. This is witnessed by two examples of excerpts from Mayor LaGuardia's letters:

"I have just received your proclamation on the Civilian Defense Act, for which I want to thank you. This is the first proclamation I have received from a Governor carrying out the request of the President." (October 29, 1941).

"The United States Office of Civilian Defense wants to express to you our deep appreciation of the patriotic services rendered by the Pennsylvania State Defense Council, the local defense councils and other organizations in your State in helping to develop and man the Civilian Aircraft Warning Service . . . the success of this project augurs well the success of our entire Civilian Defense Program." (November 18, 1941)

Pennsylvania now has 610 councils of defense working under the State Council of Defense through a carefully established chain of command, handling the entire civilian effort apart from that with which the Army or Navy is directly concerned.

Under these councils today are nearly 200,000 persons actively at work in administrative, precautionary and protective services. Including these persons now operating the structure, more than a quarter of a million are enrolled and ready for duty and one million have taken the Red Cross first aid course.

Of interest is the following excerpt from a letter under date of December 12, 1941, from Colonel Clifton Lisle, Director of the Third Civilian Defense Region and Coordinator for the United States Army, when he was ordered to a new assignment and was relieved from duty in Baltimore:

"I take this opportunity to express my appreciation for the cooperation shown me in this office in matters of civilian defense. I have received every assistance from Doctor Marts and your Council of Defense, and I feel sure my successor will meet with the same cooperation."

Excerpts from the speech of Mayor LaGuardia in Harrisburg on the occasion of the State Defense Rally under the auspices of the State Council, Friday, November 14, 1941, will illustrate the success of Pennsylvania's program of teamwork. The Mayor said, in part:

"I want to thank you personally . . . for your excellent leadership . . . in taking hold of the civilian defense work in appointing competent, capable executive such as Doctor Marts.

"Here is the State of Pennsylvania, one of the largest states in the Union, there is not now the slightest doubt but what the program will be fully carried out and that come what may the people of Pennsylvania will be able to take care of themselves.

"Here in Pennsylvania you have so many centers that are attractive and tempting targets to an enemy and that is why the people of this state should be indeed grateful to the vision, the knowledge . . . at this time in meeting this situation and being prepared if it comes."

When an apparent crisis in Washington arose on the subject of petroleum and Interior Secretary Harold L. Ickes, as Petroleum Coordinator for National Defense, issued a nationwide call for a reduction in the consumption of gasoline, Pennsylvania fitted itself into his call, in so far as was necessary, within forty-eight hours.

The Petroleum Coordinator announced his program on August 11th for the conservation of gasoline and that same day Guy K. Haslet, Advisor of Liquid Fuels Tax Auditors, Department of Revenue, was designated as a liaison representative between Doctor Marts and Secretary Ickes.

Pennsylvania's participation in this effort functioned without incident until Mr. Ickes announced that the shortage was not as severe as contemplated and that the "voluntary rationing" which had been in effect was no longer needed. While this agency is no longer operative, it is nevertheless ready for recall at a moment's notice.

The following excerpt from a letter under date of August 8, 1941, from the Office of the Petroleum Coordinator gives the reaction to Pennsylvania's work:

"May I express the sincere appreciation of this office for your cooperation in the petroleum conservation program.—Ralph K. Davies, Deputy Coordinator."

The latter part of September, 1941, aeronautical plans for civilian pilots were again revised and on December 8th, with the information at hand that the Office of Civilian Defense had completed the plans for the establishment of a Civil Air Patrol, the State program took effect.

The Commonwealth of Pennsylvania lost the services of Lt. Col. J. Victor Dallin, its Director of Aeronautics, who had been called to active Air Corps duty, and William L. Anderson, a private pilot, plane owner and airport operator, was designated to be the Acting Director of Aeronautics. Shortly thereafter Mr. Anderson was named Wing Commander for Pennsylvania in the Civil Air Patrol by the Office of Civilian Defense.

The organization of a Civil Air Patrol, the Federal plans

for which had not yet arrived, progressed well. By December 16th Acting Director Anderson reported that the initial steps in the formation of the Pennsylvania Wing of the Civil Air Patrol had been completed.

By December 31st, Acting Director Anderson further reported that the C. A. P. was ready for limited active duty pending completion of a state-wide chain command at which time it would be ready for full field duty. At the same time it was disclosed that the State staff and group commanders for the entire Commonwealth had been appointed and were functioning down the line.

On January 6th, Major General John F. Curry, National Director of the C. A. P., announced that Pennsylvania stood seventh in the entire Nation in the formation of the Civil Air Patrol, despite the fact that in the middle of the emergency it had lost its State Director. This announcement was made at a tri-state meeting of C. A. P. officers in Harrisburg. The General indicated that among the larger states Pennsylvania was foremost, pointing out that some states with only a handful of airports as compared to Pennsylvania's 170 airports, 5000 pilots and 2500 flying ships, had been able to organize slightly faster. He also pointed out that Pennsylvania had more private flying ships per pilot than any other state in the Union.

After Pearl Harbor, instructions from Washington flew thick and fast to the forty-eight states. The rubber shortage called for immediate action and at the request of the Office of Price Administration, tire rationing was commenced on December 18, 1941.

It was concluded by the State Council of Defense that the areas in which the Selective Service System had been set up should also be used as areas for the tire rationing. The Commonwealth was advised that as of January 5, 1942, these tire rationing points would have to be established. This information came on December 21st. With such rapidity did Pennsylvania respond, that this telegram was received on December 26th:

"Much impressed business like manner in . . . tire rationing problem in Defense Council Tuesday. We have no worries about Pennsylvania. Many thanks. Frank Bane, Office of Price Administration.

The suboffice for control of tire rationing has been functioning since December 24th with the appointment of T. Elmer Transeau, Director of Highway Safety, Department of Revenue, as the Director of Tire Rationing, under the Council. So carefully had this job of organization been done by the State Council and so carefully had the selections for the tire rationing board personnel been accomplished that when the next rationing order came to Pennsylvania—the rationing of automobiles—the Council was in a position to superimpose this same duty upon the already established duties of the tire boards. A sudden order freezing all automobiles and light trucks in the United States until they could be rationed on a priority basis was issued on Thursday, January 1st, and in the early dawn Pennsylvania Motor Policemen delivered copies of the freezing order to all Mayors, Burgesses and Sheriffs in the Commonwealth, who in turn were asked to use their local police to deliver copies of the Federal freezing instructions to all automobile dealers within their subdivisions.

On February 9th the State Council was advised by the Office of Price Administration that the tire rationing program had been accomplished so "quickly, adequately and efficiently" that the rationing of other commodities should follow the same general pattern and the same machinery should be used.

This letter concluded with these words ". . . tell you again how much we have enjoyed working with you in setting up necessary rationing machinery throughout the United States, and how much we have appreciated the enthusiastic cooperation which we have received from . . . the Council of Defense."

The Council of Defense on February 18th designated Mr. Transeau as State Rationing Administrator to handle the entire rationing program for the Commonwealth.

Into this over-all National effort Pennsylvania has day by day provided the full resources of her State agencies. Long prior to the emergency, Pennsylvania's Secretary of Commerce, Mark S. James, had developed the Commonwealth's industrial pooling system which has been copied throughout the Nation.

Shortly after the industrial pooling went into effect to bring about a maximum effort by the giant machines of the State's workshops, the Department of Commerce had also given me, and I in turn sent it to Washington, a complete inventory of the State's industrial and business resources and facilities. Pennsylvania was the first State to do this.

The Department laid out a program of taking national defense work into areas where there were idle workmen, rather than taking idle workmen to defense plants. This program could be accomplished with the least social and economic disturbance.

Pennsylvania's Motor Police have almost tripled their work and the accomplishments of this Department are outstanding among the states. The network of communications of the State Police has been used time and time again for military purposes, and the policemen have never failed to accomplish any defense mission to which they have been assigned.

Other State departments were prepared when they were called on. As each new State agency was developed in the National effort, State departments contributed their personnel until the new agencies could undertake the task of carrying on, on their own. The already established facilities functioned admirably when National Defense duties were superimposed upon them—such as the manner in which the Department of Highways managed the network of military roads and the plans which it has to keep them open when they become the only routes between military objectives; or the manner in which the Department of Agriculture on an instant's notice placed its entire Farm Show facilities at the disposal of hundreds of Federal troops who suddenly arrived in Harrisburg one afternoon on an emergency trip and had no shelter; or the way the Department of Forests and Waters provided the Army with its net-work when the Army made a sudden call for it.

Particularly impressive has been the work of th Department of Public Instruction which has trained more than 250,000 persons in vocational and industrial operations for National Defense. The multiplicity of duties which have been placed on this Department, and which this Department has effectively carried, are almost without number, including Pennsylvania's participation in the physical education program in cooperation with the State Council of Defense; public works reserve admin-

istration, community facility administration and conservation of cultural resources.

Obviously, in the time of emergency, decisions must be made not on the basis of what we would like but on the basis of facts as we find them. Whenever decisions have been necessary in this Administration which even approached the borderline of expediency, I have made it a point to be sure that all interested persons would understand the situation.

Such, for example, was the case when the Federal-approved Model Anti-sabotage Bill died in committee in the lower house of the General Assembly thus leaving the vital manner of plant protection and private guards to protect these plants in uncertain status. When the emergency arose, Pennsylvania was thereby caught unprepared, but we met this crisis to the best of our ability by digging into the law books and patching together a framework set-up by which auxiliary police could be called into existence with old World War laws of the 1917-1918 period as could be utilized.

By resurrecting these laws and by availing the Administration of all the powers possible, a suboffice was established in the office of the State Council on December 13, 1941, for the commissioning of auxiliary policemen for the duration of the emergency, whose prime purpose is to guard plants and private properties engaged in work of national importance.

The need for this establishment is best shown in the fact that within fifteen days after the office had been opened it had received thirty thousand applications for such police commissions from private employers, particularly such as railroads and utilities, from Mayors and Burgesses. By January 9, 1942, some three thousand of these commissions had been issued after each applicant had been carefully scrutinized and each application certified to by the agency asking for the commission.

It presently appears that from thirty to forty thousand of these commissions will be found necessary. The commissioning power under the old law rests in the hands of the Governor and the State Council serves as the agency under which the applications and the necessity therefor are determined.

These are the highlights of the actual executive administration by the responsible officers of this Commonwealth and the State Council.

The full story of devotion, loyalty, responsibility and trustworthiness would require many volumes if an attempt were made to give credit to all of those persons and agencies and services who are affiliated with the coordinating and control agencies established under the jurisdiction or operating in liaison with the State Council of Defense. The story of the air raid warning services with outposts, filter and information centers, constitute a prime example of one phase of this. The Red Cross achievements and service constitute another tremendous phase.

Obviously, this report simply scratches the surface of the all-out State effort. Much information which I would like to bring to your attention has, since Pearl Harbor, become confidential or restricted information. Calls are being made upon our manpower and facilities through Selective Service and other agencies, which are the greatest in our history. I can only say upon this, that no matter how great the call for anything which this Commonwealth possesses, the Commonwealth has arisen and met the call and will continue to do so.

Pennsylvania marches forward, a proven teammate on America's all-out team of states.

ARTHUR H. JAMES.

REPORT FROM COMMITTEE

Mr. BAKER from the Select Committee on Special Session Legislation, reported as amended House Bill No. 20, (Senate Bill No. 27), entitled:

An Act to provide for the expenses of the Extraordinary Session of the Legislature assembled February seventeenth, one thousand nine hundred forty-two, in pursuance of the proclamation of the Governor of the Commonwealth dated February tenth, one thousand nine hundred forty-two, and the supplement thereto.

BILL ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 11, entitled:

An Act to further amend section eight hundred twenty-eight of the act, approved the first day of May, one thousand nine hundred twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicls, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," authorizing the Secretary of Revenue, during the period of national emergency, to suspend the operation of certain provisions of this act relating to school busses, when such provisions conflict with priority claims for material.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

The SPEAKER (Elmer Kilroy) IN THE CHAIR.

BILL ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 10, entitled:

An Act to further amend section six hundred twenty-eight, and to amend section six hundred twenty-nine of the act approved the third day of June, one thousand nine hundred thirty-seven (P. L. 1333), entitled "An act concerning elections, including general, municipal, special and primary elections, the nomination of candidates, primary and election expenses and election contests; creating and defining membership of county boards of elections; imposing duties upon the Secretary of the Commonwealth, courts, county boards of elections; county commissioners; imposing penalties for violation of the

act, and codifying, revising and consolidating the laws relating thereto; and repealing certain acts and parts of acts relating to elections," extending the time within which writs of election may issue for holding special elections to fill vacancies occurring in either house of the General Assembly, and the time within which nominations therefor may be filed.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for third reading.

SENATE MESSAGE

TIME OF NEXT MEETING

The Clerk of the Senate being introduced presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, March 2, 1942.

Resolved, (if the House of Representatives concur), That when the Senate adjourns this week, it reconvene on Monday, March 9, 1942, at four o'clock p. m., and when the House of Representatives adjourns this week, it reconvene on Monday, March 9, at nine o'clock p. m.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

On the question,

Will the House concur in the resolution of the Senate?

It was unanimously concurred in.

Ordered, That the Clerk inform the Senate accordingly.

REPORT FROM SLATE COMMITTEE

Mr. LOVETT offered a report from the Slate Committee and asked unanimous consent for its immediate consideration.

The resolution was read as follows:

In the House of Representatives, March 2, 1942.

Resolved, That the following persons be elected employes of the House of Representatives

TRANSCRIBING CLERK

Oscar Klinzing, 2216 Elsie St., S. S. Pgh., Pa. Vice James O. Welsh, Resignation.

JOURNAL CLERK

Emanuel Lheureau, Jr., Cecil, Pa. Vice Russell Marino, Resignation.

PAGES

John Furman, 144 W. Penn St., Carlisle, Pa. Vice William Walker, Resignation.

William Miller, 506 S. 13th St., Harrisburg, Pa. Vice Donald L. McCracken, Resignation.

The SPEAKER. Will the House give its unanimous consent to the immediate consideration of the resolution? Is there objection?

Mr. TURNER. Mr. Speaker, I desire to interrogate the gentleman from Monroe, Mr. Achterman.

Mr. SPEAKER. Will the gentleman from Monroe permit himself to be interrogated?

Mr. ACHTERMAN. I shall, Mr. Speaker.

Mr. TURNER. May I say, Mr. Speaker, that I understand I should interrogate the gentleman from Westmoreland, Mr. Lovett?

The SPEAKER. That is correct.

Mr. ACHTERMAN. Shall I yield, Mr. Speaker?

Mr. TURNER. Mr. Speaker, will the gentleman yield and permit the gentleman from Westmoreland, Mr. Lovett, to answer the interrogation?

Mr. ACHTERMAN. I will yield, Mr. Speaker, to the gentleman from Westmoreland, Mr. Lovett.

Mr. TURNER. Mr. Speaker, are these additions or substitutions for men who have resigned?

Mr. LOVETT. Mr. Speaker, I may answer the gentleman by saying that to my knowledge these are substitutions.

Mr. TURNER. Mr. Speaker, who has any knowledge whether they are or not?

Mr. LOVETT. Mr. Speaker, I am sorry I cannot answer the gentleman other than to state that the resolution—

The SPEAKER. For the information of the gentleman from Delaware, the resolution states "resignations."

Mr. TURNER. Mr. Speaker, I understood that, but I was asking whether it was a substitution or new employes.

Mr. LOVETT. Mr. Speaker, they are regisnations, as far as I know, and substitutions for those resignations.

Mr. TURNER. Mr. Speaker, is this the full quota?

Mr. LOVETT. I hope not, Mr. Speaker.

Mr. TURNER. Mr. Speaker, can we get a job?

Mr. LOVETT. Mr. Speaker, I would be glad to if we could get some consideration from the Governor.

Mr. TURNER. Mr. Speaker, fair play, I have no control over the Governor.

The SPEAKER. If the gentleman from Delaware is not more cautious he may lose the two jobs he already has.

Mr. TURNER. Mr. Speaker, you are in error; I only have one, Bill Habbyshaw has the other one.

The SPEAKER. The gentleman from Delaware cannot count any further than two?

The Chair hears no objection and consent is granted.

The resolution was adopted.

CONDOLENCE RESOLUTION

Mr. YESTER offered a resolution and asked and obtained unanimous consent for the inclusion of four additional sponsors as follows: Messrs. HEATHERINGTON, GOODWIN, MORAN and SHAFFER.

The resolution was twice read, considered and adopted as follows:

In the House of Representatives, March 2, 1942.

On October 7, 1941, John Edward McElroy, former Member of the House of Representatives died in the Mercy Hospital at Pittsburgh, after an illness of several months.

Mr. McElroy was born at Elizabeth, Pennsylvania, on April 13, 1884. He received his education at St. Peter's Parochial School, McKeesport, Pennsylvania, Bucknell College and the University of Pittsburgh.

He was a lifelong Democrat and, prior to entering politics in his home city, he was employed as Metallurgist at the Page Steel and Wire Company at Monessen, Pennsylvania, and also Chief Metallurgist at the Hudson Automobile Plant in Detroit.

In 1934 he was elected to the House of Representatives of the General Assembly of the Commonwealth of Pennsylvania, and served for two terms, representing the Ninth

District of Allegheny County. He served as District Supervisor for the United States Census conducted in 1940; be it therefore

Resolved, That the House of Representatives mourns the passing of this distinguished citizen of Pennsylvania; and be it further

Resolved, That a copy of this resolution be transmitted by the Chief Clerk of the House to the members of the family of the deceased as a token of the House of Representatives' sincere sympathy for them.

ANNOUNCEMENT

The Rules Committee will meet tomorrow, Tuesday, March 3, 1942, at 11 a. m. in the Speaker's Office.

ADJOURNMENT

Mr. GREENWOOD. Mr. Speaker, I move that this House do now adjourn until Tuesday, March 3, 1942, at 1 p. m.

The motion was agreed to, and (at 11 p. m.) the House adjourned.

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal.

Extraordinary Session of 1942.

Vol. 26. HARRISBURG, PA., TUESDAY, MARCH 3, 1942. No. 8.

SENATE

TUESDAY, March 3, 1942.

The Senate met at 1:00 o'clock, p. m., E. W. T.

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the Chair.

The PRESIDENT. In the absence of the regular Chaplain, the Senator from Berks, Dr. Ruth, will offer prayer.

PRAYER

Dr. RUTH. In the name of the Father and of the Son and of the Holy Spirit, we come to Thee today with thanksgiving that Thou hast given us the privilege to address Thee as a Father. We know that Thou dost hear us as coming from children and we earnestly pray to Thee today that Thou will guide us in these troublous times, that we may not endeavor to do these things out of our wisdom and knowledge but guided by Thy hand and by Thy spirit. Bless our nation, our people, our state, and keep us loyal and true to the traditions of our fathers. In Thy Holy Name. Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. DEITRICK and Mr. GELTZ, the further reading was dispensed with, and the Journal was approved.

LEAVE OF ABSENCE

Mr. Barr asked an obtained leave of absence for the Senator from Allegheny, Mr. COX.

STUDENTS, JUNIOR HIGH SCHOOL, SUNBURY, INTRODUCED

The PRESIDENT. The Chair takes this opportunity to call to the attention of the Senators the visitors in the gallery, members of the Junior High School of Sunbury, who are here as the guests of the Senator from Northumberland, Dr. Deitrick.

NOMINATIONS BY THE GOVERNOR

NOTARIES PUBLIC

The Secretary to the Governor being introduced, presented in writing from His Excellency, the Governor of the Commonwealth, nominations for appointment as Notaries Public.

CONSIDERATION OF NOTARIES PUBLIC

Mr. JAMES. Mr. President, I move that the Senate do now proceed to the consideration of nominations for appointment as Notaries Public, sent to the Senate, March 3, 1942, by His Excellency, the Governor of the Commonwealth.

Mr. WALKER. Mr. President, I second the motion.

The motion was agreed to.

The nominations were read as follows:

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 3, 1942.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

Miss Laura Broge, 27th and Smallman Sts., Pittsburgh.
John J. Dougherty, Sharpsburg.

LEHIGH COUNTY

Miss Anna E. Stefany, Coplay.

LYCOMING COUNTY

Charles Carlson, Williamsport.

PHILADELPHIA COUNTY

J. Morton Cameron, 4700 Wissahickon Ave., Phila.
Miss Sara N. Michaelwitz, 1321 Noble St., Phila.
Miss Mary M. Wixted, 1640 Ludlow St., Phila.
Charles H. Hersch, 2412 N. 9th St., Phila.

SCHUYLKILL COUNTY

Franklin L. Lane, Ashland.

WESTMORELAND COUNTY

A. S. Machesney, New Salem.

ARTHUR H. JAMES.

NOMINATIONS FOR NOTARIES PUBLIC

A motion was made by Mr. JAMES and Mr. GELTZ, That the Senate do advise and consent to said nominations.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Barr,	Ealy,	Letzler,	Stevenson,
Bartlett,	Edmonds,	Mallery,	Stiefel,
Carr,	Farrell,	McCreesh,	Taylor,
Cavalcante,	Frey,	McGinnis,	Thomas,
Chapman,	Geltz,	McQuiddy,	Tyler,
Coleman,	Haluska,	Miller,	Wade,
Crider,	Heyburn,	Reed,	Walker,
Crowe,	James,	Ruth,	Watkins,
Deitrick,	Jaspan,	Scarlett,	Wilson, H. I.,
Dent,	Kephart,	Shapiro,	Woodward,
DiSilvestro,	Lanius,	Snowden,	Ziesenheim,

NAYS—0

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

He also presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Executive Nominations.

COMMISSIONER OF DEEDS

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 3, 1942.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate William Cawley, 3620 16th Street, N. W., Washington, D. C., for appointment as Commissioner of Deeds for the Commonwealth of Pennsylvania, with residence in Washington, District of Columbia, for the term of five years, to compute from the date of confirmation.

ARTHUR H. JAMES.

MESSAGE FROM THE GOVERNOR

The PRESIDENT. The Chair lays before the Senate message of Arthur H. James, Governor of Pennsylvania, to the General Assembly of Pennsylvania, dated March 2, 1942, which will be noted in the Journal.

HOUSE MESSAGES

TIME OF NEXT MEETING

The Clerk of the House of Representatives being introduced informed the Senate that the House has concurred in Resolution from the Senate as follows:

In the Senate, March 2, 1942.

Resolved, (if the House of Representatives concur), That when the Senate adjourns this week, it reconvene on Monday, March 9, 1942, at four o'clock, p. m., and when the House of Representatives adjourns this week, it reconvene on Monday, March 9, at nine o'clock, p. m.

SALARIES OF OFFICERS AND EMPLOYES

He also presented an extract from the Journal of the House of Representatives, which was twice read, considered and agreed to:

In the Senate, March 3, 1942.

Resolved (if the Senate concur), That the State Treasurer be and is hereby authorized to pay upon warrant of the Auditor General to each employe of the Senate and House of Representatives the salary or per diem compensation to which they are entitled under law for an Extraordinary Session of the General Assembly by virtue of the provisions of the Acts of Assembly under which they are elected or appointed; this resolution to be effective until the General Appropriation Law providing for the payment of the salaries of the employes of the Senate and the House of Representatives for the Extraordinary Session of 1942 is enacted into law.

Ordered, That the Clerk inform the House of Representatives accordingly.

MILEAGE FOR THE GENERAL ASSEMBLY

He also presented an extract from the Journal of the House, which was twice read as follows, considered and agreed to:

In the Senate, March 3, 1942.

Resolved (if the Senate concur), That the State Treasurer be and is hereby authorized to pay upon warrant of the Auditor General to each member of the General Assembly mileage to and from their homes at the rate of five cents per mile circular for each week a member was in actual attendance at the session of the Extraordinary Session of the General Assembly, (convened in Session on call of the Governor, February 17, 1942), by virtue of the provisions of the Act of Assembly approved the tenth day of May, A. D., 1927, P. L. 880.

Ordered, That the Clerk inform the House of Representatives accordingly.

EMPLOYE OF THE SENATE APPOINTED

Mr. CHAPMAN offered the following resolution which was twice read, considered and agreed to:

In the Senate, March 3, 1942.

Resolved, That the following person be elected an employe of the Senate, Extraordinary Session of 1942, to fill an existing vacancy:

ASSISTANT POSTMASTER

John Abey—Vice—William T. Schramm.

REPORTS FROM COMMITTEES

Mr. STEVENSON, from the Committee on Appropriations, reported as committed, Senate Bill No. 36, entitled:

An Act making an appropriation to the Committee appointed pursuant to Senate Concurrent Resolution number one hundred forty of the Regular Session of one thousand nine hundred forty-one, adopted July fifteenth, one thousand nine hundred forty-one, to report recommendations for Congressional re-apportionment.

Mr. McGINNIS, from the Committee on Judiciary General, reported as committed, Senate Bill No. 16, entitled:

An Act to provide relief in cases where fiduciaries are in military service; authorizing the court to appoint a substituted fiduciary pro tem in such cases or to allow the remaining fiduciaries to act; authorizing security to be entered by and compensation paid to such substituted fiduciaries pro tem; and regulating the powers and liabilities of the fiduciary in military service and of the substituted fiduciary pro tem.

Mr. REED. Mr. President, I wish that bill to be read. I am a member of the Committee on Judiciary General, I have been here since early this morning, and I did not hear any call for a meeting of that committee. I direct my protest at this time to tactics of that nature.

The bill was read as follows:

An Act to provide relief in cases where fiduciaries are in military service authorizing the court to appoint a substituted fiduciary pro tem in such cases or to allow the remaining fiduciaries to act authorizing security to be entered by and compensation paid to such substituted fiduciaries pro tem and regulating the powers and liabilities of the fiduciary in military service and of the substituted fiduciary pro tem

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Definitions When used in this act

(a) The term "fiduciary" shall include an executor administrator trustee under a will deed or declaration trustee durante absentia guardian of the estate of a minor weakminded person or habitual drunkard and committee of a lunatic

(b) The term "fiduciary" in military service shall include fiduciaries who are members of the armed forces of the United States or of any allied or associated power or who are detailed by proper authority for duty with such armed forces

Section 2 Whenever and for so long as any fiduciary is or shall be in military service the court having jurisdiction of the accounts of such fiduciary shall have power in its discretion

(a) To authorize the co-fiduciary or co-fiduciaries if any to exercise all of the powers of such fiduciary whether discretionary or ministerial or

(b) To appoint a substituted fiduciary pro tem to act in place of such fiduciary and to authorize such substituted fiduciary pro tem to exercise all of the powers and discretion of the fiduciary in military service

Section 3 The relief authorized by Section 2 of this act may be granted upon petition of any party in interest including the fiduciary in military service or any co-fiduciary It shall not be necessary to secure the joinder of any other party in interest in such petition but notice of the presentation of the petition shall be given to all parties in interest who are sui juris at such time and in such manner as the court may direct by general rule or special order

Section 4 Any substituted fiduciary pro tem appointed under the provisions of Section 2 of this act shall enter such security if any as the court may direct and shall receive such compensation as the court may allow Such substituted fiduciary pro tem shall be subject to the same duties and responsibilities with respect to accounting and otherwise during the period that he holds office as the fiduciary in military service would have been if not in such service

Section 5 Any decree entered pursuant to the provisions of Section 2 of this act shall remain in force until revoked by the court upon cause shown and no act done by any substituted fiduciary pro tem or co-fiduciary while such decree is in force shall be impeached on the ground that a fiduciary was not in or had ceased to be in military service

Section 6 So long as any decree entered pursuant to the provisions of Section 2 of this act remains in force the fiduciary named therein as being in military service shall exercise none of his or her fiduciary powers or discretion and shall be under no liability for any acts or omissions of the substituted fiduciary pro tem or of any co-fiduciary or co-fiduciaries during that period

Section 7 The court appointing a substituted fiduciary pro tem under the provisions of Section 2 of this act shall have the same powers of control removal discharge and settlement of the accounts of such substituted fiduciary as are conferred upon it by existing law with respect to other fiduciaries

RESOLUTION URGING REDUCTION OR ELIMINATION OF TOLL CHARGES

Messrs. SHAPIRO and CROWE offered the following resolution which was twice read,

In the Senate, March 3, 1942.

Whereas, The Nation is now engaged in a great war taxing the utmost capacity of its economic resources; and

Whereas, It is the duty of all loyal citizens to aid the Federal Government in the prosecution of the war effort; and

Whereas, The Federal Government is expending large sums of money in the transportation of its vehicles and equipment over various toll bridges throughout the Nation; and

Whereas, Such toll bridges are in existence in the Commonwealth of Pennsylvania, some being owned by individuals and private corporations and others being under the jurisdiction of joint authorities or commissions controlled by this Commonwealth and adjoining states; and

Whereas, A great saving would be effected in favor of the Government of the United States if the aforesaid toll charges would be reduced or eliminated for the duration of the national emergency; therefore be it

Resolved (if the House of Representatives concur), That the aforementioned private bridge companies and corporations are earnestly exorted and requested to enter into arrangements with the War and Navy Departments of the United States, whereby toll charges for the transportation of vehicles and equipment operated by the United States Government be reduced or eliminated for the duration of the present national emergency; and be it further

Resolved, That it is the suggestion and recommendation of this body, in so far as the Commonwealth of Pennsylvania is concerned, that the bridge commissions and authorities controlled by this Commonwealth and adjoining states, enter into arrangements with the War and Navy Departments of the Government of the United States, whereby toll charges for transportation of vehicles and equipment be reduced or eliminated for the duration of the national emergency; and be it further

Resolved, That a copy of this resolution be forwarded to toll bridge authorities, commissions and companies under the jurisdiction of and within the Commonwealth of Pennsylvania, including joint toll commissions and to the War and Navy Departments of the United States Government.

On the question,

Will the Senate agree to the resolution?

Mr. EDMONDS. Mr. President, reserving my right to object, I would like to ask the sponsor of this resolution as to whether or not in some cases we have not pledged those toll receipts to support bond issues, and in that event, what is our status under the resolution?

Mr. SHAPIRO. Mr. President, this, of course, is not a law, it is only a suggestion to those commissions, which can waive the toll charges, that they do so. If in any case there are pledges of the income which would prevent such a reduction in toll or its entire elimination, of course it would not happen.

Present available information is that the government would save many millions of dollars, in fact, probably a billion dollars a year, if these concessions would allow trucks to move across bridges within the state.

The answer to the question of the gentleman from Montgomery, Mr. Edmonds, is that where it can not be done, of course, this resolution would not apply.

Mr. EDMONDS. Mr. President I think that I might object, not from a malicious spirit, but I would like to make some inguiry myself, and I think it might be helpful to all of us to have the resolution in print before us.

Mr. SHAPIRO. I have no objection to that, Mr. President.

The PRESIDENT. There having been objection, the resolution is referred to the Committee on State Government.

RESOLUTION URGING PRESERVATION OF VIRGIN FOREST

Mr. STEVENSON. Mr. President, on behalf of my colleagues, Senator Chapman and Senator Stiefel, who have joined with me—I desire to present this resolution and ask for its immediate adoption.

This resolution covers a situation in Pennsylvania which I think we all should strive to preserve. In the County of Forest we have some of the original virgin timber of Pennsylvania, and it is proposed, at least the subject is being given consideration by the Federal Government, to erect numerous dams in that vicinity, which if consummated will spoil one of the beauty spots of Pennsylvania.

To our minds, Mr. President, this is rather a quixotic scheme and we believe that it should be opposed and some other proposition adopted in its stead.

Messrs. STEVENSON, CHAPMAN and STIEFEL offered the following resolution which was twice read:

In the Senate, March 3, 1942.

Whereas, The magnificent tract of virgin pine, comprising approximately 6,200 acres, known as Cook Forest Park, in the vicinity of the little town of Cooksburg, at the intersection of Jefferson, Forest and Clarion Counties, represents the last priceless heritage of the Forest Primeval in Pennsylvania; and

Whereas, The Cook Forest Association was formed nearly fifteen years ago to save this priceless tract of forest-cathedrals from the lumbermen's axe and preserve it as the property of the Commonwealth of Pennsylvania; and

Whereas, Through the untiring efforts and perseverance of said Cook Forest Association, its initiative and devotion to vision and purpose, a sum of $250,000 was raised by public subscription, of which about $10,000 was raised through tiny subscriptions made by school children throughout the Commonwealth, to thus match the appropriation of about $400,000 provided by the General Assembly of Pennsylvania; and

Whereas, The Cook Forest Park created in 1927 by Act of Assembly is one of the outstanding recreational grounds of Pennsylvania and one of the priceless possessions of our Commonwealth; and

Whereas, The Clarion River Power Company having failed in the past to build a dam on the Clarion River, which flows through Cook Forest, is again renewing its efforts under the pretext of present need for hydroelectricity; and

Whereas, A new proposal has been lately advanced before the Federal authorities by the Clarion River Power Company to build a dam approximately 250 feet high, which would flood the major portion of the forest, destroying the virgin timber, except that which is on higher ground and rendering the site useless for recreational purposes; and

Whereas, This proposal originally listed by the Clarion River Power Company as a flood control measure and now advocated by it as a defense project is totally untenable since hydroelectricity is now abundant in Western Pennsylvania, let alone that a long time would be required to build the dam, impound the water and build the power plants which would be fed by it; and

Whereas, It has been amply and ably demonstrated that if it were absolutely necessary to dam the Clarion River for the generation of hydroelectricity and flood control, two smaller dams would accomplish the purpose without sacrificing the primeval Cook Forest Park; now be it, therefore

Resolved, That the Senate of Pennsylvania memorialize each member of the Congressional delegation from Pennsylvania to oppose the proposed erection of the dam on the Clarion River, which will result in the inundation and destruction of the Cook Forest Park; and be it further

Resolved, That the Secretary of the Senate forward copies of this Resolution to each member of the Congressional delegation from Pennsylvania.

MOTION TO SUSPEND RULE 39

Mr. STEVENSON. Mr. President, I ask unanimous consent that Rule 39, which requires resolutions be referred to an appropriate committee, be suspended and the Senate do now proceed to the consideration of the resolution just read.

The PRESIDENT. Is there objection. The Chair hears none.

On the question,

Will the Senate agree to the resolution,

It was agreed to.

Ordered, That the Clerk present the same to the House of Representatives for concurrence.

Mr. SHAPIRO. Mr. President, I wish to be recorded as voting against the resolution.

The PRESIDENT. The vote of the Senator from Philadelphia will be so noted.

HOUSE MESSAGE

HOUSE BILL FOR CONCURRENCE

The Clerk of the House of Representatives being introduced presented for concurrence bills of the House, as follows:

House Bill No. 10, (Senate Bill No. 39), entitled:

An Act to further amend section six hundred twenty-eight, and to amend section six hundred twenty-nine of the act approved the third day of June, one thousand nine hundred thirty-seven (P. L. 1333), entitled "Pennsylvania Election Code," extending the time within which writs of election may issue for holding special elections to fill vacancies occurring in either house of the General Assembly, and the time within which nominations therefore may be filed.

Which was committed to the Committee on Elections.

BILL RECOMMITTED

Mr. GELTZ. Mr. President, I move that Senate Bill No. 21, on third reading, entitled:

An Act authorizing political subdivisions to appropriate funds to local or district councils of defense, to borrow

money under certain conditions for such purposes, providing for the repayment thereof, and ratifying confirming and validating appropriations heretofore made for said purposes.

be recommitted to the Committee on County Government.

Mr. CROWE. Mr. President, I second the motion.

The motion was agreed to.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 25, as follows:

A Joint Resolution proposing an amendment to section thirteen Article three of the Constitution of the Commonwealth of Pennsylvania

The General Assembly of the Commonwealth of Pennsylvania hereby resolves as follows

Section 1 The following amendment to the Constitution of the Commonwealth of Pennsylvania be and the same is hereby proposed in accordance with the eighteenth article thereof

Section thirteen of article three is hereby amended to read as follows

Section 13 No law shall extend the term of any public officer or increase or dimniish his salary or emoluments after his election or appointment or fix or regulate the compensation of appointed officers and employes of local governments other than school districts

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill?

Mr. CAVALCANTE. Mr. President, this joint resolution proposes to amend article three, section thirteen of the Constitution. That section and article of the Constitution now reads:

"No law shall extend the term of any public officer or increase or diminish his salary or emolument after his election or appointment."

It would seem that the section would prohibit the Legislature from enacting any law that would increase or diminish the salary of a public officer, or to increase or diminish the term of a public officer. Generally we know the meaning of the term public officer, and this particular section has been applied repeatedly to laws passed by the General Assembly which tend to increase or diminish the term or the salary of a public officer. It applies to members of the General Assembly; it applies to the Governor of the Commonwealth of Pennsylvania; it applies to all his Cabinet Officers; it applies to all county officials; it applies to all township officials; it applies to all school district officials, in fact it applies to all officers who are denominated public officers.

In the year 1903 the General Assembly passed an act increasing the salaries of the judges of the Supreme, Superior and lower courts of this Commonwealth. The State Treasurer of that time refused to pay the increased salaries on the theory that the act was unconstitutional, and that it contravened this particular article and section of the Constitution. He contended that judges were public officers and covered by this article and section of the Constitution. That dispute between the State Treasurer and the judges went before the Supreme Court itself. Here then we had a case where the Judges of the Supreme Court were called upon to determine whether they should receive this increase in salary or not, and whether they were public officers under the meaning of this article and section of the Constitution.

Mr. President, it may be alarming to some, and not alarming to others, but I would say that to the individual with a sober mind, a well balanced individual, he would presume that a judge is a public officer and therefore would come under the prohibition contained in this article and section of the Constitution, but I view the decision with amazement, as I think many other citizens of the Commonwealth of Pennsylvania view the decision. The Supreme Court held that they were not public officers under this article and section of the Constitution. They said in part:

"The provision of article three, section thirteen of the Constitution, that no law shall extend the term of any public officer or increase or diminish his salary or emolument after his election or appointment, has no application to the judiciary and can not be read into the judicial article which refers to a separate and coordinate branch of the government."

Well, Mr. President, if we apply that reasoning to our Constitution, then this section does not apply to county officers, because whenever you inspect the Constitution of this Commonwealth you find that article fourteen of the Constitution deals with the subject of county officers, and so, therefore, if article fourteen of the Constitution does not contain a prohibition against acts which would increase or diminish the term or salary of a county officer, then we could enact laws to increase or diminish the term or salary of a county officer, but that same Supreme Court has held in their own case that this article and section of the Constitution does not apply to them, because they are dealt with exclusively under an article of the Constitution, while with the next breath they decide that this section does not cover the case of a county officer, notwithstanding that the same reasoning applies to county officers.

In my opinion, the decision of the Supreme Court was a judicial monstrosity, but it now remains on the books of this Commonwealth and I think that while we have this article and section of the Constitution for amendment, I think that we ought to correct it so as to make it apply to public officers, all of them, and to clear the conscience at least of the Supreme Court in this matter that they are not public officers. They are public officers. There is not an individual, there is not a citizen, a taxpayer in the Commonwealth of Pennsylvania, who does not believe that a Judge is a public officer. Certainly they are public officers. It was simply a strained and unique judicial construction placed upon the Constitution in order to exclude them from this prohibition.

Mr. President, I have prepared an amendment to this bill, and I would want to add the words "judge or" at the end of line seven of this resolution. With that in mind, I ask unanimous consent to offer this amendment at this time to this bill, but before that amendment is read I would like to insert in the record the case of Commonwealth ex rel the Attorney General vs. Mathues, appellant, found in volume 210 Pa. at page 372.

Mr. CAVALCANTE. Mr. President, I ask unanimous consent to offer an amendment.

The PRESIDENT. Is there objection? The Chair hears none.

The Clerk read the amendment as follows:

Amend, Section 1, page 1, line 7, by adding at the end thereof after the word "any" the following: "judge or"

On the question,

Will the Senate agree to the amendment?

Mr. MALLERY. Mr. President and members of the Senate, this joint resolution is in my opinion a very important resolution. We hear a great deal about home rule, especially during elections. During elections I have yet failed to hear any candidate for office state that he is not in favor of home rule.

This resolution has been sponsored by the Local Government Commission, which has strenuously adhered to the principle of home rule ever since the Commission was established, and this resolution, if finally it should become law, would prohibit the legislature from fixing or regulating the compensation of appointed officers and employes of local governments, other than those of school districts. We excepted the school districts, because the state does contribute to the cost of operating our schools. It does seem to me to be a fair proposition that if the state is not going to contribute towards the compensation of officers and employes of local governments that we should not here in Harrisburg regulate salaries of local government employes. That is all that this resolution attempts to do.

I do not know whether I want to agree or disagree with what the Senator from Fayette attempts to do. I can see an argument against his proposition. All other officers, all other state officials, other than judges, hold office for no longer a term than four years. We might have this situation, if we were to incorporate in this amendment the Senator's idea, that a judge might be elected to office and one year after he is elected, the Legislature might decide, in its wisdom, it is a good thing to increase the salaries of Judges. If the Senator's amendment were to prevail, a Judge elected after the Legislature acted would receive the increased salary, and another Judge who had been elected for only one year or for six months or any period of time prior to that would not be able to receive the increase in salary, but that I am not concerned with, and I know that the sponsors of this resolution are not concerned with it, and for that reason, as I say, I am not passing upon the merits of the Senator's proposed amendment. I would suggest to him that the same proposition might properly be taken care of by offering his amendment to article five, section eighteen, of the Constitution, which provides as follows: "The judges of the Supreme Court and the judges of the several courts of Common Pleas, and all other judges required to be learned in the law, shall at stated times receive for their services an adequate compensation, which shall be fixed by law, and paid by the state. They shall receive no other compensation, fees or perquisites of office for their services from any source, nor hold any other office of profit under the United States, this State or any other State."

For those reasons, Mr. President, I would ask that the amendment of the Senator from Fayette be voted down.

And the question recurring,

Will the Senate agree to the amendment.

The yeas and nays were required by Mr. CAVALCANTE and were as follows, viz:

YEAS—12

Barr,	Frey,	Lanius,	McQuiddy,
Cavalcante,	Haluska,	McCreesh,	Reed,
DiSilvestro,	Jaspan,	McGinnis,	Ruth,

NAYS—33

Bartlett,	Ealy,	Mallery,	Taylor,
Becker,	Edmonds,	Miller,	Thomas,
Carr,	Farrell,	Scarlett,	Tyler,
Chapman,	Geltz,	Shapiro,	Wade,
Coleman,	Homsher,	Snowden,	Watkins,
Crider,	James,	Stevenson,	Wilson, H. I.,
Crowe,	Kephart,	Stiefel,	Woodward,
Deitrick,	Letzler,	Tallman,	Ziesenheim,
Dent,			

So the question was determined in the negative.

And the question recurring,

Will the Senate agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. KEPHART. Mr. President, I am going to be forced to vote against this resolution, chiefly by reason of the words "officers and" in line ten. I can understand why the legislature should not fix the compensation of employes of local governments, but when we abdicate our power to fix the salaries of officers who are in control of the local governments and who will fix their own salaries thereafter, I feel that is fundamentally unsound, and therefore I am going to vote against this resolution.

And the qustion recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—40

Barr,	Ealy,	Letzler,	Stiefel,
Bartlett,	Edmonds,	Mallery,	Tallman,
Becker,	Frey,	McCreesh,	Taylor,
Carr,	Geltz,	McGinnis,	Thomas,
Chapman,	Haluska,	McQuiddy,	Tyler,
Coleman,	Heyburn,	Miller,	Wade,
Crider,	Homsher,	Scarlett,	Watkins,
Crowe,	James,	Shapiro,	Wilson, H. I.,
Deitrick,	Jaspan,	Snowden,	Woodward,
DiSilvestro,	Lanius,	Stevenson,	Ziesenheim,

NAYS—5

Cavalcante,	Kephart,	Reed,	Ruth,
Farrell,			

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Mr. SHAPIRO. Mr. President, I voted for this bill because I think the time has come when local governments should be given the right to fix salaries for their own employes. I regret, however, and want to note of record that this bill does not go far enough. It only deals with appointed employes and not with elected employes. This legislature, time after time, has told local governments how much they shall pay their elected officials, without knowing whether or not they can pay that much or whether the officials are worth more or less, and it

seems to me a waste of time, to amend the Constitution to provide only that we shall not interfere with local governments to the extent of appointed officials.

I hope, Mr. President, before this bill goes through the legislature, that somebody will agree with me and have it amended in the House.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 35, as follows:

An Act authorizing the Department of Highways to construct replace or repair bridges in cities of the third class which form connecting links on State highways necessary for National defense in cases where Federal funds and city funds are available for such purposes and authorizing the Secretary of Highways to enter into agreements with the proper Federal authorities and the authorities of cities of the third class covering the construction replacement or repair of such bridges and making an appropriation

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Whenever Federal emergency funds and city funds are available therefor, the Department of Highways is hereby authorized to construct replace or repair bridges in cities of the third class which form connecting links on State highways which have been or may be designated by and Federal agency or department as essential to National defense

Section 2 The cost and expense of the construction replacement or repair of such bridges shall be paid in whole or in part from Federal emergency funds made available for such purpose and where sufficient Federal emergency funds are not available to pay the entire cost of such construction replacement or repair the city in which such bridge is located shall provide and pay the balance thereof Except as hereinafter specifically provided in this act no construction replacement or repair costs or property damages shall be paid out of the Motor License Fund or out of any Federal aid appropriations made to the Commonwealth of Pennsylvania by the Federal government for the construction of State highways and bridges

Section 3 Any damage sustained by reason of the condemnation of property for the construction replacement or repair of such bridges shall be paid by the city wherein such bridge is located or the city shall provide for the payment of such damages and shall enact any ordinance necessary to effect the condemnation of property for such construction replacement or repair

Section 4 The Department of Highways shall have authority to advertise and receive bids for any project undertaken under the provisions of this act and to make and carry out contracts and to do every other act necessary to carry out any project undertaken hereunder and is hereby authorized to make the necessary surveys and prepare the necessary plans specifications and estimates for such project and to furnish such employes as may be necessary to provide supervision inspection and preparation of estimates for payment the costs incident thereto to be paid out of moneys in the Motor License Fund whenever the Federal government has approved such project and has indicated that it will reimburse the Commonwealth of Pennsylvania in full for its expenditures therefor from Federal funds other than Federal aid appropriations made to the Commonwealth for the construction of State highways and bridges the Department of Highways may also pay construction replacement and repair costs out of the Motor License Fund in anticipation of such reimbursement by the Federal government

Section 5 The Secretary of Highways is hereby authorized to enter into agreements with the proper Federal authorities and with the authorities of cities of the third class covering the construction replacement or repair of bridges as authorized by this act Any city with which such an agreement is made shall agree therein to pay to the State Treasurer before any contract is awarded as herein provided a sum stated and agreed upon in such agreement as the city's share of the cost and said sum or sums when so paid shall be deposited by the State Treasurer in a special account in the Motor License Fund from which special account payments on the contract shall be made on proper requisition of the Department of Highways If the initial amount deposited by any city is insufficient to pay the city's share of any project the city shall make such additional deposits as may be necessary to pay the city's total share of the cost and any balance remaining in such special account after payment of the final moneys to the contractor shall be repaid to the city upon proper requisition of the Department of Highways

Section 6 If any bridge to be constructed replaced or repaired under the provisions of this act crosses the tracks of a public utility the Department of Highways shall institute proceedings to secure the requisite approval of the Public Utility Commission of the Commonwealth of Pennsylvania

Section 7 The moneys in the Motor License Fund including moneys standing to the credit of the special account in the Motor License Fund created by this act are hereby appropriated to the Department of Highways for the purposes set forth in this act

Section 8 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Edmonds,	Letzler,	Stevenson,
Bartlett,	Farrell,	Mallery,	Stiefel,
Becker,	Frey,	McCreesh,	Tallman,
Carr,	Geltz,	McGinnis,	Taylor,
Cavalcante,	Haluska,	McQuiddy,	Thomas,
Chapman,	Heyburn,	Miller,	Tyler,
Coleman,	Homsher,	Reed,	Wade,
Crider,	James,	Ruth,	Watkins,
Crowe,	Jaspan,	Scarlett,	Wilson, H. I.,
Deitrick,	Kephart,	Shapiro,	Woodward,
DiSilvestro,	Lanius,	Snowden,	Ziesenheim,
Ealy,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 31, on second reading, entitled:

An Act making available the services of recipients of general assistance under certain circumstances by permitting them to earn a limited amount of money in work essential to the prosecution of the existing war in which the United States of America is engaged without forfeiting their right to assistance or any part thereof.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

RECESS

Mr. GELTZ. Mr. President, I move that the Senate do now take a recess until 4:00 o'clock, p. m.

Mr. WOODWARD. Mr. President, I second the motion.

The motion was agreed to.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed the Senate will be in order.

REPORT FROM COMMITTEE

Mr. COLEMAN. Mr. President on behalf of Senator Barr, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. COLEMAN on behalf of Senator Barr, from the Committee on County Government, re-reported as amended, Senate Bill No. 21, entitled:

An Act authorizing certain political subdivisions to make appropriations for the payment of expenses of local or district councils of defense within said political subdivisions and for the protection or preparation for the protection of the health, welfare and safety of the civilian population of said political subdivision during emergencies resulting from air raids, blackouts or sabotage; regulating the manner of payment of expenses or local and district councils of defense; authorizing such political subdivisions to levy taxes and borrow money under certain conditions for such purposes providing for the repayment thereof and ratifying confirming and validating appropriations heretofore made for said purposes.

PERSONAL PRIVILEGE

Mr. JAMES. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The gentleman from Bucks will proceed.

Mr. JAMES. Mr. President, on behalf of the Senator from Bucks, I desire to express to the President of this body his appreciation of the gracious invitation extended to him yesterday to pronounce the invocation at the meeting of the Senate. The Senator from Bucks was not so much flattered by the invitation as he was overwhelmed and flabbergasted, and it was with great relief he welcomed the action of the President of the Senate in transferring the honor from his shoulders to the competent shoulders of the Senator from Berks.

May I suggest to the presiding officer that if in the future he intends to call upon the Senator from Bucks to pronounce the invocation, in the absence of the Chaplain, that he give him due notice in order that the gentleman from Bucks may prepare a fitting invocation, one of which he might be proud and one by which the Senators might benefit.

Therefore I am not sure at all whether or not the reputation of the Senator from Bucks has been benefited or otherwise by the invitation extended by the President of this body but I want to assure the Senator from Berks when he pronounced this beautiful oration at the beginning of the session that as an invocator the Senator from Bucks is not proud of his extemporaneous ability. Thank you very much.

RECONSIDERATION OF SENATE BILL No. 3

Mr. CARR. Mr. President, I move that the Senate do now reconsider the vote by which Senate Bill No. 3, entitled:

A Joint Resolution proposing an amendment to article nine, section eight of the Constitution of the Commonwealth of Pennsylvania, further regulating indebtedness of political subdivisions.

was defeated finally, February 25, 1942.

The PRESIDENT. How did the Senator vote?

Mr. CARR. Mr. President, I voted "nay."

Mr. TAYLOR. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. TAYLOR. Mr. President, I voted "nay."

On the question,

Will the Senate agree to motion?

Mr. WOODWARD. Perhaps the less I say the better. I just want to make one point, that I believe the majority of the Legislature favors a graduated income tax, which is bound to come sooner or later, and I simply want to remind the Senate that Senator Ruth succeeded last session in passing, a constitutional amendment for a graduated income tax, and if he succeeds at the next session, it goes before the people in 1943. The people will probably vote it down, if they have to pay both an income tax and a personal property tax. No intelligent voter wants to do that, but if we hold out the hope that we are going to repeal the personal property tax, it makes it much more likely that Senator Ruth's income tax amendment will succeed, and therefore I submit to the Democrats and Republicans that this proposed Constitutional amendment of mine is an ally of Senator Ruth's income tax bill and I hope there will be twenty-six votes for it. It has to go through another session, by the way, and if any of my friends want to give me a compliment this time, he can turn around and vote against it the next time.

On the question,

Will the Senate agree to the motion?

The yeas and nays were required by Mr. WOODWARD, and were as follows, viz:

YEAS—23

Bartlett,	Ealy,	Ruth,	Tyler,
Becker,	Edmonds,	Scarlett,	Wade,
Carr,	Geltz,	Shapiro,	Watkins,
Crider,	Homsher,	Snowden,	Wilson, H. I.,
Crowe,	Letzler,	Tallman,	Woodward,
Deitrick,	Mallery,	Taylor,	

NAYS—13

Chapman,	Haluska,	Lanius,	Miller,
Coleman,	James,	McCreesh,	Stiefel,
DiSilvestro,	Jaspan,	McGinnis,	Thomas,
Farrell,			

So the question was determined in the affirmative.

And the question recurring,

Will the Senate agree to the bill on third reading?

BILL OVER IN ORDER

Mr. WOODWARD. Mr. President, I ask unanimous

consent that Senate Bill No. 3, on third reading, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

MOTION TO READ BILLS THE FIRST TIME

Mr. GELTZ. Mr. President, I move that the Senate do now proceed to the first reading of all bills reported from committees for the first time at today's session.

Mr. SCARLETT. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 16, entitled:

An Act to provide relief in cases where fiduciaries are in military service; authorizing the court to appoint a substituted fiduciary pro tem in such cases or to allow the remaining fiduciaries to act; authorizing security to be entered by and compensation paid to such substituted fiduciaries pro tem; and regulating the powers and liabilities of the fiduciary in military service and of the substituted fiduciary pro tem.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 36, entitled:

An Act making an appropriation to the Committee appointed pursuant to Senate Concurrent Resolution number one hundred forty of the Regular Session of one thousand nine hundred forty-one, adopted July fifteenth, one thousand nine hundred forty-one, to report recommendations for Congressional re-apportionment.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

ADJOURNMENT

Mr. GELTZ. Mr. President, I move that the Senate do now adjourn until Wednesday, March 4, 1942, at 1:00 o'clock, p. m. Eastern War Time.

Mr. EALY. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 4:37 o'clock, p. m. Eastern War Time until Wednesday, March 4, 1942, at 1:00 o'clock, p. m., Eastern War Time.

HOUSE OF REPRESENTATIVES

TUESDAY, March 3, 1942.

The House met at 1 p. m.

The SPEAKER (Elmer Kilroy) in the Chair.

PRAYER

The Chaplain, Rev. Donald McFall, offered the following prayer:

Dear Lord and Master, we feel the need of Thy cheering presence today. Be Thou very near to each one within this House of Representatives.

Help us Lord to dare to be brave, to dare to be true. May we attach our faith to better things than appear in this imperfect world, and walk with Thee, our God. We know that there must be something more, something finer, something beyond our sight, therefore we beseech Thee to translate this hope into assurance and experience through our faith in a living God. As Thy children, may we make it a daily practice to place our trust in Thee. In Jesus' name we pray. Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of yesterday.

The Clerk proceeded to read the Journal of yesterday, when, on motion of Mr. ELDER, unanimously agreed to, the further reading was dispensed with and the Journal approved.

BILLS INTRODUCED AND REFERRED

By Mr. MATTHEW J. WELSH. HOUSE BILL No. 27.

An Act authorizing the Department of Highways to construct, repair or rebuild certain bridges in cities of the third class which are deemed necessary for national defense purposes; defining the powers and duties of said department; and making an appropriation.

Referred to the Select Committee on Special Session Legislation.

By Mr. LOVETT. HOUSE BILL No. 28.

An Act to further amend clause (g) as added to section one thousand one hundred and ten of the act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," suspending during the period of present hostilities and for one year thereafter, the requirement that all electrically operated traffic signals shall be made to conform with provisions of said act and the regulations of the Secretary of Highways.

Referred to the Select Committee on Special Session Legislation.

By Messrs. MELCHIORRE and D'ORTONA.
HOUSE BILL No. 29.

An Act relating to air raid precautions and the prevention of sabotage in cities of the first class; creating a Board of Inspection in the Department of Public Works in such cities; imposing powers and duties on such boards and any lessee of water and gas mains owned by such cities, and repealing inconsistent legislation.

Referred to the Select Committee on Special Session Legislation.

By Mr. PRESLEY N. JONES. HOUSE BILL No. 30.

An Act to amend eight hundred ten of the act, approved the twenty-fourth day of June, one thousand nine hundred thirty-nine (P. L. 872), entitled "An act to consolidate, amend and revise the penal laws of the Commonwealth," by prohibiting the taking or stealing of any tire or tube from a motor vehicle, providing penalties therefor, and increasing the penalties for taking or stealing motor vehicles.

Referred to the Select Committee on Special Session Legislation.

By Mr. HOLLAND. HOUSE BILL No. 31.

An Act suspending certain laws relating to the use of the facilities of four State teachers' colleges to be selected by the State Council of Education after conferring with their boards of trustees; and providing for their conversion by the Department of Public Instruction into vocational training centers for defense industry, or their being made available to Federal or State agencies, for such purposes.

Referred to the Select Committee on Special Session Legislation.

By Messrs. READINGER and WILKINSON.
HOUSE BILL No. 32.

An Act providing that courts of common pleas shall stay writs of execution against, and tax sales of, real property in certain cases; providing for the continuance of return days of writs of execution and authorizing sales thereon without issuance of further writs.

Referred to the Select Committee on Special Session Legislation.

SENATE MESSAGES

SENATE BILLS FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence bills numbered and entitled as follows:

SENATE BILL No. 19. (HOUSE BILL No. 33).

An Act to protect property by prohibiting certain unlawful entries on injuries to and interference with property and waters and attempts or conspiracies to do so authorizing the closing of highways or the regulation or restriction of travel thereon conferring powers on the Water and Power Resources Board and on peace officers watchmen guards and supervisors and providing penalties.

Referred to the Select Committee on Special Session Legislation.

SENATE BILL No. 26. (HOUSE BILL No. 34).

A Joint Resolution proposing an amendment to article eight section eleven of the Constitution of the Commonwealth of Pennsylvania.

Referred to the Select Committee on Special Session Legislation.

BILL INTRODUCED AND REFERRED

By Messrs. WEISS and MAXWELL.
HOUSE BILL No. 35.

An Act to amend section eight of the act, approved the nineteenth day of March, one thousand nine hundred forty-one (P. L. 3), entitled "An act providing for the organization, government, discipline, maintenance and regulation of an additional land force to be known as the Pennsylvania Reserve Defense Corps for the defense of the Commonwealth during any period of time in which the National Guard of Pennsylvania, or any part thereof, shall be in active service of the United States," by providing pay for officers and enlisted men for certain services.

Referred to the Select Committee on Special Session Legislation.

RESOLUTIONS INTRODUCED AND REFERRED

By Mr. WEISS. RESOLUTION No. 13.

In the House of Representatives, March 2, 1942.

Whereas, The Governor of this Commonwealth and the State Council of Defense have cooperated in the appointment of local draft and tire rationing boards throughout the Commonwealth; and

Whereas, The activities of said boards have expanded beyond the original purpose of their creation, and will, in the future, be called upon to act on matters affecting the daily lives of all the citizens of this Commonwealth; and

Whereas, It is imperative in matters affecting the general welfare of all our citizens that such appointed bodies and boards be truly representative of all the citizens; and

Whereas, It is a matter of common knowledge that labor, which represents the greatest portion of our citizenry, has not been proportionately or even adequately recognized in the appointments to said boards; therefore be it

Resolved, That the House of Representatives hereby requests the Governor of this Commonwealth and the State Council of Defense to fully reexamine the membership of all local draft and rationing boards and make such changes as are required to provide proper representation thereon for labor; and be it further

Resolved, That the Chief Clerk of the House submit a copy of this resolution to the Governor of the Commonwealth and to the State Council of Defense, so that appropriate action may be initiated.

Referred to the Select Committee on Special Session Legislation.

By Mr. KNOBLE. (Concurrent) RESOLUTION No. 14

In the House of Representatives, March 2, 1942.

The long hours of service provided for the public by gasoline stations are a serious deterrent to national defense and to the early start of our military offensive.

The man power necessary to keep these stations open for the convenience of the public deprives the nation of many hours of effort that could be used in war work.

The electric current used in gasoline stations during the hours of darkness offsets the saving of current brought about by the adoption of the new War Time and

provides a beacon for the convenience and guidance of enemy bombers.

The operation of these stations at night is unnecessary for the traveling public and contributes nothing to the public good, therefore be it

Resolved (if the Senate concurs) that the General Assembly of the Commonwealth of Pennsylvania hereby requests His Excellency, the Governor of the Commonwealth, to issue his proclamation calling upon the owners and operators of all gasoline service stations and outlets to immediately cease the operation thereof between the hours of seven o'clock, p. m., and seven o'clock a. m., War Time and, if necessary, to use the full war time powers of his office and those of the State Council of Defense to compel full compliance therewith and be it further

Resolved that a copy of this resolution be immediately transmitted to His Excellency, the Governor, by the Secretary of the Senate and the Chief Clerk of the House of Representatives.

Referred to the Select Committee on Special Session Legislation.

LEAVE OF ABSENCE

By unanimous consent leave of absence was granted as follows:

Mr. BRETH for himself for the remainder of the week after today.

Mr. Achterman for Mr. VOGT for the remainder of the week.

Mr. Gerard for Mr. BENTLEY for the remainder of the week.

Mr. ELY for himself for the remainder of the week after today.

Mr. HARMUTH for himself for the remainder of the week after today.

Mr. FINESTONE for himself for the remainder of the week after today.

BILL ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 20, (Senate Bill No. 27), entitled:

An Act to provide for the expenses of the extraordinary session of the Legislature assembled February seventeenth one thousand nine hundred forty-two in pursuance of the proclamation of the Governor of the Commonwealth dated February tenth one thousand nine hundred forty-two and the supplement thereto.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

BILL ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 11, entitled:

An Act to further amend section eight hundred twenty-eight of the act approved the first day of May one thousand nine hundred twenty-nine (P. L. 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" authorizing the Secretary of Revenue during the period of national emergency to suspend the operation of certain provisions of this act relating to school busses when such provisions conflict with priority claims for material

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 10, as follows:

An Act to further amend section six hundred twenty-eight and to amend section six hundred twenty-nine of the act approved the third day of June one thousand nine hundred thirty-seven (P. L. 1333) entitled "An act concerning elections including general municipal special and primary elections the nomination of candidates primary and election expenses and election contests creating and defining membership of county boards of elections imposing duties upon the Secretary of the Commonwealth courts county boards of elections county commissioners imposing penalties for violation of the act and codifying revising and consolidating the laws relating thereto and repealing certain acts and parts of acts relating to elections" extending the time within which writs of election may issue for holding special elections to fill vacancies occurring in either house of the General Assembly and the time within which nominations therefor may be filed

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section six hundred twenty-eight of the act approved the third day of June one thousand nine hundred thirty-seven (P. L. 1333) entitled "An act concerning elections including general municipal special and primary elections the nomination of candidates primary and election expenses and election contests creating and defining membership of county boards of elections imposing duties upon the Secretary of the Commonwealth courts county boards of elections county commissioners imposing penalties for violation of the act and codifying revising and consolidating the laws relating thereto and repealing certain acts and parts of acts relating to elections" as amended by the act approved the sixteenth day of May one thousand nine hundred forty (1941 P. L. 948) is hereby further amended to read as follows

Section 628 Special Elections for Senator and Representative in the General Assembly Whenever a vacancy shall occur in either house of the General Assembly whether or not it then be in session the presiding officer of such house shall issue [within ten days after the happening of said vacancy] a writ of election to the proper county board or boards of election and to the Secretary of the Commonwealth for a special election to

fill said vacancy which election shall be held on a date named in the writ which shall be not less than thirty (30) days after the issuance of said writ The presiding officer may fix in such writ of election the date of the next ensuing primary municipal or general election as the date for holding any such special election Provided however That should the Governor after the issuance of the said writ of election advise the presiding officer that the General Assembly will be called into extraordinary session prior to the date set for such special election the presiding officer may countermand the writ theretofor issued and shall issue a new writ of election fixing therein such earlier date therefor as is deemed expedient but which shall not be less than thirty (30) days after the issuance of said writ

Section 2 Section six hundred twenty-nine of said act is hereby amended to read as follows

Section 629 Nominations for Special Election for Representative in Congress Senator and Representative in the General Assembly Candidates to fill vacancies in the offices of Representative in Congress and Senator and Representative in the General Assembly shall be nominated by political parties in accordance with the party rules relating to the filling of vacancies by means of nomination certificates in the form prescribed in section 630 of this act and by political bodies by means of nomination papers in accordance with the provisions of sections 951 952 and 954 of this act Said nomination certificates and nomination papers shall be filed in the office of the Secretary of the Commonwealth not later than [ten (10) days after the issuance of] the twentieth day before the day of election named in the writ of election

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—175

Achterman,	Foor,	McClester	Royer,
Auker,	French,	McDermott	Rush,
Baker,	Gates,	McDowell	Sarge,
Balthaser,	Gerard,	McFall	Sarraf,
Baugher,	Gillan,	McIntosh,	Scanlon,
Bentzel,	Greenwood,	McKinney,	Schwab,
Boorse,	Gross,	McLanahan,	Serrill,
Bower,	Gyger,	McLane,	Shaw,
Breth,	Haberlen,	McMillen,	Shepard,
Bretherick,	Hall,	McSurdy,	Simons,
Brown,	Hamilton,	Melchiorre,	Snyder,
Brunner, C. H.,	Hare,	Mihm,	Sollenberger,
Brunner, P. A.,	Harris,	Modell,	Sorg,
Burns,	Heatherington,	Monks,	Stambaugh,
Burris,	Helm,	Mooney,	Stank,
Cadwalader,	Hering,	Moran,	Stine,
Chervenak,	Herman,	Muir,	Stockham,
Chudoff,	Hersch,	Munley,	Tarr,
Cohen, M. M.,	Hewitt,	Nagel,	Tate,
Cohen, R. E.,	Hirsch,	Nunemacher,	Thompson, E. F.,
Cook,	Huntley,	O'Connor,	Thompson, R. L.,
Cooper,	Imbrie,	O'Dare,	Trout,
Cordier,	James,	O'Mullen,	Turner,
Corrigan,	Jefferson,	O'Neill,	Van Allsburg,
Croop,	Jones, G. E.,	Owens,	Vincent,
Cullen,	Keenan,	Petrosky,	Voldow,
Dalrymple,	Kline,	Pettit,	Wagner,
Dennison,	Knoble,	Polaski,	Watkins,
DiGenova,	Kolankiewicz,	Polen,	Weingartner,
Dix,	Komorofski,	Powers,	Weise,
Dolon,	Krise,	Prosen,	Welsh, E. B.,
D'Ortona,	Lee, E. A.,	Rank,	Welsh, M. J.,
Early,	Lee, T. H.,	Rausch,	Williams,
Eckels,	Leisey,	Readinger,	Winner,
Elder,	Leonard,	Reagan,	Wolf,
Elliott,	Lesko,	Reese, D. P.,	Wood, L. H.,
Ely,	Leydic,	Reese, R. E.,	Wood, N.,
Falkenstein,	Lichtenwalter,	Regan,	Woodring,
Finestone,	Longo,	Reynolds,	Wright,
Finnerty,	Lovett,	Rhea,	Yeakel,
Fisher,	Lyons,	Riley,	Young,
Fiss,	Marks,	Rooney,	Kilroy,
Fleming,	Maxwell,	Rose, S.,	Speaker.
Fletcher,	McClanaghan,	Rosenfeld,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

RESOLUTIONS

SALARIES OF PER DIEM EMPLOYES

Mr. ACHTERMAN offered a resolution and asked and obtained unanimous consent for its immediate consideration.

The resolution was twice read, considered and adopted as follows:

In the House of Representatives, March 3, 1942.

Resolved (if the Senate concur), That the State Treasurer be and is hereby authorized to pay upon warrant of the Auditor General to each employe of the Senate and House of Representatives the salary or per diem compensation to which they are entitled under law for an Extraordinary Session of the General Assembly by virtue of the provisions of the Acts of Assembly under which they are elected or appointed; this resolution to be effective until the General Appropriation Law providing for the payment of the salaries of the employes of the Senate and the House of Representatives for the Extraordinary Session of 1942 is enacted into law.

Ordered, That the Clerk present the same to the Senate for concurrence.

MILEAGE OF MEMBERS

Mr. ACHTERMAN offered a resolution and asked and obtained unanimous consent for its immediate consideration.

The resolution was twice read, considered and adopted as follows:

In the House of Representatives, March 3, 1942.

Resolved (if the Senate concur), That the State Treasurer be and is hereby authorized to pay on warrant of the Auditor General to each member of the General Assembly mileage to and from their homes at the rate of five cents per mile circular for each week a member was in actual attendance at the session of the Extraordinary Session of the General Assembly, (convened in Session on call of the Governor February 17, 1942) by virtue of the provisions of the Act of Assembly approved the tenth day of May, A. D. 1927, P. L. 880.

Ordered, That the Clerk present the same to the Senate for concurrence.

BIRTHDAY CONGRATULATIONS

Messrs. POLEN and PETTIT offered a resolution which was twice read, considered and adopted as follows:

In the House of Representatives, March 3, 1942.

Tuesday, March 3rd, marks the eightieth birthday of the Honorable Perry E. Wright, well known member of this House of Representatives from Greene County.

Mr. Wright was born in Wind Ridge on March 3, 1862, the son of John M. and Hester A. Caseman Wright. He

was married to the former Lizzie Ferrell, who died January 22, 1941. He has four children.

Mr. Wright was postmaster at Wind Ridge from 1911 to 1913, and from the year 1936 to the year 1939 he was the register and recorder of Greene County.

During his long life, Mr. Wright has been active in civic and religious matters and, in 1924, was named by the State Sabbath School Association as a delegate to the World Sabbath School Convention at Glasgow, Scotland.

The attainment of the age of eighty years is an occasion always worthy of note, and it is particularly fitting that the House of Representatives pay homage to one of its members who, having attained that age, is able to serve as an example in his youthful spirit and optimistic outlook; therefore be it

Resolved, That the House of Representatives hereby felicitates the Honorable Perry E. Wright on his eightieth birthday, and wishes him many more prosperous and useful years; and be it further

Resolved, That the Chief Clerk of the House furnish a copy of this resolution to the Honorable Perry E. Wright, as a small token of their good wishes.

The SPEAKER. The Chair recognizes the gentleman from Greene, Mr. Wright.

Mr. WRIGHT. Mr. Speaker and members of the House, this is one of the most embarrassing as well as most gratifying moments in my short life. Embarrassing because the House is made up of 206 members, all of them with the title honorable preceding their names—that is fine; it is embarrassing to me because everyone is younger than I and they have accomplished more during life than I, for which I am thankful for each one of you. I am pleased with that, and I am gratified to be associated with a body of men like this. I believe there is no finer in Pennsylvania or anywhere else. I am especially proud at this time in my life to be a member of a body like this.

I am always a little frightened when I get in front of the "mike" here. I have to stand with my feet a little apart so I won't annoy my neighbors with the rattle of my knees. I had about an hours advance notice of this resolution and I have prepared a few things to say to you which I hope will be gratifying to you. I have learned a little something from them myself.

Life is not a matter of years, in fact I never tried living my life by the calendar. What is this imaginary line, dividing life in two, a line between yesterday and tomorrow, it is very real and deadly, like the equator, but we never know when we have crossed it.

But I believe that one of the finest things the Creator did for us, was to give us just one day to live at a time, each day to bear its own burdens as well as carry its own blessings.

To walk over so long a span of years, as I, watching the whirl of events, the doings and undoings of men, the result ought to be serenity, freedom and kindness.

I believe in life, brief, broken and often bitter though it be, because, it gives me truth to seek, love to win, beauty to adore and a chance to do a little good for my fellowmen.

One of the greatest lessons of life to me is, to learn to take people at their best, not their worst; to look for the divine, not the human in them; the beautiful, not the ugly; the bright, not the dark; the straight, not the crooked side.

Looking for the best in every one with whom we come in touch, is real friendly service. My friends, isn't it fine to live in a land where we have such a splendid existence, and can render such fine service to friend and neighbor.

I am reminded of a hymn I learned in my childhood, "Time is winging us away to our immortal home, life is but a winters day, a journey to the tomb."

But my friends, age is not winter after summer, port after voyage, peace after battle, it is going on and still believing.

After all, why not trust life, knowing that the giver of life has brought us to where we are, and will have us in his keeping when the night falls.

Mr. Speaker and members of the House, my sincere wish to you is that 1942 will be the happiest year in all your life, because all sorrow makes the days so long and the nights so dark. But if the year does not bring you everything you want, may it leave your hearts unbroken and you in a mood to face the coming years with courage and a smile.

CONGRATULATIONS EXTENDED

The SPEAKER. Last evening this House honored one of Pennsylvania's distinguished sons. Today the Chair has learned that another well known and respected Pennsylvanian, a member of this House, who has been in the front line of service for his State for a considerable portion of his life, has been honored by his many friends through the circulation of petitions to place his name on the Republican ticket for a State-wide office.

This, of course, means that he will not be a candidate for his old seat in the House which he has held for nine consecutive terms. For eighteen years the gentleman from Delaware, Mr. Turner, has occupied the same seat, except during the time he served as Speaker of the House. Nine times the people of his County have reelected him.

It will seem a strange place without Ellwood Turner. We will miss his genial smile and ready wit. Last but not least we will miss his Delaware County sausage and buckwheat cakes.

Ellwood, you are a credit to your State and to your party. The Chair will always cherish the warm friendship that has grown with the years of our Legislative service together, and extends to you his best wishes.

The Chair recognizes the gentleman from Delaware, Mr. Turner.

Mr. TURNER. Mr. Speaker, at the close of the 1939 Session I made a farewell address, not as cogent, not as instructive as that one famous farewell address of Washington, which was the guide for the youth of the Nation throughout the years.

I had not anticipated at that time that I would again stand for election to this House. However, I did return and I would almost be tempted to return again to serve ten consecutive terms in order that when I arrive at the age of my good friend, Perry Wright, I might be able to write my memoirs of twenty years in the House.

However, my friends have felt that I should make an effort to go elsewhere, which will preclude filing my petition as a candidate for the Legislature. Eighteen years almost I have been in this House, and during the last ten years I have spent a large part of the time, perhaps fifty

per cent at least of it, if not more, in Harrisburg. It will seem strange to me not to be thinking of coming back to the House; it will be with sincere regret that I shall not have the opportunity to occupy one of these seats.

I remember back in one of the Sessions, about 1933 or 1935, that we had a representative from Erie by the name of Barber, who used to taunt me a good deal, and once in a while got under my skin because in those early days I was apt to let fellows get under my skin. I have taken such a beating from the Republicans in recent years that I don't mind what is said. But anyway I used to answer him always by saying I held the key to seat No. 15 and that I expected to hold it until I voluntarily surrendered it. So perhaps it is the better part of valor to be discreet and be able to surrender it and keep that boast by not seeking to return to the House.

I shall hate to leave that old seat. It has been many heartaches on my part, many discouragements and some triumphs.

The seat was picked for me by an old Delaware County legislator who thought in my youth as I came to the House that I might perhaps be able to make some speeches. Of course you men know that he was disappointed in that and I have made very few speeches here. However, he thought it was a good rostrum from which to address the House, and in that I think he was absolutely correct.

If I may be pardoned for the personal reference, I have worked, if for anything, to better the procedure, the standards of the House and to maintain its position as one of the coordinate branches of the Legislature.

If I have accomplished anything in the eighteen years—and I realize how little one does accomplish—I hope that is one thing for which I may be given credit. It has been a long task and it will be a longer one. Other men must come along, and other men will come along who are imbued with the same ideas as those early colleagues of mine whom I will never forget, that little band that sat on this side of the House when we didn't have many Democrats but we had divisions in the Republican ranks—that little band who sat here and who had a sincere interest in government and who had a sincere desire to see better government, to better the processes of the House and to maintain its prestige.

As I said before, to the credit of my opponents on the other side of the House, they too in their turn brought men here who had the same ideals, and it has been gratifying to see many of the men who have come into leadership of the House on the other side gradually, as they have grasped the atmosphere of this place, as has our Speaker, arisen to the occasion and have taken their place in the ranks of the many who are battling for something more than partisan advantage, or something more than the temporary advantage of legislation passed or defeated, but were thinking in the broader and the finer terms of a legislative parliamentary body, without which democracy can not survive.

One of the regrets, if I may take just a few minutes of your time, one of the regrets that I shall have if I have to sever relations with the activities of the state government will be that I shall pass out of the work of the Commission of Interstate Cooperation of the Council of State Governments, and of the great endeavor they have made in this country to save the states. The Council of State Governments is doing a marvelous job today, a job without which I am convinced this war can not be efficiently carried on, but a job which also goes deeper into the roots of government and into the future of this country than the immediate prospect of winning the war.

The Council of State Governments has been able to set up an agency that is the ambassador of the forty-eight states, the coordinator of the forty-eight states and likewise a mediator with the Federal Government in the terrific concentration of powers in the Federal Government because of the war effort and because of the necessity of the emergency. If the war goes along for any length of time many thinking men realize that the powers of the state governments would be gradually sapped, and that state lines will gradually disappear and that state government will sink into innocuous desuetude, if I may use a cumbersome term, and that when the war is over we will have one great centralized government without all the benefits which our forefathers saw and which we realize in the division between the powers of the states and the federal government.

If that centralization of terriffic power which has been brought into the Federal Government should fall into evil hands we shall have fought this war in vain, we shall have fought to rid the world of dictators, to rid the world of the Nazi and the Fascist idea, and as Governor Earle pointed out to us last night we shall have failed because we shall have lost our liberties here at home. And the only means by which we can ever hope to get them back, the only balance wheel that we have, as I see it, is this combination of the forty-eight states in the Council of State Governments, and our ability to build strong state governments to resist that great centripetal force that draws us now into the centralization of power in the hands of the Federal Government because of the necessities of the emergency with which we are faced.

I have been a member of the Board of Managers of the Council of State Governments for a number of years. I think it is one of the finest pieces of work in which I have ever been engaged. I should like to work along with it during this war. If the fortunes of election settle upon my banner perhaps I may have a chance, but if it does not I shall leave that work with the deepest and most profound regret.

I cannot say that I view with a great deal of alarm the fact that I am going to part with many of you, because in the eighteen years I have been here I have found that membership in the Legislature builds a sort of friendship that is outside of and beyond party lines. As I go out around Pennsylvania and as I am here in Harrisburg I meet old members of the Legislature, and there seems to be a tie and a bond between us, and I know that no matter what the future may hold for me, there will remain that same tie and bond between you and me as members of this legislative body.

No matter what our differences may be politically, no matter how we may battle here on the floor, when we meet away from it there is always good, hearty friendship between us, a desire to be and meet with each other and to have the opportunity to hash over old times.

Mr. Speaker, I thank you for your very kind words.

I thank the House for listening to me longer than perhaps I should have talked.

CONGRATULATORY RESOLUTION

Mr. MODELL offered a resolution which was twice read, considered and adopted as follows:

In the House of Representatives, March 3, 1942.

Whereas, It is recognized that the perpetuation of the specie is the first law of nature and mankind; and

Whereas, There was born to Harry and Shirley Rush, son and daughter-in-law of the Honorable Adie S. Rush of Delaware County, a daughter, Jacqueline Frances, on February 12, 1942; and

Whereas, This makes the fifth time that the Honorable Adie S. Rush has been so blessed; and

Whereas, It appears that the Honorable Adie S. Rush is determined, with the aid of his family, to overcome the opposition's majorities in said Delaware County; and

Whereas, It also appears that the opposition in Delaware County has been unable or unwilling to find any means of counteracting or upsetting this first law of nature; therefore be it

Resolved, That this House congratulates the Honorable Adie S. Rush of Delaware County on the birth of his fifth grandchild, and hereby wish him many more of such happy occasions; and be it further

Resolved, That a copy of this resolution be transmitted by the Chief Clerk to the happy parents.

RESOLUTIONS

Messrs. McLANE and BRADLEY offered a resolution which was laid over for printing under the Rules.

Messrs. PRESLEY N. JONES offered a resolution which was laid over for printing under the Rules.

Messrs. RAUSCH and AUKER offered a resolution which was laid over for printing under the Rules.

COMMITTEE APPOINTED

The SPEAKER. The following members will meet in the Conference Room in the rear of the House immediately after adjournment:

Messrs. Baker, Boies, Bretherick, Paul A. Brunner, Reuben E. Cohen, Cooper, Corrigan, Dennison, Dix, Ely, Finnerty, Fiss, Gerard, Haberlen, Hall, Helm, Hewitt, Hirsch, James, George E. Jones, Keenan, Krise, Leonard, Levy, Lovett, Lyons, Malloy, McDowell, McFall, McKinney, McMillen, Melchoirre, Moran, Readinger, Regan, Sarraf, Scanlon, Shaw, Shepard, Simons, Wilkinson, and Winner.

COMMITTEE MEETINGS

There will be a meeting of the Select Committee on Special Session Legislation immediately after today's adjournment in Room 327.

There will be a meeting of the Rules Committee on Wednesday, March 4 at 11 a. m. at the Speaker's Office.

ADJOURNMENT

Mr. CULLEN. Mr. Speaker, I move that this House do now adjourn until Wednesday, March 4, 1942, at 1 p. m.

The motion was agreed to, and (at 1:50 p. m.) the House adjourned.

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal.

Extraordinary Session of 1942.

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SENATE

WEDNESDAY, March 4, 1942

The Senate met at 1:00 o'clock, p. m., E. W. T.

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the Chair.

PRAYER

The PRESIDENT. In the absence of the regular Chaplain, the Senator from Butler, Mr. Carr, will offer prayer.

Mr. CARR. Lord, our God, who art the givern of all that we have of time and talent and substance, who hast made provision for us that we might live well on this earth and then return unto Thee, we ask that Thy blessing might rest upon our assembling here together, and we each one feel we are in Thy divine presence and doing those things for the sake of our people that are in accordance with Thy will. Bless this our nation, its President, the Governor of our State and all who are in authority over us. We ask it in Thy name. Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. WALKER and Mr. GELTZ, the further reading was dispensed with, and the Journal was approved.

LEAVE OF ABSENCE

Mr. EDMONDS asked and obtained leave of absence for himself for tomorrow's session, March 5, 1942, if there is a session.

Mr. Crowe asked and obtained leave of absence for the Senator from Lehigh, Mr. TALLMAN.

Mr. Farrell asked and obtained leave of absence for the Senator from Warren, Mr. CHAPMAN.

Mr. JAMES asked and obtained leave of absence for himself for tomorrow, March 5, 1942, if there is a session.

Mr. KEPHART asked and obtained leave of absence for himself for tomorrow, March 5, 1942, if there is a session.

The PRESIDENT. The Chair is informed there will be no session of the Senate tomorrow.

Mr. REED. Mr. President, I would like to say a few words under this order of business.

It seems to me that unless we get something to work on in the Senate, that we all might as well ask leave of absence. Of course, we all know that these are trying times, we are at war, and the uppermost thought in the minds of the American people today is the preservation of the republic, but why should we kill and waste time sitting around these Legislative Halls if we are not doing anything? I am willing to sit here, if we have something to do, and work through the morning, work during the afternoon, and work into the night, but I am not willing to stay here and do nothing, to waste my time in idleness. It is a disgrace upon a public office holder to go along as we have been going along in this Assembly for the last several days, sitting here hour after hour doing nothing, and at the same time we have boys in uniform coming in the door and wondering why the Assembly is setting here in idleness.

Yesterday morning we had several hundred young high school students here. They stood along the back rail there for some considerable time while we sat here doing nothing. This morning we had a recurrence of the same situation, a group of young people here, and we were doing the same thing, sitting here in indolence and idleness.

I say, Mr. President, that is not the American way to act in a time of an emergency like we have today. People look up to public officials and it is up to us to lead the way, show the way in this emergency, and I think it is a disgrace for any man to be held here in idleness, when he could be doing something back home that might assist in winning this war. Some may say, we have not anything to do back home. Well, then, I say we ought to get something to do back home. Some will say we ought to stay here until the five weeks are up. I say that is un-American. If we are going to win this war, we have got to be consistent with a program, we have got to put our shoulders to the wheel, we have got to do something to show the people, the general public, that we are doing our part in this grave emergency. If we continue to sit here in idleness, I am sure we will incur the wrath of the people of Pennsylvania and we will deserve it.

I say, Mr. President, if we have nothing to do, why, let us adjourn sine die, and if we will have something to do later on let us recess, but let us decide today that we are not going to sit here in idleness any longer. It is not a proper program during this emergency, it is absolutely un-American, and I for one am not going to be a party to any program that will keep the Assembly in session week in and week out in absolute idleness.

Mr. EALY. I would like to interrogate the gentleman from Washington.

The PRESIDENT. Will the gentleman from Washington permit himself to be interrogated?

Mr. REED. I will, Mr. President.

Mr. EALY. Does the Senator favor a recess of the Senate to await propositions that might come up and require the suspension of laws, or does the Senator favor passing bills on subjects which we now have, and then adjourn sine die.

Mr. REED. Mr. President, in answer to the gentleman from Somerset, I am in favor of doing anything that will aid the country and the state in this season of emergency. If we have work to do here tomorrow, I am willing to stay here all day tomorrow; if we have work to do here Friday, I am willing to stay here, but I am not willing to stay here and do nothing.

Now, if the Senator from Somerset assures me that he has a program that will be ready in a week hence or two weeks hence, I would be willing to say, let us recess until that time, but I want to have definite information that we will have a program at that time, that we can sit down and work on expeditiously and efficiently, and complete it in record time. If it is the purpose of the Senator from Somerset to bring before this body legislation that is necessary for the winning of this war, then I am willing to stay here an indefinite period, if it is necessary, in order to complete that program, but if we have not anything to do, I certainly am in favor of adjourning sine die at any time.

Mr. EALY. Mr. President, the Senator from Washington really did not answer the question that I asked him. I am asking him what his view-point is on the matter, whether we ought to pass specific bills in relation to suspension of powers, or a modification of present acts, and then adjourn sine die, or whether we should recess from time to time to meet situations which may arise, taking care of those which we now know of.

Mr. REED. Mr. President, if the gentleman from Somerset can lay before this body the laws that he wants suspended, I would say that we should then proceed immediately, but that is the same old story that has been going on for two weeks, and we do not have anything yet.

Mr. EALY. Mr. President, the Senator from Washington has not answered the question.

Mr. REED. Mr. President, how can I answer any question so indefinite? If the gentleman will tell me the laws he means to suspend, and will lay them on my desk, then I will answer the question.

Mr. EALY. I am asking this question really for information. I want to say that I had prepared for introduction today a resolution adjourning this Senate sine die, but I can not find very much sentiment on either side of this legislative body for doing that, but preliminary, of course, to adjourning, my thought was that we should pass specific laws, change any situations which are not compatible with the war effort, but the thought that I had in mind in asking this question was to get the viewpoint of the gentleman from Washington on whether we should pass all these acts that we now know about and then adjourn sine die, or whether we ought to recess.

Mr. REED. Mr. President, I have much faith in the gentleman from Somerset, and if he introduces a resolution to adjourn sine die I would say he would know what he is talking about and I would vote for it on the assumption that he is sincere in the matter, and as President Pro Tempore of this Senate he knows what he is doing.

Mr. EALY. There has been some question in the papers as to my viewpoint about the suspension of laws. I understand there is one bill prepared for introduction today modifying or changing some specific law in order to help the Federal Government in the war effort, and there may be a good many other subjects, a number of other subjects, on which bills I think will be introduced and put into the Legislature for passage. In fact, I believe the House has on its Calendar, if I am not mistaken, one bill of that character, but the question that is puzzling us is whether we should pass all these acts that we have in mind and then adjourn sine die, or whether we ought to recess from time to time. My own viewpoint is we ought to pass these acts that we know of and then adjourn sine die, but I can not get enough sentiment for that viewpoint on either side of this House, and the Senator from Washington has declined to commit himself on that.

If we are going to pass specific acts and still not adjourn sine die, then it seems to me we can well take a few days more and get these things in better shape, but if we are going to adjourn sine die, which I think we could do by staying here and working, then we should get these bills in immediately.

On this question of suspension of laws, I think the Governor's viewpoint about this is not entirely correct. Looking at it from a legislative standpoint, I have felt that the Legislature is a coordinate branch of the government and therefore we must under our Constitution retain the power of having control of these matters. We have now the case, for instance, of the Secretary of Labor and Industry, giving him the right to suspend certain labor laws, and hours of labor where it would create hardship. That is one definite thing, but the provision in the Constitution, which the Governor mentions as giving him authority for suspension of laws, appears in the Bill of Rights, and was put in there not to grant more authority to the executive but to limit executive power. It goes back to the time of the struggles with the Stuart kings of England, when William and Mary were installed as King and Queen of England after the Revolution of 1688. They agreed to this provision in the laws which said that the regal authority should not have the power of suspending laws without the consent of parliament, and that has followed in the Bill of Rights of all the states. So, this provision is not one which may be cited as giving the executive more power but as limiting that power, and in asking the question of the Senator from Washington, I merely wanted to get his viewpoint as to which was the better procedure, whether we should clean these up and adjourn sine die, or whether we should clean up as much as we can and then recess.

Mr. REED. Mr. President, if I have not made myself clear, I certainly agree with the Senator from Somerset. If there is a program, we should clean it up, stay here until we do complete it and then adjourn sine die.

Mr. DENT. Mr. President, in listening to the discussions

here as to what to do or what not to do, I just want to call attention of the Senate to the fact that one of the most important items in the Governor's call was the matter of unemployment compensation, and the very first day of the session I introduced a part of the program, following it up the next day with the complete program.

There are now in the Committee on Labor and Industry twelve distinct and separate bills covering the entire field of unemployment compensation. By their own agreement and by the bill introduced last year, Senate Bill No. 80, the Republican majority has agreed to eleven of those bills, but here we are in the third week of the Special Session, called here primarily for reapportionment, and secondarily for unemployment compensation, and yet there has not been one committee meeting called of that committee.

Now, Mr. President, I understand that the Secretary of Labor and Industry is going to put his own bill in which will take up all the matters that are covered in these twelve bills, but why did we have to wait three weeks if they had any intention of getting out of here within the four week period, why was not that committee called together, why were not these bills discussed, why were they not kicked out of committee and brought out here on the floor where we could act upon them? I venture to say that in the bill which will be introduced under the direction of Mr. Hines, that, other than the sponsorship, there will not be ten per cent of difference in the bills that I have introduced and the bill introduced by Mr. Hines, and you connot get that bill through under a two week period starting now, so you can not go home next week if you are going to pass an unemployment compensation law, you can not even do it in a four week time limit, you have got to stay overtime to get the bill through, and that is nobody's fault except the Republican majority of the Senate of Pennsylvania, which failed to act on the subjects called for by Governor James.

Mr. WALKER. Mr. President, I am inclined to disagree with the distinguished representative from Westmoreland. I think he put his finger on a very important part of this Special Session when called to our attention that on the first day of the session he introduced certain bills on unemployment compensation which, by the way, I understand are in the Committee on Workmen's Compensation and not in the Committee on Labor and Industry. The agenda to the Governor's call came out the day we came into session and there were fourteen points, as I recall it, added to the proclamation originally issued by the Governor no sooner was the session called to order by the Presiding Officer than the gentleman from Westmoreland had bills ready to introduce on the agenda, which indicated that he knew more about what was in the Governor's call than some of the folks in the Republican party.

Now, Mr. President, the matters in the agenda to the call were a surprise, were absolutely new material to a lot of us, and I for one resent the suggestion that we are not working while we are down here. I will admit that sometimes down here on the floor it looks like a seventh inning stretch, but there are a number of members of the Senate who are working, who are trying to complete this program, and I will say in all fairness that the gentleman from Westmoreland is one of them. There has been a lot of discussion, and a lot of conferences have been held on various types of legislation; we are trying to complete the things that should be done here.

I want to take issue with the very distinguished gentleman from Somerset as to what we should do with reference to delegation of power. He has been very interested in trying to find out what bills or what Acts of Assembly should be restricted or suspended or abrogated during this national emergency. Yesterday some of the subjects were suggested to us.

I for one am perfectly willing to stay here and clean up or abrogate or suspend or restrict the acts or specific subjects as they are presented to us, and then, if we clean up the subjects that are known to us, at that time I for one am in favor of our taking a recess and coming back here one week out of each month until our terms expire on December 1st, rather than adjourn sine die and perhaps be called back in the middle of the summer to do some things we never dreamed of at the time we did adjourn.

I think it would be far more in keeping with what has been referred to as this national emergency if we would remain subject to call at least one week out of each month, in order to take care of any matters that might come up, because from day to day, week to week, month to month, there will be subjects upon which we as the legislative body should act I am absolutely opposed to delegating legislative authority, even under the constitutional authority cited by the gentleman from Somerset, to the Chief Executive of the state or a legislative committee or to the Council of Defense.

I want to say, Mr. President, in doing that I am not reflecting on the integrity, ability or consciousness of those three bodies. I appreciate the fact that our Presiding Officer is a member of the State Council of Defense, I appreciate that the President Pro Tempore is likewise a member of that same council, but, Mr. President, I would much rather have the Legislature function as a Legislature than to pass the buck to some other organization.

Mr. HALUSKA. Mr. President, this seems to be the place and time for a frank and honest expression.

The gentleman from Somerset, Mr. Ealy, stated a while ago that he was trying to get the opinions of the members of this Chamber as to their thoughts and attitude on this session. Personally I feel, and now I am speaking for my proposed minority party of Pennsylvania, I feel that if we should adjourn sine die we will be compelled to come back to another Special Session before the year is over. I think we should clean up what we have before us now and recess, and be ready at a moment's notice, anytime throughout the year of 1942. We are in a state of war, we cannot delegate powers to the Chief Executive entirely, and it is our duty, our patriotic duty, to come back upon any call for a session.

That, Mr. President, is my expression, my opinion, that we should recess after this or next week, and be subject to call at any time.

Mr. HENRY I. WILSON. Mr. Chairman, there have been some remarks made on the floor of this Senate relative to the handling of bills that are supposed to have been referred to the Committee on Labor and Industry, but which as a matter of fact were referred to the Committee on Workmen's Compensation.

As the Senator from Allegheny County, Mr. Walker, has explained, these bills were introduced on the very first day of the session and they covered the subject matter from beginning to end by a series of bills. All of those bills were referred to my committee. There were very many other important matters that were pressing; I do not need to tell the officers and members of this Senate what those other matters have been. I do wish to make the remark, however, that I understood that the Governor had called us together and had a specific program, and I had understood that those matters were particular administration recommendations.

Mr. President, I want to make the statement to this Senate that no bills that could be fairly said were administration bills were introduced in this Senate, covering the mater of unemployment compensation that we have just been referring to; that is the only subject in the call that there were no suggestions made on. You can readily understand why all of these matters were not covered. The Attorney General has been very ill, the department has been over-worked, and this subject was not given attention, as I understand it, by either the Democrats or the Republicans.

I want to say to this Senate that neither the Senator from Westmoreland or any other Senator, or any citizen, or any officer has asked me to call a meeting of the Committee on Workmen's Compensation, for the purpose of considering any bill that has been before us. I have spoken on this matter a number of times to officials high in office and to Senators and so on, realizing the importance of the matter, all the while wanting to render service and not to interfere with the program, and I want to say here that I have never been absent since I have been a member of the Senate, I have never been behind at the time it was to be called, and I have never had anybody say to me that these bills were proper and correct or that I have been negligent, or why I was not doing this or that or the other. It has annoyed me to a considerable extent, because we were not getting action, but as I said before, I knew full well why the so-called administration bills were not prepared; it is unusual of course, we understand why it has happened in this emergency that these matters were not all prepared, and I want to go on record as saying I have not a bit of criticism for either the Attorney General's office or the Governor himself on these matters, and I have no criticism of the gentleman from Westmoreland, Senator Dent, although he has not asked me to call a meeting or he has not said to me that I was negligent for holding these bills. These matters have been talked of in our Caucus and may have been talked of in the Democratic Caucus.

Mr. President, I hold in my hands not only the bills that have been introduced by the gentleman from Westmoreland, Senator Dent, but the bill that has been introduced by the Senator from Philadelphia, Dr. Woodward, and I want at the proper time in the order of business today, to report these bills from my committee, and I would like very much if the Senator from Westmoreland and the Senator from Philadelphia would take notice at this time that I shall report all of these bills at the proper time today, when given an opportunity by the Chair, with the idea that they should be rereferred to some other committee, as has been indicated to me, the Committee on Labor and Industry is the proper committee, or any committee that the officials of this Senate think they ought to go to.

I want to say further that I have been told that there is a bill to be introduced, or perhaps two or three bills, covering this subject, and I want to be free to express my opinion on them at this time. I do feel however, that the Senator from Westmoreland should at least give us a chance to get together and try to work it out harmoniously and make a proposition, and I think we will do that. I am sure he is only anxious to get some action and have something done, and to that end I am not making excuses, I am making an explanation so far as the Senate is concerned, and if anybody wants to criticize me for holding these bills, when nobody asked me from the top to the bottom, and no bill known as an administration bill has been put in my hands, it is alright with me.

The PRESIDENT. The Chair wishes to call the attention of the members of the Senate to the fact that we are still under the heading of leave of absence.

Mr. DENT. Mr. President, I at least have received some action, although it is a mystery to me how a chairman of any committee can report any bill out of a committee at any time for any purpose whatsoever, without having a meeting of that committee.

HOUSE MESSAGE

HOUSE BILL FOR CONCURRENCE

The Clerk of the House of Representatives being introduced presented for concurrence bills of the House, as follows:

House Bill No. 11, (Senate Bill No. 40), entitled:

An Act to further amend section eight hundred twenty eight of the act, approved the first day of May, one thousand nine hundred twenty-nine (P. L. 905), entitled "Vehicle Code," authorizing the Secretary of Revenue during the period of national emergency, to suspend the operation of certain provisions of this act relating to school buses, when such provisions conflict with priority claims for material.

Which was committed to the Committee on State Government.

BILLS RE-REFERRED

Mr. HENRY I. WILSON. Mr. President, in compliance with and carrying out the statement that I made a few minutes ago, I wish to report from the Committee on Workmen's Compensation the following Senate Bills for the purpose of carrying out the arrangement that these bills be re-referred to another committee, perhaps the Committee on Labor and Industry. They are Senate Bill Nos. 4, 5, 6, 7, 8, 9, 10, 11, 22, 23, 24, 32 and 34.

Mr. DENT. Mr. President, I might suggest that this is slightly irregular. The committee members are the ones to determine whether or not bills that are put into a particular committee should be reported out or re-referred by the Chair for any particular reason, and not the chairman of the committee, who as much as told us he has not been asked to hold a meeting.

Since when do the members of the Senate have to ask committee chairmen to hold meetings of their respecti

committees? I think we all understand parliamentary procedure and the functions of the chairmanships of committees. I do not believe it is necessary for a chairman to get up and say he has not been asked to hold a meeting, and then take a bill, without giving any consideration to the members of that committee as to whether or not they feel the bill ought to be re-referred by the Chair, and deliberately and dictorially hand them out and say, here they are, Governor, turn them over to any committee you want, throw them to the wolves.

Mr. President, I am particularly interested in this legislation. A great deal of it deals with the men in the armed forces, protects their rights under the unemployment compensation law, and these bills should not be bandied and thrown around at the caprice and whim of any one man in the Senate.

Mr. REED. I might state to the gentleman from Westmoreland that precedent was established yesterday when the Committee on Judiciary General reported a bill out without even calling a committee meeting.

Mr. HENRY I. WILSON. For the information of the gentleman from Westmoreland I wish to say to this Senate and to the Chair that I was instructed by the majority of my committee to do this very thing.

Mr. DENT. Mr. President, since when have the rights of the minority been forgotten in the Senate of Pennsylvania? I am a member of that committee and entitled to consideration by the chairman, as is any other member, when important legislation is given to us. What are we running here anyway?

BILLS RE-REFERRED

Mr. HENRY I. WILSON, from the Committee on Workmen's Compensation, reported as committed, Senate Bill No. 4, entitled:

An Act to further amend clause (i) of section four of the act, approved the fifth day of December, one thousand nine hundred thirty-six (1937, P. L. 2897), entitled "An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry and its existing and newly created agencies with personnel (with certain exceptions) selected on a civil service basis; requiring employers to keep records and make reports, and certain employers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons; providing procedure and administrative details for the determination, payment and collection of such contributions and the payment of such compensation; providing for cooperation with the Federal Government and its agencies; creating certain special funds in the custody of the State Treasurer; and prescribing penalties," by further defining employers subject to the provisions of the act.

with the request that it be re-referred to the Committee on Labor and Industry.

He also, from the Committee on Workmen's Compensation, reported as committed, Senate Bill No. 5, entitled:

An Act to amend clause (s) of section four of the act, approved the fifth day of December, one thousand nine hundred thirty-six (1937, P. L. 2897), entitled "An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry and its existing and newly created agencies with personnel (with certain exceptions) selected on a civil service basis; requiring employers to keep records and make reports, and certain employers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons; providing procedure and administrative details for the determination, payment and collection of such contributions and the payment of such compensation; providing for cooperation with the Federal Government and its agencies; creating certain special funds in the custody of the State Treasurer; and prescribing penalties," by further defining the term "total unemployment" as used therein.

with the request that it be re-referred to the Committee on Labor and Industry.

He also, from the Committee on Workmen's Compensation, reported as committed, Senate Bill No. 6, entitled:

An Act to further amend clause (u) of section four of, and to add section four hundred seven to, the act, approved the fifth day of December, one thousand nine hundred thirty-six (1937, P. L. 2897), entitled "An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry and its existing and newly created agencies with personnel (with certain exceptions) selected on a civil service basis; requiring employers to keep records and make reports, and certain employers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons; providing procedure and administrative details for the determination, payment and collection of such contributions and the payment of such compensation; providing for cooperation with the Federal Government and its agencies; creating certain special funds in the custody of the State Treasurer; and prescribing penalties," further defining the term "wages" and the rights of employes in military or naval service.

with the request that it be re-referred to the Committee on Labor and Industry.

He also, from the Committee on Workmen's Compensation, reported as committed, Senate Bill No. 7, entitled:

An Act to amend section two hundred four of, and to add section two hundred nine to, the act approved the fifth day of December, one thousand nine hundred thirty-six (1937, P. L. 2897), entitled "An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry and its existing and newly created agencies with personnel (with certain exceptions) selected on a civil service basis; requiring employers to keep records and make reports, and certain employers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons; providing procedure and administrative details for the determination, payment and collection of such contributions and the payment of such compensation; providing for cooperation with the Federal Government and its agencies; creating certain special funds in the custody of the State Treasurer; and prescribing penalties," by creating a State Advisory Council; imposing powers and duties thereon; and permitting the department under certain conditions to dispose of obsolete records.

with the request that it be re-referred to the Committee on Labor and Industry.

He also, from the Committee on Workmen's Compensation, reported as committed, Senate Bill No. 8, entitled:

An Act to further amend the act approved the fifth day of December, one thousand nine hundred and thirty-six (1937, P. L. 2897), entitled "An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry and its existing and newly created agencies with personnel (with certain exceptions) selected on a civil service basis; requiring employers to keep records and make reports, and certain

employers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons; providing procedure and administrative details for the determination, payment and collection of such contributions and the payment of such compensation; providing for cooperation with the Federal Government and its agencies; creating certain special funds in the custody of the State Treasurer; and prescribing penalties," by further regulating contributions to be made by employers to the unemployment compensation fund; imposing duties on employers to make certain reports to the department; authorizing assessments by the department on certain employers; making contributions due the department a lien on the property and franchises of the employer under certain conditions and further regulating the manner by which contributions can be collected by the department.

with the request that it be re-referred to the Committee on Labor and Industry.

He also, from the Committee on Workmen's Compensation, reported as committed, Senate Bill No. 9, entitled:

An Act to amend clause (b) of section four hundred two and section four hundred three of the act, approved the fifth day of December, one thousand nine hundred thirty-six (1937, P. L. 2897), entitled "An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry and its existing and newly created agencies with personnel (with certain exceptions) selected on a civil service basis; requiring employers to keep records and make reports, and certain employers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons; providing procedure and administrative details for the determination, payment and collection of such contributions and the payment of such compensation; providing for cooperation with the Federal Government and its agencies; creating certain special funds in the custody of the State Treasurer; and prescribing penalties," by further providing as to the circumstances under which the voluntary leaving of work renders an employe ineligible for compensation, and by providing for the payment of accrued benefits due to deceased employes to the surviving spouse, children or parents without letters testamentary or of administration in the discretion of the department.

with the request that it be re-referred to the Committee on Labor and Industry.

He also, from the Committee on Workmen's Compensation, reported as committed, Senate Bill No. 10, entitled:

An Act to amend clause (a) of section four hundred one of the act approved the fifth day of December, one thousand nine hundred and thirty-six (1937, P. L. 2897), entitled "An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry and its existing and newly created agencies with personnel (with certain exceptions) selected on a civil service basis; requiring employers to keep records and make reports, and certain employers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons; providing procedure and administrative details for the determination, payment and collection of such contributions and the payment of such compensation; providing for cooperation with the Federal Government and its agencies; creating certain special funds in the custody of the State Treasurer; and prescribing penalties," further defining qualifications required of an employe eligible for compensation.

with the request that it be re-referred to the Committee on Labor and Industry.

He also, from the Committee on Workmen's Compensation, reported as committed, Senate Bill No. 11, entitled:

An Act to add section three hundred and twelve to article three of the act approved the fifth day of December, one thousand nine hundred and thirty-six (1937, P. L. 2897), entitled "An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry and its existing and newly created agencies with personnel (with certain exceptions) selected on a civil service basis; requiring employers to keep records and make reports, and certain employers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons; providing procedure and administrative details for the determination, payment and collection of such contributions and the payment of such compensation; providing for cooperation with the Federal Government and its agencies; creating certain special funds in the custody of the State Treasurer; and prescribing penalties," authorizing the department to cooperate with all agencies in the United States engaged in the administration of unemployment compensation laws and authorizing reciprocal adjustments and refunds between the department and all such agencies.

with the request that it be re-referred to the Committee on Labor and Industry.

He also, from the Committee on Workmen's Compensation, reported as committed, Senate Bill No. 22, entitled:

An Act to amend sections four hundred one and four hundred four of the act, approved the fifth day of December, one thousand nine hundred thirty-six (1937, P. L. 2897), entitled "An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry and its existing and newly created agencies with personnel (with certain exceptions) selected on a civil service basis; requiring employers to keep records and make reports and certain employers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons; providing procedure and administrative details for the determination, payment and collection of such contributions and the payment of such compensation; providing for cooperation with the Federal Government and its agencies; creating certain special funds in the custody of the State Treasurer; and prescribing penalties," changing qualifications required to secure compensation and establishing a schedule of rates.

with the request that it be re-referred to the Committee on Labor and Industry.

He also, from the Committee on Workmen's Compensation reported as committed, Senate Bill No. 23, entitled:

An Act to further amend Section 309 of and to add Section 309.1 to the act approved the fifth day of December, one thousand nine hundred and thirty-six (1937, P. L. 2897), entitled "An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry and its existing and newly created agencies with personnel (with certain exceptions) selected on a civil service basis; requiring employers to keep records and make reports, and certain employers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons; providing procedure and administrative details for the determination, payment and collection of such contributions and the payment of such compensation; providing for cooperation with the Federal Government and its agencies; creating certain special funds in the custody of the State Treasurer; and prescribing penalties," making the collection of contributions, interest and penalties by civil action optional; and authorizing the department to accept compromise settlements of delinquent accounts under certain conditions.

with the request that it be re-referred to the Committee on Labor and Industry.

He also, from the Committee on Workmen's Compensation, reported as committed, Senate Bill No. 24, entitled:

An Act to further amend clause (j) of section four of the act, approved the fifth day of December, one thousand nine hundred thirty-six (1937, P. L. 2897), entitled "An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry and its existing and newly created agencies with personnel (with certain exceptions) selected on a civil service basis; requiring employers to keep records and make reports, and certain employers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons; providing procedure and administrative details for the determination, payment and collection of such contributions and the payment of such compensation; providing for cooperation with the Federal Government and its agencies; creating certain special funds in the custody of the State Treasurer; and prescribing penalties," limiting certain exceptions from the provisions thereof.

with the request that it be re-referred to the Committee on Labor and Industry.

He also, from the Committee on Workmen's Compensation, reported as committed, Senate Bill No. 32, entitled:

An Act to amend sections five hundred one, five hundred nine, five undred twelve and eight hundred four of the act approved the fifth day of December, one thousand nine hundred and thirty-six (1937, P. L. 2897), entitled "An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry, and its existing and newly created agencies with personnel (with certain exceptions) selected on a civil service basis; requiring employers to keep records and make reports, and certain employers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons; providing procedure and administrative details for the determination, payment and collection of such contributions and the payment of such compensation; providing for cooperation with the Federal Government and its agencies; creating certain special funds in the custody of the State Treasurer; and prescribing penalties," authorizing a single determination of all claims arising out of and depending on the same facts and circumstances; permitting the department to revise or amend its decisions on the basis of after-discovered evidence; regulating the giving of notice of decisions; providing for immediate payment of the uncontested amount of benefits pending appeal; making decisions of the board and of the court binding as precedents on the department and on the board; and requiring repayment of compensation unlawfully received only when the same was knowingly and fraudulently obtained, and giving the department certain rights of subrogation.

with the request that it be re-referred to the Committee on Labor and Industry.

He also, from the Committee on Workmen's Compensation, reported as committed, Senate Bill No. 34, entitled:

An Act to further amend the act, approved the fifth day of December, one thousand nine hundred thirty-six (1937, P. L. 2897), entitled "An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry and its existing and newly created agencies with personnel (with certain exceptions) selected on a civil service basis; requiring employers to keep records and make reports, and certain employers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons; providing procedure and administrative details for the determination, payment and collection of such contributions and the payment of such compensation; providing for cooperation with the Federal Government and its agencies; creating certain special funds in the custody of the State Treasurer; and prescribing penalties," establishing the State Fund for Unemployment Compensation; providing for the payment into such fund of contributions by employers not subject to the excise tax imposed by section nine hundred one of the Federal Social Security Act with respect to employment and for the payment out of such fund of compensation to employes of such employers and a part of the expenses of administering this act; and relieving the Unemployment Compensation Fund and the Administration Fund of such payments.

with the request that it be re-referred to the Committee on Labor and Industry.

BILL INTRODUCED

Messrs. FARRELL, HEYBURN, and WALKER read in their places and presented to the Chair, Senate Bill No. 41, entitled:

An Act to further amend the act approved the fifth day of December, one thousand nine hundred and thirty-six (P. L. 2897, 1937) entitled, "An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry and its existing and newly created agencies, with personnel (with certain exceptions) selected on a civil service basis, requiring employers to keep records and make reports and certain employers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons, providing procedure and administrative details for the determination, payment and collection of such contributions and the payment of such compensation, providing for cooperation with the Federal Government and its agencies, creating certain special funds in the custody of the State Treasurer and prescribing penalties," changing the provisions thereof and the rights, obligations and procedure thereunder.

Which was committed to the Committee on Labor and Industry.

Mr. GELTZ. Mr. President, I move that the Senate take a recess for one hour, so that the Committee on Labor and Industry may hold a meeting.

Mr. MILLER. I second the motion, Mr. President.

On the question,

Will the Senate agree to the motion.

Mr. DENT. Mr. President, I must call attention to the fact that the chairman of that committee is not here, the committee has not been organized for this session, nor are there printed copies of the bills to be considered.

Mr. GELTZ. Mr. President, I would suggest that the secretary read the name of the members of the Committee on Labor and Industry.

The Secretary announced the membership of the Committee on Labor and Industry as follows: Senators Thomas B. Wilson, Heyburn, Chapman, Thomas, James, Henry I. Wilson, Tyler, Carr, Homsher, Dent, Jaspan, Haluska, McQuiddy, Barr, and Ealy, ex officio.

Mr. GELTZ. Mr. President, I would like to advise my colleague, the Senator from Westmoreland County, that we were aware of the fact that the Chairman of the

committee is not present, but the Vice Chairman, who acts in his place when the Chairman is absent, Senator Heyburn, has called a meeting of the Committee on Labor and Industry.

Mr. DENT. Mr. President, I suggest that the Vice Chairman who is calling this meeting kindly secure copies for all members of the committee of the legislation to be taken up at the meeting.

Mr. HEYBURN. Mr. President, I might say to the Senator from Westmoreland, he may use my copy and I will do without one.

Mr. DENT. Mr. President, that is not the point I am trying to make. We have been here three weeks and we have had all of this legislation and it has not been considered, and now, because a bill has a yellow back instead of blue back, we have to meet in five minutes and kick it out on the floor.

Mr. HEYBURN. It has only been ten minutes since the Senator from Westmoreland demanded action, and now he is getting action.

Mr. DENT. Mr. President, we got it at Pearl Harbor, but I do not like that kind of action.

RECESS

Mr. GELTZ. Mr. President, I move that the Senate do now take a recess for one hour.

Mr. MILLER. Mr. President, I second the motion.

The motion was agreed to.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed the Senate will be in order.

BILL INTRODUCED

Mr. EDMONDS. Mr. President, I want to just say a word about this bill. This is an attempt to deal with a problem that is considered in a bill introduced by the gentleman from Lancaster, Senator Homsher, Senate Bill No. 14, relating to suspension of a law which has become misleading at the present time because of war conditions. This bill relates to one subject, namely the use of metal for tags by various departments of the state; it deals with more than the automobile tags, it deals with the Game Commission as well.

I understand there has been notice served by the Federal Government that the quota of metal that can be assigned to the state is less than ten per cent of that used last year, and so, under the circumstances, some method of dealing with this situation is necessary.

Mr. President, the bill is very short and my voice is very weak, and I have asked my colleague from Allegheny, Senator Walker, if he would not be good enough to read the bill for the information of the Senate.

Mr. WALKER. Mr. President, I have been requested by the gentleman from Montgomery to read this section of the bill:

"Section 1. In order to make large quantities of metal available for use in the manufacture of materials and supplies for war use, the provisions of any acts of assembly requiring the use or display of any plate or tag as evidence of the registration of any vehicle or the payment of any registration fee or license fee by any person, copartnership, association or corporation, is hereby suspended insofar as such acts require that such plates or tags shall be constructed or manufactured of metal and such acts are hereby modified so as to permit the department or agency of the State government issuing or requiring the use or display of such plates or tags to specify the use or display of plates or tags manufactured of material other than metal or to provide for the addition or attachment to plates or tags heretofore issued, of some mark or substance clearly evidencing the renewal of such registration or licensing and the payment of the fee required therefor."

BILL INTRODUCED

Mr. EDMONDS. Mr. President, I ask unanimous consent to introduce a bill at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. EDMONDS read in place and presented to the Chair Senate Bill No. 42, entitled:

An Act to suspend and modify existing law providing for and requiring the use of plates or tags as evidence of the payment of any license or registration fee insofar as such laws require the use of plates or tags manufactured of metal and by authorizing the use of other material in whole or in part.

Which was committed to the Committee on State Government.

NOMINATIONS BY THE GOVERNOR

NOTARIES PUBLIC

The Secretary to the Governor being introduced, presented in writing from His Excellency, the Governor of the Commonwealth, nominations for appointment as Notaries Public.

CONSIDERATION OF NOTARIES PUBLIC

Mr. JAMES. Mr. President, I move that the Senate do now proceed to the consideration of nominations for appointment as Notaries Public, sent to the Senate March 4, 1942 by His Excellency, the Governor of the Commonwealth.

Mr. GELTZ. Mr. President, I second the motion.

The motion was agreed to.

The nominations were read as follows:

Commonwealth of ennsylvania,
Governor's Office, Harrisburg, March 4, 1942.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

William T. Hibbs, Wilkinsburg.
Fred Lourimore, Sewickley.

CAMBRIA COUNTY

Sydney Ossip, Johnstown.

CHESTER COUNTY

Ezril Horwitz, South Coatesville.

DELAWARE COUNTY

Edmund M. Yarnall, Aston Twp., Lenni Mills.

PHILADELPHIA COUNTY

John C. Moore, Phila., 1914 W. Columbia Avenue.
Samuel Weinstein, Phila., 4053 Baring Street.

ARTHUR H. JAMES.

NOMINATIONS FOR NOTARIES PUBLIC

A motion was made by Mr. JAMES and Mr. GELTZ, that the Senate do advise and consent to said nominations.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—40

Barr,	Edmonds,	Lanius,	Snowden,
Bartlett,	Farrell,	Letzler,	Taylor,
Becker,	Frey,	Mallery,	Thomas,
Carr,	Geltz,	McCreesh,	Tyler,
Cavalcante,	Haluska,	McGinnis,	Wade,
Coleman,	Heyburn,	McQuiddy,	Walker,
Crider,	Homsher,	Miller,	Watkins,
Crowe,	James,	Reed,	Wilson, H. I.,
Deitrick,	Jaspan,	Ruth,	Woodward,
Ealy,	Kephart,	Scarlett,	Ziesenheim,

NAYS—0

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

REPORT FROM COMMITTEE

Mr. HOMSHER. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. HOMSHER, from the Committee on Labor and Industry reported as committed, Senate Bill No. 41, entitled:

An Act to further amend the act approved the fifth day of December, one thousand nine hundred and thirty-six (P. L. 2897, 1937) entitled, "An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry and its existing and newly created agencies, with personnel (with certain exceptions) selected on a civil service basis, requiring employers to keep records and make reports and certain employers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons, providing procedure and administrative details for the determination, payment and collection of such contributions and the payment of such compensation, providing for cooperation with the Federal Government and its agencies, creating certain special funds in the custody of the State Treasurer and prescribing penalties," changing the provisions thereof and the rights, obligations and procedure thereunder.

BILL INTRODUCED

Messrs. WOODWARD and STIEFEL. Mr. President, I ask unanimous consent to introduce a bill at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Messrs. WOODWARD and STIEFEL read in place and presented to the Chair Senate Bill No. 43, entitled:

A Joint Resolution proposing an amendment to section one, article eighteen of the Constitution of the Commonwealth of Pennsylvania.

Which was committed to the Committee on Constitutional Changes.

BILL OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 21, on third reading, entitled:

An Act authorizing certain political subdivisions to make appropriations for the payment of expenses of local or district councils of defense within said political subdivisions and for the protection or preparation for the protection of the health, welfare and safety of the civilian population of said political subdivision during emergencies resulting from air raids, blackouts or sabotage; regulating the manner of payment of expenses or local and district councils of defense; authorizing such political subdivisions to levy taxes and borrow money under certain conditions for such purposes providing for the repayment thereof and ratifying confirming and validating appropriations heretofore made for said purposes.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 16, entitled:

An Act to provide relief in cases where fiduciaries are in military service; authorizing the court to appoint a substituted fiduciary pro tem in such cases or to allow the remaining fiduciaries to act; authorizing security to be entered by and compensation paid to such substituted fiduciaries pro tem; and regulating the powers and liabilities of the fiduciary in military service and of the substituted fiduciary pro tem.

And said bill having been read at length the second time

On the question,

Will the Senate agree to the bill?

The first section was read.

On the question,

Will the Senate agree to the section?

Mr. EDMONDS. Mr. President, I desire to offer an amendment.

The Clerk read the amendment as follows:

Amend sec. 1, clause (b), page 2, line 1, by striking out the words "The term" and insert in lieu thereof: "Whenever a reference is made to a"; Amend sec. 1, clause (b), page 2, line 1, by inserting after the word "service" the following: "this".

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,
Will the Senate agree to the section as amended?
It was agreed to.
The second, third and fourth sections were read and agreed to.
The fifth section was read.
On the question,
Will the Senate agree to the section?
Mr. EDMONDS. Mr. President, I desire to offer an amendment.
The Clerk read the amendment as follows:
Amend sec. 5, page 3, line 10, by inserting after the word "fiduciary" the following "or co-fiduciaries."
On the question,
Will the Senate agree to the amendment?
It was agreed to.
On the question,
Will the Senate agree to the section as amended?
It was agreed to.
The sixth section was read.
On the question,
Will the Senate agree to the section?
Mr. EDMONDS. Mr. President, I desire to offer an amendment.
The Clerk read the amendment as follows:
Amend sec. 6, page 3, line 19, by inserting after the word "period" the following: "Provided, That nothing contained in this act shall relieve a fiduciary who enters military service from liability for the administration of the estate before the entry of a decree under the provisions of section two of this act and upon the reinstatement of such fiduciary or at such time as the said court deems meet such fiduciary may be required by said court to file an accounting of his administration of said estate."
On the question,
Will the Senate agree to the amendment?
It was agreed to.
On the question,
Will the Senate agree to the section as amended?
It was agreed to.
The seventh section was read and agreed to.
The title was read and agreed to.
And said bill as amended having been read at length the second time and agreed to.
Ordered, To be transcribed for a third reading.

Agreeably to order,
The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,
The Senate proceeded to the second reading and consideration of Senate Bill No. 31, entitled:

An Act making available the services of recipients of general assistance under certain circumstances by permitting them to earn a limited amount of money in work essential to the prosecution of the existing war in which the United States of America is engaged without forfeiting their right to assistance or any part thereof.

And said bill having been read at length the second time.
On the question,
Will the Senate agree to the bill?
The first section was read.
On the question,
Will the Senate agree to the section?
Mr. STEVENSON. Mr. President, I desire to offer an amendment.
The Clerk read the amendment as follows:
Amend Section 1, page 2, line 1 and 2, by striking out after the word "exceeding" on line 1 the following: "one hundred and fifty dollars [($100)] ($150) in any calendar year" and inserting in lieu thereof the following: "fifteen dollars ($15) in any one calendar month nor exceeding a total of one hundred fifty dollars ($150) in any one calendar year in addition to all work expenses connected with the job."
On the question,
Will the Senate agree to the amendment?
It was agreed to.
On the question,
Will the Senate agree to the section as amended?
It was agreed to.
The second section was read and agreed to.
The title was read and agreed to.
And said bill as amended having been read at length the second time and agreed to.
Ordered, To be transcribed for a third reading.

Agreeably to order,
The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,
The Senate proceeded to the second reading and consideration of Senate Bill No. 36, entitled:

An Act making an appropriation to the Committee appointed pursuant to Senate Concurrent Resolution number one hundred forty of the Regular Session of one thousand nine hundred forty-one, adopted July fifteenth, one thousand nine hundred and forty-one, to report recommendations for Congressional reapportionment.

And said bill having been read at length the second time and agreed to,
Ordered, To be transcribed for a third reading.

MOTION TO READ BILLS THE FIRST TIME

Mr. GELTZ. Mr. President, I move that all bills reported from Committee be read the first time.
Mr. MILLER. I second the motion, Mr. President.
The PRESIDENT. On the question,
Will the Senate agree to the motion?
Mr. CAVALCANTE. Mr. President, I am just as eager as the gentlemen on the right for action on all important legislation that comes under the call of the Governor's proclamation, but I do think and I shall insist that all action shall at least be within the limitations of the Constitution, until such time as the people in their wisdom should see fit to change the provisions of the Constitution.

POINT OF ORDER

Mr. CAVALCANTE. Mr. President, Senate Bill No. 41 has been called for consideration and at this time I stand upon a point of order and object to consideration of Senate Bill No. 41, for the reason that the bill was introduced in this Senate at exactly ten minutes after two p. m., and at two-fifteen p. m., this Senate took a recess for one hour. We again convened at three-fifteen and it is now twenty-five minutes of four p. m., and I am informed that this Senate Bill No. 41 is not printed.

May I ask his Excellency, the President of the Senate, if I have been given correct information on that point, that the bill is not printed.

The PRESIDENT. A bill can not be printed until it is read the first time, and the motion is that the bill be read the first time.

Mr. CAVALCANTE. Mr. President, I am seeking information whether the bill is printed at this time.

The PRESIDENT. As far as the Chair knows, the bill is not printed.

Mr. CAVALCANTE. Mr. President, I am standing on the point of order and object to the reading or consideration of this bill upon first reading, for the reason that it is in violation of article three, section two, of the Constitution which reads: "No bill shall be considered unless referred to committee, returned therefrom and printed for the use of the members."

I am objecting to consideration of this bill on first reading.

The PRESIDENT. The Chair is advised that the bill has not been printed. The bill will be prepared for the first reading Calendar.

Mr. CAVALCANTE. Now, Mr. President, I am in confusion, the same as a lot of people are in confusion in the United States right today. Have we considered this bill or has it not been considered?

The PRESIDENT. It has not been considered.

Mr. CAVALCANTE. Very well, sir; I take it that the Chair has sustained my point of order?

The PRESIDENT. That is correct. The Chair simply wants to state that what we have been doing is following custom, and of course, a lot of the bills have been passed irregularly, if that is the way to put it, but nevertheless the record appears that each went through in regular order, in a constitutional manner, and you cannot go back of that.

If you want to establish that precedent it is entirely up to the Senate and not to the Chair, who will preside and carry on according to the rules of the Senate and the Constitution.

ADJOURNMENT

Mr. GELTZ. Mr. President, I move that the Senate do now adjourn until Monday, March 9, 1942 at 4:00 o'clock, p. m. Eastern War Time.

Mr. WALKER. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 3:37 o'clock, p. m. Eastern War Time until Monday, March 9, 1942, at 4:00 o'clock, p. m. Eastern War Time.

HOUSE OF REPRESENTATIVES

WEDNESDAY, March 4, 1942

The House met at 1 p. m.

The SPEAKER (Elmer Kilroy) in the Chair.

PRAYER

The Chaplain, Rev. Donald McFall offered the following prayer:

Heavenly Father, we seek Thy blessing this day in the dispatch of the tasks that may be ours to perform. Keep us ever mindful of our need of expressing unto Thee our thanks for Thy goodness toward us.

Bless our boys in the service of our beloved nation. May we as citizens play our part by keeping faith with them and by being true to the principles for which they are giving their life's blood.

This we ask in the name of Christ. Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of yesterday.

The Clerk proceeded to read the Journal of yesterday, when, on motion of Mr. PAUL A. BRUNNER, unanimously agreed to, the further reading was dispensed with and the Journal approved.

SENATE MESSAGES

RESOLUTIONS CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives, as follows:

In the House of Representatives, March 3, 1942.

Resolved (if the Senate concur), That the State Treasurer be and is hereby authorized to pay upon warrant of the Auditor General to each employe of the Senate and House of Representatives the salary or per diem compensation to which they are entitled under law for an Extraordinary Session of the General Assembly by virtue of the provisions of the Acts of Assembly under which they are elected or appointed; this resolution to be effective until the General Appropriation Law providing for the payment of the salaries of the employes of the Senate and the House of Representatives for the Extraordinary Session of 1942 is enacted into law.

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives, as follows:

In the House of Representatives, March 3, 1942.

Resolved (if the Senate concur), That the State Treasurer be and is hereby authorized to pay on warrant of the Auditor General to each member of the General Assembly mileage to and from their homes at the rate of five cents per mile circular for each week a member was in actual attendance at the session of the Extraordinary Session of the General Assembly (convened in Session on call of the Governor February 17, 1942) by virtue of the provisions of the Act of Assembly approved the tenth day of May A. D., 1927, P. L. 880.

BILL INTRODUCED AND REFERRED

By Mr. CHUDOFF. HOUSE BILL No. 36.

An Act to further amend sections one hundred three, one hundred four and three hundred two (a) of the act, approved the second day of June, one thousand nine hundred and fifteen (P. L. 736), entitled "An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment; establishing an elective schedule of compensation; providing procedure for the determination of liability and compensation thereunder; and prescribing penalties," by providing for the payment of workmen's compensation to persons performing services for local and district councils of defense, whether such persons receive re-

muneration or not; directing and authorizing local and district councils of defense to provide workmen's compensation for such persons and declaring that no person performing services for a local or district council of defense may waive his or her right to receive workmen's compensation.

Referred to the Select Committee on Special Session Legislation.

RESOLUTIONS INTRODUCED AND REFERRED

By Messrs. BRADLEY and McLANE.

RESOLUTION No. 15.

In the House of Representatives, March 4, 1942.

Whereas, The Pennsylvania Motor Police, working under trying conditions, have and continue to perform their obligations to the citizens of this Commonwealth in a manner that ranks with the best in the Nation; and

Whereas, Members of this Legislature recognizing their needs and conditions introduced House Bill No. 1956 at the 1941 Regular Session, which provides for automatic wage increases for all such motor police who had been on active duty for three years; and

Whereas, While said bill failed to receive the Legislatures consideration, the result was that examinations were held in July, 1941, enabling such motor police to attain the rank of private first class; and

Whereas, Eight months have now elapsed since said examinations and no official results have been published, preventing many motor policemen from acquiring the rank and pay to which they are entitled; and

Whereas, Because of the lack of opportunity provided to said motor police to keep up with the increased cost of living many are leaving or about to leave the service to the detriment of the bureau and the citizens of this Commonwealth; and

Whereas, Notwithstanding this threat to the bureau, the Commissioner and other State officials have not made the slightest effort to remedy this situation; therefore be it

Resolved, That the Commissioner of Motor Police be required to inform this House immediately of the status of the examinations given to members of the Motor Police in July, 1941, noting those who passed the examination and such information indicating when raises in rank and pay have or will be made.

Referred to the Select Committee on Special Session Legislation.

By Mr. PRESLEY N. JONES. RESOLUTION No. 16.

In the House of Representatives, March 3, 1942.

Whereas, A serious shortage of scrap metal is now hampering the operation of the Nation's steel mills and imperiling the defense effort; and

Whereas, Throughout the United States and the Commonwealth of Pennsylvania, large quantities of scrap metal exist around the average home in the form of junk and abandoned articles which could be collected by an organized campaign; and

Whereas, The collection of such available scrap metal in the Commonwealth of Pennsylvania could be promptly and efficiently conducted under the supervision of the various district councils of defense; and

Whereas, The collection of such scrap metal would not only relieve the current shortage, but would, upon its sale through the ordinary channel of commerce, return to the district councils of defense substantial sums of money which could be used for purposes of facilitating the work of such councils of defense; and

Whereas, The operation of such a plan for the collection and sale of scrap metal, and the consequent revenue derived therefrom, might obviate the necessity for political subdivisions to impose increased tax levies for defense purposes; now therefore be it

Resolved, That the House of Representatives request the State Council of Defense to inaugurate, through the various district councils of defense, a program for the collection and sale of scrap metal, so that the defense effort may be immediately strengthened, and the local political subdivisions of the Commonwealth ultimately benefited; and be it further

Resolved, That a copy of this resolution be transmitted to the offices of the State Council of Defense by the Chief Clerk of the House.

Referred to the Select Committee on Special Session Legislation.

By Messrs. RAUSCH and AUKER.

(Concurrent) RESOLUTION No. 17.

In the House of Representatives, March 3, 1942.

Whereas, The Nation is now engaged in a great war taxing the utmost capacity of its economic resources; and

Whereas, It is the duty of all loyal citizens to aid the Federal Government in the prosecution of the war effort; and

Whereas, The Federal Government is expending large sums of money in the transportation of its vehicles and equipment over various toll bridges throughout the Nation; and

Whereas, Such toll bridges are in existence in the Commonwealth of Pennsylvania, some being owned by individuals and private corporations and others being under the jurisdiction of joint authorities or commissions controlled by this Commonwealth and adjoining states; and

Whereas, A great saving would be effected in favor of the Government of the United States if the aforesaid toll charges would be reduced or eliminated for the duration of the national emergency; therefore be it

Resolved (if the Senate concur), That the aforementioned private bridge companies and corporations are earnestly exorted and requested to enter into arrangements with the war and Navy Departments of the United States, whereby toll charges for the transportation of vehicles and equipment operated by the United States Government be reduced or eliminated for the duration of the present national emergency; and be it further

Resolved, That it is the suggestion and recommendation of this body, in so far as the Commonwealth of Pennsylvania is concerned, that the bridge commissions and authorities controlled by this Commonwealth and adjoining states, enter into arrangements with the War and Navy Departments of the Government of the United States, whereby toll charges for transportation of vehicles and equipment be reduced or eliminated for the duration of the national emergency; and be it further

Resolved, That a copy of this resolution be forwarded to toll bridge authorities, commissions and companies under the jurisdiction of and within the Commonwealth of Pennsylvania, including joint toll commissions and to the War and Navy Departments of the United States Government.

Referred to the Select Committee on Special Session Legislation.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF RESOLUTIONS

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 3, 1942.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed the following:

House Concurrent Resolution authorizing the State Treasurer upon warrant of the Auditor General to pay mileage to each member of the General Assembly to and from their homes at the rate of five cents per mile circular for each week a member was in actual attendance at the Extraordinary Session convened February 17, 1942.

Also, House Concurrent Resolution authorizing the State Treasurer upon warrant of the Auditor General to pay to each employe of the Senate and the House of Representatives the salary or per diem compensation to which they are entitled under law for an Extraordinary Session by virtue of the provisions of the Acts of Assembly under which they are elected or appointed, effective until the General Appropriation Bill providing for the payment of such salaries becomes a law.

ARTHUR H. JAMES

KEITH JUNIOR HIGH SCHOOL WELCOMED

The SPEAKER. The Chair welcomes to the House this afternoon the Civics Class of Keith Junior High School, Altoona, chaperoned by Miss Greene and Miss DeBarber, who are the guests of Mr. Auker, of Blair County.

COMMUNICATION

The SPEAKER laid before the House a communication which was read by the Clerk as follows:

ORPHANS' COURT
JUDGES' CHAMBERS
ROOM 429 CITY HALL
PHILADELPHIA

March 2, 1942.

GROVER C. LADNER
Judge

Hon. Frank J. Cullen,
Hon. Francis X. McClanaghan,
Hon. Lewis Finestone,
c/o House of Representatives,
Harrisburg, Pa.

Dear Friends:

Please convey to the House of Representatives my profound appreciation of the touching Resolution of Condolence adopted upon learning of the late Mrs. Ladner's untimely end.

Also accept my sincere thanks for your sympathetic kindness in introducing the resolution.

Yours very truly,
(Signature) GROVER C. LADNER.

LEAVE OF ABSENCE

By unanimous consent leave of absence was granted as follows: Mr. Paul A. Brunner for Mr. WOLF for today's session.

REPORTS FROM COMMITTEES

Mr. SHEPARD from the Select Committee on Special Session Legislation reported as committed House Bill No. 29, entitled:

An Act relating to air raid precautions and the prevention of sabotage in cities of the first class; creating a Board of Inspection in the Department of Public Works in such cities; imposing powers and duties on such boards and any lessee of water and gas mains owned by such cities, and repealing inconsistent legislation.

Mr. HIRSCH from the Select Committee on Special Session Legislation reported as committed House Bill No. 24, entitled:

An Act relating to air raid precautions, including blackouts; conferring certain powers and duties upon the State Council of Defense, local and district Councils of Defense, political subdivisions members of certain municipal and volunteer agencies and civilians and property in the Commonwealth; providing for the mobilization, coordination and use of certain municipal agencies and volunteer agencies, including their personnel and equipment; providing for immunity from liability for injury or death or persons or damage to property under certain circumstances; and providing penalties.

Mr. STANK from the Select Committee on Special Session Legislation reported as committed House Bill No. 23, entitled:

An Act to add clause forty-seven to section one thousand five hundred two of the act, approved the twenty-fourth day of June, one thousand nine hundred thirty-one (P. L. 1206), entitled "An act concerning townships of the first class; amending, revising, consolidating, and changing the law relating thereto," authorizing emergency appropriations by boards of township commissioners for purposes of civilian defense.

Mr. McDERMOTT from the Select Committee on Special Session Legislation, reported as committed, House Bill No. 25, entitled:

An Act to further amend section twenty-one of the act, approved the seventh day of June, one thousand nine hundred fifteen (P. L. 900), entitled "An act to provide for the immediate registration of all births and deaths throughout the Commonwealth of Pennsylvania, by means of certificates of births and deaths, and burial or removal permits; requiring prompt returns to the Central Bureau of Vital Statistics as required to be established by the State Department of Health; and, in order to secure prompt and faithful registration of births, marriages, deaths, and diseases, of practitioners of medicine and surgery, of midwives, nurses, and undertakers, and of all persons whose occupation is deemed to be of importance in obtaining complete registration of births, deaths, marriages, and diseases throughout the State, as provided in section ten of an act, entitled 'An act creating the Department of Health and defining its powers and duties,' approved the twenty-seventh day of April, nineteen hundred and five, and providing penalties for violations of this act," by directing the Department of Health to maintain branch offices in certain cities of the third class for the filing of birth and death certificates; authorizing such offices to issue certified copies of said certificates and make searches of their files; providing that such offices be supplied with duplicates of certain birth and death records now on file in Harrisburg; imposing additional duties upon local registrars in such cities and prescribing fees.

Mr. MARSHALL M. COHEN from the Select Committee on Special Session Legislation, reported as committed, House Bill No. 18, entitled:

An Act to further amend the act, approved the fifth day

of December, one thousand nine hundred thirty-six (1937, P. L. 2897), entitled "An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry and its existing and newly created agencies with personnel (with certain exceptions) selected on a civil service basis; requiring employers to keep records and make reports, and certain employers to pay contributions based on payrolls to provide monies for the payment of compensation to certain unemployed persons; providing procedure and administrative details for the determination, payment and collection of such contributions and the payment of such compensation; providing for cooperation with the Federal Government and its agencies; creating certain special funds in the custody of the State Treasurer; and prescribing penalties," by changing the provisions thereof, and the rights, obligations and procedure thereunder.

Mr. WINNER from the Select Committee on Special Session Legislation, reported as committed House Bill No. 28, entitled:

An Act to further amend clause (g) as added to section one thousand one hundred and ten of the act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," suspending during the period of present hostilities and for one year thereafter, the requirement that all electrically operated traffic signals shall be made to conform with provisions of said act and the regulations of the Secretary of Highways.

Mr. MELCHIORRE from the Select Committee on Special Session Legislation, reported as amended House Bill No. 12, entitled:

An Act prescribing the rights of persons enlisting or being drafted into the military or naval service of the United States during the war under licenses issued by the Department of Revenue to operate any motor vehicle, and providing for the renewals after discharge from such service.

Mr. LICHTENWALTER from the Select Committee on Special Session Legislation, reported as amended House Bill No. 8, entitled:

An Act to further amend section two of the act, approved the seventh day of June, one thousand nine hundred seventeen (P. L. 600), entitled "An act providing that appointive officers and employes, employed by the Commonwealth of Pennsylvania in its civil service, or by any department, bureau, commission, or office thereof, or by any county, municipality, township, or school district, shall not be deemed or held to have resigned or abandoned their offices or employments by reason of enlistment, enrollment, or draft in the military or naval service of the United States or any branch or unit thereof, in time of war or contemplated war; prohibiting the removal from their offices or employments of such officers and employes during the period of their service in the Army or Navy; directing that one-half of the salaries or wages of such officers or employes as have dependent wives, children, or parents, and not exceeding two thousand dollars per annum, be paid during the term of their service in the Army or Navy to such dependents; authorizing the employment during said term of substitutes to perform the duties theretofore performed by such officers or employes, respectively, and providing for the compensation of such substitutes," by more fully defining amounts payable.

Mr. NAGEL from the Select Committee on Special Session Legislation, reported as committed House Bill No. 21 (Senate Bill No. 28), entitled:

An Act to further amend Section 801 of the act, approved the fifth day of May, one thousand nine hundred and thirty-three (P. L. 457), entitled "An act relating to the business of building and loan associations, providing for the organization and voluntary dissolution of such associations; defining the rights, powers, duties, liabilities, and immunities of such associations, and of their officers, directors, shareholders, solicitors, and other employes; prohibiting the transaction of business in this Commonwealth by foreign building and loan associations; conferring powers and imposing duties upon the courts, recorders of deeds, and certain State departments, commissions, and officers; establishing limitations of actions; imposing penalties; and repealing certain acts and parts of acts", by authorizing building and loan associations to act as fiscal agents of the United States Government for the sale of United States Defense Bonds and Defense Stamps, and permitting such associations to pledge their assets for the faithful performance of their duties as such agents.

Mr. STANK, from the Select Committee on Special Session Legislation, reported as committed, House Resolution No. 5.

BILL ON SECOND READING

Agreeably to order.

The House proceeded to the second reading and consideration of House Bill No. 20, (Senate Bill No. 27), entitled:

An Act to provide for the expenses of the Extraordinary Session of the Legislature assembled February seventeenth, one thousand nine hundred forty-two, in pursuance of the proclamation of the Governor of the Commonwealth dated February tenth, one thousand nine hundred forty-two, and the supplement thereto.

The first section was read.

On the question,

Will the House agree to the section?

Mr. ACHTERMAN offered the following amendments:

Amend section 1, page 2, line 9, by striking out the word "three" and inserting in lieu thereof the following: "four".

Amend section 1, page 2, line 9 by striking out the word "six" and inserting in lieu thereof the following: "four".

Amend section 1, page 2, line 9 by striking out the figures "($3,600)" and inserting in lieu thereof the following: "($4,400)".

Amend section 1, page 2, line 18 by striking out the word "two" and inserting in lieu thereof the following: "three".

Amend section 1, page 2, line 18, by striking out the word "seven"

Amend section 1, page 2, line 19 by striking out the word "hundred"

Amend section 1, page 2, line 19 by striking out "($2,700)" and inserting in lieu thereof the following: "($3,000)".

They were agreed to.

The section was agreed to as amended.

The title was read and agreed to.

And said bill having been read at length the second time and agreed to as amended,

Ordered, To be transcribed for a third reading.

MR. AUKER IN THE CHAIR.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 11, as follows:

An Act to further amend section eight hundred twenty-eight of the act approved the first day of May one thousand nine hundred twenty-nine (P. L. 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" authorizing the Secretary of Revenue during the period of national emergency to suspend the operation of certain provisions of this act relating to school buses when such provisions conflict with priority claims for material

The General Assembly of the Commonwealth of Pennsylvania hereby enacts os follows

Section 1 Section eight hundred twenty-eight of the act approved the first day of May one thousand nine hundred twenty-nine (P. L. 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" as last amended by the act approved the twenty-seventh day of June one thousand nine hundred thirty-nine (P. L. 1135) is hereby further amended to read as follows

Section 828. School Buses Safety Requirements (a) "School Bus" for the purpose of this section is any vehicle registered as a commercial vehicle motor bus or motor omnibus or any vehicle having a lineal seating space including the space for the operator of more than one hundred (100) inches and owned by or used under contract with any school or school district for the transportation of school children Provided That said school bus shall not include motor buses operated by common carriers holding a certificate of the Public Utility Commission who also operate such motor buses over routes approved by such commission And provided further That such buses comply with the safety regulations of that commission and the State Council of Education of Pennsylvania

(b) No person shall own or operate a school bus carrying school children on the highways of this Commonwealth in a school bus that in addition to the other requirements of this act does not conform with the following

(1) The body of the vehicle shall be of all metal construction and of the closed type and shall provide only one compartment for the operator and school children

(2) The exhaust system shall be so constructed that exhaust gases will be kept out of the body of the school bus and adequate ventilation shall be provided in all school buses

(3) There shall be an entrance door located to the right of the operator and at all times controlled only by such operator The door shall be at least twenty-four (24) inches wide and shall be an approved safety type with suitable hand rails.

(4) There shall be an emergency exit door in the rear or on the left side near the rear of the vehicle equipped with an emergency lock operated from the inside of the vehicle which may be quickly released and which shall be protected against accidental release The emergency exit door shall open outwards and shall be at least twenty (20) inches wide and shall be labeled in black letters at least thee (3) inches high on both the outside and inside "Emergency Door"

(5) All windows shall be so constructed and installed that they shall readily slide up and down only except that the windows in the rear of the bus shall be stationary All side windows in the bus shall be provided with removable heavy wire mesh or other removable guard of a sufficient height to prevent the extension of hands

(6) There shall be at least thirteen (13) inches of seating space provided for each school child carried And there shall be a measurement of at least twelve (12) inches from the front of every seat to the back of the seat next to the rear All seats shall have spring cushions and all back rests shall be well padded and shall be securely fastened to the bus There shall be no longitudinal seats opposite to and facing each other within a distance of eighteen (18) inches and in all new buses purchased after the effective date of this act there shall be no longitudinal seats

(7) Every school bus shall be of a uniform color which shall be orange and every such bus shall be labeled both in the front and in the rear with black letters not less than six (6) inches in height with the words "School Bus" showing to the outside

(8) Every school bus shall be equipped with at least one (1) fire extinguisher of approved type in good condition and ready for use as prescribed by the secretary and shall be so placed that it can be readily reached from the operator's seat

Provided That nothing contained in this section shall make unlawful the use before August first one thousand

nine hundred forty-two of any vehicle as a school bus for the transportation of school children if such vehicle was used in this Commonwealth under contract with any school or school district for the transportation of school children before the effective date of this section

The secretary shall have the authority to make regulations not inconsistent with this act for the efficient administration of this section and during the national emergency to suspend the operation of the provisions of this section if in his judgment priority claims for material make it impossible to comply with such provisions

Penalty Any person violating any of the provisions of this section shall upon summary conviction befor a magistrate be sentenced to pay a fine of not less than ten ($10) dollars and not more than twenty-five ($25) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not less than five (5) days and not more than ten (10) days

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—194

Achterman,	French,	Lyons,	Rose, W. E.,
Auker,	Gallagher,	Malloy,	Rosenfeld,
Baker,	Gates,	Marks,	Royer,
Balthaser,	Gerard,	Maxwell,	Rush,
Baugher,	Gillan,	McClanaghan,	Sarge,
Bentzel,	Goodwin,	McClester,	Sarraf,
Boies,	Greenwood,	McDermott,	Scanlon,
Boney,	Gross,	McDowell,	Schwab,
Boorse,	Gryskewicz,	McFall,	Serrill,
Bower,	Gyger,	McIntosh,	Shaffer,
Bradley,	Habbyshaw,	McKinney,	Shaw,
Bretherick,	Haberlen,	McLanahan,	Shepard,
Brown,	Haines,	McLane,	Simons,
Brunner, C. H.,	Hall,	McMillen,	Skale,
Brunner, P. A.,	Hamilton,	McSurdy,	Snyder,
Burns,	Hare,	Melchiorre,	Sollenberger,
Burris,	Harris,	Mihm,	Sorg,
Cadwalader,	Heatherington,	Modell,	Stank,
Chervenak,	Helm,	Monks,	Stine,
Chudoff,	Hering,	Mooney,	Stockham,
Cochran,	Herman,	Moran,	Tarr
Cohen, M. M.,	Hersch,	Muir,	Tate,
Cohen, R. E.,	Hewitt,	Munley	Taylor,
Cook,	Hirsch,	Nagel	Thompson, E. F.
Cooper,	Holland,	Nunemacher	Thompson, R. L.
Cordier,	Huntley,	O'Brien,	Trout,
Corrigan,	Imbrie,	O'Connor,	Turner,
Croop,	James,	O'Dare,	VanAllsburg,
Cullen,	Jefferson,	O'Mullen,	Verona,
Dalrymple,	Jones, G. E.,	O'Neill,	Vincent,
Dennison,	Jones, P. N.,	Owens,	Voldow,
DiGenova,	Keenan,	Petrosky,	Wagner,
Dix,	Kenehan,	Pettit,	Watkins,
Dolon,	Kline,	Polaski,	Weingartner,
D'Ortona,	Knoble,	Polen,	Weiss,
Duffy,	Kolankiewicz,	Powers,	Welsh, E. B.,
Early,	Komorofski,	Prosen,	Welsh, M. J.,
Eckels,	Krise,	Rank,	Williams,
Elder,	Lee, E. A.,	Rausch,	Winner,
Elliott,	Lee, T. H.,	Readinger,	Wood, L. H.,
Falkenstein,	Leisey,	Reagan,	Wood, N.,
Finnerty,	Leonard,	Reese, D. P.,	Woodring,
Fisher,	Lesko,	Reese, R. E.,	Wright,
Fiss,	Levy,	Regan,	Yeakel,
Fleming,	Leydic,	Reynolds,	Yester,
Fletcher,	Lichtenwalter,	Rhea,	Young,
Flynn,	Longo,	Riley,	Kilroy,
Foor,	Lovett,	Rooney,	Speaker.
		Rose, S.,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

THE SPEAKER (Elmer Kilroy) IN THE CHAIR.

RESOLUTIONS

Mr. REGAN offered a resolution which was laid over for printing under the Rules.

Mr. O'MULLEN offered a resolution which was laid over for printing under the Rules.

SENATE MESSAGE

SENATE BILLS FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence bills numbered and entitled as follows:

SENATE BILL No. 35. (HOUSE BILL No. 37).

An Act authorizing the Department of Highways to construct, replace or repair bridges in cities of the third class which form connecting links on State highways necessary for National defense in cases where Federal funds and city funds are available for such purposes and authorizing the Secretary of Highways to enter into agreements with the proper Federal authorities and the authorities of cities of the third class covering the construction, replacement or repair of such bridges; and making an appropriation.

Referred to the Select Committee on Special Session Legislation.

SENATE BILL No. 25. (HOUSE BILL No. 38).

A Joint Resolution proposing an amendment to section thirteen, Article three, of the Constitution of the Commonwealth of Pennsylvania.

Referred to the Select Committee on Special Session Legislation.

QUESTION OF PERSONAL PRIVILEGE

Mr. YESTER. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman will state his question of personal privilege.

Mr. YESTER. Mr. Speaker, on March 3, 1942, I voted "aye" on the final passage of House Bill No. 10, but through error was not so recorded.

ADJOURNMENT

Mr. YOUNG. Mr. Speaker. I move that this House do now adjourn until Monday, March 9, 1942, at 9 p. m.

The motion was agreed to, and (at 1:35 p. m.) the House adjourned.

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal.

Extraordinary Session of 1942.

Vol. 26. HARRISBURG, PA., MONDAY, MARCH 9, 1942. No. 10.

SENATE

MONDAY, March 9, 1942

The Senate met at 4:00 o'clock, p. m., E. W. T.

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the Chair.

PRAYER

The Chaplain, Rev. EDWIN S. WALLACE offered the following prayer:

Eternal God, our mighty fortress and our sure defense, deliver us from the bondage of fear that under Thy protecting wings we may come to trust. So establish us in faithfulness to Thy will that, being confident of Thy mercy, we may pursue our appointed course, and come to the end of life's road in peace.

While our feet must press a road that is oft times steep and rough; while the burdens laid upon us may be heavy to the point of exhaustion; while so much of life seems futile and our best efforts produce only the trivial, let us not grow despondent, remembering that we are not alone, and that "underneath are the everlasting arms." With such companionship and the guarantee of such support we can not fail.

We pray that Thy wisdom will generously endow the members of the senate, to the end that they may lead the people of the state in righteousness and justice, and thus advance the kingdom of God in this part of Thy world.

We pray for our nation in this time of trial, that she may overcome all her enemies and continue to be the favored and happy land whose God is the Lord.

Remember with Thy blessing the President of the United States, the Governor of this state and all those who exercise authority.

To Thy great name shall be all praise, both now and forever. Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. WADE and Mr. GELTZ, the further reading was dispensed with, and the Journal approved.

LEAVE OF ABSENCE

Mr. Woodward asked and obtained leave of absence for the Senator from Montgomery, Mr. EDMONDS, on account of illness.

Mr. Deitrick asked and obtained leave of absence for the Senator from Erie, Mr. ZIESENHEIM.

Mr. McGinnis asked and obtained leave of absence for the Senator from Allegheny, Mr. FREY.

He also asked and obtained leave of absence for the Senator from Luzerne, Dr. MUNDY.

Mr. Thomas asked and obtained leave of absence for the Senator from Dauphin, Mr. TAYLOR.

Mr. Carr asked and obtained leave of absence for the Senator from McKean, Mr. THOMAS B. WILSON.

Mr. Ealy asked and obtained leave of absence for the Senator from Clinton, Mr. STEVENSON.

NOMINATIONS BY THE GOVERNOR

NOTARIES PUBLIC

The Secretary to the Governor being introduced, presented in writing from His Excellency, the Governor of the Commonwealth, nominations for appointment as Notaries Public.

CONSIDERATION OF NOTARIES PUBLIC

Mr. JAMES. Mr. President, I move that the Senate do now proceed to the consideration of nominations for appointment as Notaries Public, sent to the Senate, March 9, 1942, by His Excellency, the Governor of the Commonwealth.

Mr. MILLER. Mr. President, I second the motion.

The motion was agreed to.

The nominations were read as follows:

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 9, 1942.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

Edward M. Larkin, Pittsburgh, 815 Berger Bldg.
Gerard W. Schaub, Pittsburgh, 1423 Beaver Ave.

ERIE COUNTY

Arthur Gerbracht, Erie.

LACKAWANNA COUNTY

Robert A. Robinson, Scranton.

LUZERNE COUNTY

Miss Mary T. Martin, Wilkes-Barre.

MERCER COUNTY

Julius G. Sipotz, Sharon.

PHILADELPHIA COUNTY

Walter F. Compton, Phila., 261 N. Broad Street.
Leon I. Greenberg, Phila., 3608 North 22d Street.
Mrs. Esther J. Lavin, Phila., 1504 Lincoln-Liberty Bldg.
Joseph B. Moore, Phila., The Inquirer Bldg., 400 N. Broad Street.
Mrs. Yvette F. Nagle, Phila., S E Cor. 23d and Ritner Streets.
Albert Paterson, Phila., 1950 Church Street.
Miss Evelyn A. Schick, Phila., 127 South 5th Street.
Mrs. Charlotte F. Schultz, Phila., 2549 Coral Street.

WAYNE COUNTY

Mrs. Ruth E. Spangenberg, Honesdale.

DELAWARE COUNTY

William P. Harris, Chester.

ARTHUR H. JAMES.

NOMINATIONS FOR NOTARIES PUBLIC

A motion was made by Mr. JAMES and Mr. MILLER,

That the Senate do advise and consent to said nominations:

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—43

Barr,	Dent,	Lanius,	Snowden,
Bartlett,	DiSilvestro,	Letzler,	Stiefel,
Becker,	Ealy,	Mallery,	Taliman,
Carr,	Farrell,	McCreesh,	Thomas,
Cavalcante,	Geltz,	McGinnis,	Tyler,
Chapman,	Haluska,	McQuiddy,	Wade,
Coleman,	Heyburn,	Miller,	Walker,
Cox,	Homsher,	Reed,	Watkins,
Crider,	James,	Ruth,	Wilson, H. I.,
Crowe,	Jaspan,	Scarlett,	Woodward,
Deitrick,	Kephart,	Shapiro,	

NAYS—0

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

He also presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Executive Nominations.

NOMINATIONS AS MEMBERS OF STATE CIVIL SERVICE COMMISSION

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 9, 1942.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as members of the State Civil Service Commission:

John A. M. McCarthy, 931 North 50th Street, Philadelphia, Philadelphia County, for the term of two years, and until his successor shall have been appointed and qualified.

Mrs. Ruth Pennell, Mifflintown, Juniata County, for the term of four years, and until her successor shall have been appointed and qualified.

Robert Hall Craig, 3621 Sharon Street, Paxtang, Harrisburg, Dauphin County, for the term of six years, and until his successor shall have been appointed and qualified.

ARTHUR H. JAMES.

NOMINATION FOR APPOINTMENT AS JUDGE OF MUNICIPAL COURT

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 9, 1942.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Francis F. Burch, 6426 Drexel Road, Philadelphia, Philadelphia County, for appointment as Judge of the Municipal Court of the First Judicial District of Pennsylvania, composed of the City and County of Philadelphia, until the first Monday of January, 1944, vice Thomas Bluett, resigned.

ARTHUR H. JAMES.

NOMINATION FOR APPOINTMENT AS CORONER IN LYCOMING COUNTY

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 9, 1942.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Dr. Leo M. Knauber, 746 West Third Street, Williamsport, Lycoming County, for appointment as Coroner in and for the County of Lycoming, until the first Monday of January, 1944, and until his successor shall be duly qualified, to fill a vacancy.

ARTHUR H. JAMES.

JUSTICE OF THE PEACE IN LUZERNE COUNTY

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 9, 1942.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Frank Shantz, Italy Street, Mocanaqua, Luzerne County, for appointment as Justice of the Peace in and for the Township of Conyngham, Luzerne County, until the first Monday in January, 1944, vice Stanley A. Masakowski, resigned.

ARTHUR H. JAMES.

JUSTICE OF THE PEACE IN BERKS COUNTY

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 9, 1942.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate James I. Machemer, Jr., Centerport, Berks County, for appointment as Jutice of the Peace in and for the Borough of Centerport, Berks County, until the first Monday in January, 1944, to fill a vacancy.

ARTHUR H. JAMES.

JUSTICE OF THE PEACE IN TIOGA COUNTY

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 9, 1942.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate George Linton, Box No. 148, Elkland, Tioga County, for appointment as Justice of the Peace in and for the Borough of Elkland, Tioga County, until the first Monday in January, 1944, vice T. C. Wood, deceased.

ARTHUR H. JAMES.

REPORT FROM COMMITTEE

Mr. STIEFEL, from the Committee on Appropriations, reported as committed, Senate Bill No. 12, entitled:

An Act to amend the act approved the sixth day of August, one thousand nine hundred and forty-one (1941 Appropriation Acts, page 98), entitled "A supplement to the act approved the sixteenth day of June, one thousand nine hundred forty-one (Appropriation Act Number 12-A), entitled 'An act to provide for the ordinary expenses of the Executive, Legislative and Judicial Departments of the Commonwealth, interest on the public debt, and the support of the public schools for two years beginning June first, one thousand nine hundred and forty-one, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first, one thousand nine hundred and forty-one,'" by increasing the appropriation to the Department of Justice for the parole work of the Board of Pardons.

BILLS INTRODUCED

Mr. KEPHART read in his place and presented to the Chair Senate Bill No. 44, entitled:

An Act suspending, for the period of the present war and for a time thereafter, the provisions of article six of the act, approved the first day of May, one thousand nine hundred twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims, registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," and its amendments, in so far as they require the renewal of operators licenses of and the payment of operator's license fees by, persons in the military or naval service of the United States.

Which was committed to the Committee on Highways.

Mr. HOMSHER read in his place and presented to the Chair Senate Bill No. 45, entitled:

An Act to suspend and modify existing law providing for and requiring the examination and licensing by the Department of Public Instruction or by examining and licensing boards of persons, before entering upon the practice of a profession or engaging in an occupation, and authorizing the issuance of licenses to practice professions or engage in occupations.

Which was committed to the Committee on Education.

PERMISSION TO ADDRESS THE SENATE

Mr. DENT. Mr. President, I desire permission to address the Senate.

The PRESIDENT. The Senator from Westmoreland may proceed.

Mr. DENT. Mr. President, under introduction of new bills, I have a rough sketch of an act that would call for unemployment compensation on partial payments, but after what happened to me last week here, I do not like to invite the same kind of an occurrence, so I will invite the Republican members of the Senate to introduce a bill on partial payments. If they do not do it by next week, then I will introduce it.

TIME OF NEXT MEETING

Mr. THOMAS offered the following resolution which was twice read, considered and agreed to:

In the Senate, March 9, 1942.

Resolved (if the House of Representatives concur), That when the Senate adjourns this week, it reconvene on Monday, March 16, 1942, at four o'clock p. m., and when the House of Representatives adjourns this week, it reconvene on Monday, March 16, 1942, at nine o'clock p. m.

Ordered, That the Clerk present the same to the House of Representatives for concurrence.

CONDOLENCES ON DEATH OF THOMAS E. JARDEL MEMBER OF CREW OF THE JACOB JONES

Mr. FARRELL offered the following resolution which was twice read, considered and agreed to:

In the Senate, March 9, 1942.

Whereas, In this terrible world conflict in which our Nation finds itself involved with Germany and the other Axis powers, the extreme courage, the undying endurance and the patriotic example of the young men of America serving with the Armed Forces has been a great inspiration to the people of this country; and

Whereas, Thomas E. Jardel, Fireman, First Class, United States Navy, son of Mr. and Mrs. John C. Jardel, 603 Tyson Street, Philadelphia, Pennsylvania, distinguished himself as a member of the crew of the ill-fated destroyer, Jacob Jones, which was torpedoed and sunk, in the dark hours before dawn on the morning of February 28, 1942 while guarding and patrolling our coastal waters off Cape May, New Jersey; and

Whereas, His courage and effective cooperation, thereby maintaining the best traditions of the American Navy, won for him the high commendation of his superior officers and the friendship and respect of his shipmates on the Jacob Jones; Now Therefore, Be It

Resolved, By the Senate of Pennsylvania that the patriotic example of the young men of the Army and Navy of the United States who have met the present emergency with unexampled courage and steadfast bravery, deserves sincere recognition from their friends at home; and Be It Further

Resolved, That the Senate of Pennsylvania tender its

sincere and respectful congratulations to the American Navy for its courageous service to the Nation; and Be It Further

Resolved, That the Senate of Pennsylvania tender to Mr. and Mrs. John C. Jardel, of Philadelphia, Pennsylvania, its sincere condolences in their great and irreplaceable loss, and in the high honor which is theirs to have given to the country one of its earliest heroes in this war; and to Thomas E. Jardel for the notable example of courage, modesty and service that he gave to the Nation; and Be It Further

Resolved, That a copy of this Resolution be sent to the bereaved parents of this martyr to the cause of our Democracy.

BILL ON FINAL PASSAGE

Agreeably to order,

The Senate resumed the third reading and consideration of Senate Bill No. 3, entitled:

A Joint Resolution proposing an amendment to article nine, section eight of the Constitution of the Commonwealth of Pennsylvania, further regulating indebtedness of political subdivisions.

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

Mr. WOODWARD. Mr. President, Senate Bill No. 3 is fast becoming what might be called a Finnegan Bill, it is off again, on again and gone again and today it is going once more.

I hold in my hand a Calendar of Bills for today and all the bills are marked O.K. except this one of mine, which is marked P.P.C. which means pay and party call or Postponed Calendar.

At the proper time I expect to move that this bill be placed on the Postponed Calendar. If I wanted to dramatize it, I would move that it be stricken from the Calendar, but it at least has appeared on the Calendar of the Senate anyway, and it is very nice to see it on there and it would help, I think, the appearance of the Calendar.

While conducting these rites, Mr. President, I want to make a few remarks in appreciation of the assistance that I have received. I might mention the fact that I have twenty-five Senators that might vote for it.

I was highly honored by an invitation from the gentleman from Allegheny, Senator McGinnis and the Democratic Caucus, to appear before them. It was quite unusual for a hard boiled Republican to appear before the Democratic Caucus, and I appreciate it very highly. I made a splendid argument, I thought, and I think I won one vote probably, by so doing.

During the interval since we adjourned last week I have really tried to—well, explore this bill. I have a friend named Mort Witkin, who is President of the City or County Commissioners of Philadelphia, and who knows quite a lot about politics and he knows his way around and I consulted him about this bill and he said "drop it," he said, "drop it, it will cost me a lot more to pay income tax than just to say this, and I interviewed the collector of this tax, Wallace Bromley and he told me a story involving a former Senator who got six thousand dollars commission or fee and the County Commissioners held it up because he was in arrears in the personal property tax and he has not gotten the money yet. I should not mention that, I suppose, because he was formerly a member of this body.

I wish to thank especially Senator Carr, who had the nerve and loyalty to move for reconsideration of Senate Bill No. 3, and I would like also to thank Senator Taylor for seconding the motion of the gentleman from Butler, Senator Carr. I regret the Senator from Dauphin, Senator Taylor is A.W.O.L.—I do not know where he is.

Therefore, Mr. President, thanking all my friends for their support, I might say that it would be possible perhaps to get two more Democratic votes,, but I do not like to ask for them because one depends on a former gift of a bottle of Jamaica Rum, and the other upon the fact that I am curing a Senator of Conjunctivitis, and that does not seem to me a sound basis for asking for their votes.

BILL POSTPONED

Mr. WOODWARD. Therefore, Mr. President, with regret, because the bill has intrinsic merit, I move that Senate Bill No. 3 be placed on the Postponed Calendar.

Mr. HEYBURN. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. SHAPIRO. Mr. President, it is amazing sometimes to figure what and how wonderful a democracy is, that there are so many things that can be done to it and it may still survive.

I listened with regret to the suggestion of the gentleman from Germantown, Dr. Woodward, that he was about to move for the recommittal of this bill, or that it be placed on the Postponed Calendar, which is another method of saying that it will not pass.

I should like to place on the record the facts concerning this bill and its importance. In the City of Philadelphia the borrowing capacity is based on the assessed value of real estate plus the assessed value of personal property; that is, what the appraisers say the personal property of citizens in the Commonwealth of Philadelphia, if I may put it that way, the Metropolitan City of Philadelphia, is worth. As a result of that dual basis there has grown up in Philadelphia a huge debt, used in times for the purposes of spending money, making available the spending of this money, by the borrowing capacity.

No business man borrows money on any assets except those assets which are his and will stay with him, and when his assets change his borrowing ability changes. In Philadelphia today, this year, the present property values of citizens might total three billions of dollars; tomorrow they might move to Montgomery County or Allegheny County or somewhere else, and the value of that personal property might depreciate over night; the market, as it has done, might drop fifty points; and yet the borrowing capacity of the city remains the same.

The purpose of this bill was to give to the City of Philadelphia and other communities in Pennsylvania a stable basic borrowing capacity, based on the real estate valua-

tion, so that when the owner of real estate sold, the real estate was still there, whereas under the personal property tax when the owner of personal property moved out, the basis of the borrowing was no longer there, but the borrowing went on the same.

In addition to that, so long as people were taxed on personal property there could never be an income tax, because the people who were paying a personal property tax certainly would not vote for an amendment to the Constitution to permit an income tax, because they would be paying both a capital tax, which is all that a personal property tax is, because you pay it whether there is any income or not from the personal property, and they would also be paying an income tax on that personal property which brought an income.

Therefore the first step, which accomplished two things, was to abolish the personal property tax as a basis for borrowing capacity. This proposed amendment to the Constitution, Mr. President, would have been that first step and it would have put every city, as I see it, every municipality upon a sound basis for the purpose of basing its borrowing capacity, and would have prevented in times of high valuation the expenditure of city moneys, county moneys for purposes which were, as we have seen, non-essential.

To treat this bill as a step-child and as a means of making facetious remarks to me seems rather offensive personally, because it is an important piece of legislation and if it is not to be passed, that is the will of the majority and that is the way it should be, but I do not like to see legislation in times like these treated in this way.

The second step that this bill would have accomplished would have been the elimination of what to my mind is an unfair tax, I have always felt that way, a tax based purely upon capital, a capital tax bearing no relationship to the question of income. Today mortgages in Philadelphia, many of them, do not pay any interest and yet the holders of those mortgages must pay the eight mills tax. Stocks and bonds do not pay interest and yet they must pay the eight mills tax. An income tax to me is a proper tax. I do not care what the size is of the income tax which may be necessary for the state or the nation; if I earn the money I am willing to contribute my share. The only tax that the average sensible citizen complains of is when he is asked to pay a tax and he has no available funds with which to pay it. Certainly a man who has a thousand or a million dollars invested in mortgages and gets no interest on them is in a sad plight when he is asked to pay eight per cent of that as a tax, and therefore I say it is in effect a capital tax.

We could have imposed and we could have an income tax if the personal property tax had not been on the books, and you can not get it off the books until you take it away as a basis for borrowing capacity, and so I should like to record my protest first, against the dropping of the bill, and, secondly, the way in which the legislation has been treated.

Mr. DiSILVESTRO. Mr. President, I am thoroughly in accord with an editorial which appeared in one of the Philadelphia newspapers, from which I quote:

"CONSTITUTIONAL AMENDMENTS

"About the first thing the State Senate has done in recent years after convening is to receive three bills from Senator Woodward looking to amendment of the Constitution.

"One would authorize graded taxation; one would consolidate the City and County of Philadelphia, and the third would base county borrowing capacities on real estate values alone instead of on personal and real property values combined.

Running true to form, these oft-rejected triplets were the first three proposals to go before the Senate in its present session. The Governor had not listed them among his reasons for summoning the session, but in amending the Constitution a special session is not limited to subjects within the Governor's call.

"Considering everybody's preoccupation with other things, it is perhaps surprising that the amendments should get any attention at all. Yet the one about borrowing power actually passed three readings in the Senate and went down to defeat in vote on final passage.

"War days aren't especially favorable for constitution changing. History shows, however, that the urge for change becomes strong after a war. It was powerful after the Civil and first World Wars, and will probably be strongly in evidence after this struggle."

And the question recurring,
Will the Senate agree to the motion?
It was agreed to.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 16, as follows:

An Act to provide relief in cases where fiduciaries are in military service authorizing the court to appoint a substituted fiduciary pro tem in such cases or to allow the remaining fiduciaries to act authorizing security to be entered by and compensation paid to such substituted fiduciaries pro tem and regulating the powers and liabilities of the fiduciary in military service and of the substituted fiduciary pro tem

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Definitions When used in this act

(a) The term "fiduciary" shall include an executor administrator trustee under a will deed or declaration trustee durante absentia guardian of the estate of a minor weak-minded person or habitual drunkard and committee of a lunatic

(b) In military service this shall include fiduciaries who are members of the armed forces of the United States or of any allied or associated power or who are detailed by proper authority for duty with such armed forces

Section 2 Whenever and for so long as any fiduciary is or shall be in military service the court having jurisdiction of the accounts of such fiduciary shall have power in its discretion

(a) To authorize the co-fiduciary or co-fiduciaries if any to exercise all of the powers of such fiduciary whether discretionary or ministerial or

(b) To appoint a substituted fiduciary pro tem to act in place of such fiduciary and to authorize such substituted fiduciary pro tem to exercise all of the powers and discretion of the fiduciary in military service

Section 3 The relief authorized by Section 2 of this act

may be granted upon petition of any party in interest including the fiduciary in military service or any co-fiduciary It shall not be necessary to secure the joinder of any other party in interest in such petition but notice of the presentation of the petition shall be given to all parties in interest who are sui juris at such time and in such manner as the court may direct by general rule or special order

Section 4 Any substituted fiduciary pro tem appointed under the provisions of Section 2 of this act shall enter such security if any as the court may direct and shall receive such compensation as the court may allow Such substituted fiduciary pro tem shall be subject to the same duties and responsibilities with respect to accounting and otherwise during the period that he holds office as the fiduciary in military service would have been if not in such service

Section 5 Any decree entered pursuant to the provisions of Section 2 of this act shall remain in force until revoked by the court upon cause shown and no act done by any substituted fiduciary pro tem or co-fiduciary or co-fiduciaries while such decree is in force shall be impeached on the ground that a fiduciary was not in or had ceased to be in military service

Section 6 So long as any decree entered pursuant to the provisions of Section 2 of this act remains in force the fiduciary named therein as being in military service shall exercise none of his or her fiduciary powers or discretion and shall be under no liability for any acts or omissions of the substituted fiduciary pro tem or of any co-fiduciary or co-fiduciaries during that period Provided That nothing contained in this act shall relieve a fiduciary who enters military service from liability for the administration of the estate before the entry of a decree under the provisions of section two of this act and upon the reinstatement of such fiduciary or at such time as the said court deems meet such fiduciary may be required by said court to file an accounting of his administration of said estate

Section 7 The court appointing a substituted fiduciary pro tem under the provisions of Section 2 of this act shall have the same powers of control removal discharge and settlement of the accounts of such substituted fiduciary as are conferred upon it by existing law with respect to other fiduciaries

And said bill having been read at length the third time,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill on third reading?

Mr. SHAPIRO. Mr. President, this bill makes no provision for the payment of any money to a fiduciary named by the person who created an estate or created a trust. This bill does not provide that there must be evidence that the person who is in the military service can not perform his duties.

This bill is a blanket bill authorizing the court to appoint a substitute fiduciary without apparently giving the fiduciary protection or notice, because in my opinion this bill is intended to cover a situation where the fiduciary is in the service and can not be reached, when he can not get the notice referred to in section three, although he is an interested party.

It seems to me, Mr. President, that if this bill is to be passed provision ought to be made to protect the situation where a man in the military service can perform his duties. There are many such men who are stationed in Philadelphia, at the local navy yard or at local armories, and who might be able to perform their duties, even though in the service, and it would seem to me some provision in a measure of this kind ought to be made to protect them, because after all, this bill is upsetting the intention of the testator or the creator of the trust, and under those circumstances I shall vote against the bill.

And the question recurring,

Will the Senate agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—41

Barr,	Dent,	Kephart,	Snowden,
Bartlett,	DiSilvestro,	Lanius,	Stiefel,
Becker,	Ealy,	Letzler,	Tallman,
Carr,	Farrell,	Mallery,	Thomas,
Cavalcante,	Geltz,	McCreesh,	Tyler,
Chapman,	Haluska,	McGinnis,	Wade,
Coleman,	Heyburn,	McQuiddy,	Walker,
Cox,	Homsher,	Miller,	Watkins,
Crider,	James,	Reed,	Wilson, H. I.,
Crowe,	Jaspan,	Ruth,	Woodward,
Deitrick,			

NAYS—1

Shapiro,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 21, as follows:

An Act authorizing certain political subdivisions to make appropriations for the payment of expenses of local or district councils of defense within said political subdivisions and for the protection or preparation for the protection of the health welfare and safety of the civilian population of said political subdivision during emergencies resulting from air raids blackouts or sabotage regulatng the manner of payment of expenses of local and district councils of defense authorizing such political subdivisions to levy taxes and borrow money under certain conditions for such purposes providing for the repayment thereof and ratifying confirming and validating appropriations heretofore made for said purposes

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1. Definitions The following words and phrases used in this act shall have the meanings ascribed to them in this section

"Political subdivisions" shall mean any county city borough incorporated town and township

"Local and district councils of defense shall mean those established pursuant to the act approved the nineteenth day of March one thousand nine hundred and forty-one (P. L. 6) entitled "An act relating to national and state defense providing for the establishment of a state council of defense and for local and district councils of defense prescribing the powers and duties thereof and making appropriations therefor"

Section 2. Every political subdivision shall have the power to make appropriations in the manner provided by law for making appropriations for the ordinary expenses of such political subdivisions for the payment of expenses of local and district councils of defense and for protection and preparation for the protection of the health welfare and safety of the civilian population of the said political subdivision during emergencies resulting from air raids blackouts or sabotage A political subdivision in

making such appropriations may specify the amounts and purposes for which the moneys so appropriated may be used by such councils of defense or other agency to or for which such appropriation may be made

Section 3. (a) Where the jurisdiction of the local or district council of defense is coterminus with the political subdivision making an appropriation for the payment of the expenses of the local or district council of defense such local or district council of defense shall be an agency board or commission of the political subdivision subject to all of the laws governing the making of contracts or purchases the employment of persons or otherwise incurring financial obligations which apply to the political subdivision All bills or claims to be paid from any appropriation made pursuant to this act after first being approved by the local or district council of defense or an appropriate officer thereof designated for the purpose shall be paid from the treasury of the political subdivision only upon the warrant or order of the officer or officers of such political subdivision designated by law to approved or countersign warrants or orders for the payment of the ordinary expenses of such political subdivision and shall be subject to audit in the same manner as other financial transactions of such political subdivision Any gift or grant of money made to the local or district council of defense or to the political subdivision for the payment of expenses incurred or to be incurred by or for the local or district council of defense shall be deposited in the treasury of the political subdivision and shall be appropriated by the political subdivision for the purpose for which such gift or grant was made and any bills or claims to be paid from such gift or grant shall be paid in the manner herein provided for the payment of other bills and claims against such political subdivision

(b) Where a local or district council of defense has jurisdiction in an area including all or parts of more than one political subdivision which does not include the whole area of any county the political subdivisions all or part of which lie within the jurisdiction of such local or district council of defense shall before paying any expenses of such local or district council of defense enter into an agreement designating one of said political subdivisions as the agent of each of them for the purpose of paying the expenses of the local or district council of defense The agreement shall also set forth the proportionate share of the expenses of the local or district council of defense to be paid by each political subdivision party to said agreement and an estimate of the amount required to be appropriated by each of them for the purpose of paying such expenses The agreement shall be effective when approved by the corporate authorities of each of said political subdivisions by a majority vote and each of said subdivisions shall thereupon make an appropriation pursuant to section two of this act sufficient to pay its share of the expenses of the local or district council of defense All bills and claims for expenses incurred by or for the local or district council of defense shall thereafter be paid in the first instance by the political subdivision named as agent in the aforesaid agreement in the manner provided in paragraph (a) of this section as though the local or district council of defense were co-terminus with such political subdivision and the local or district council of defense shall be subject to all of the laws governing the making of contracts or purchases the employment of persons or otherwise incurring financial obligations which apply to such political subdivision The political subdivision designated as agent shall not later than the fifteenth day of each month submit an itemized account of the expenses of the local or district council of defense paid by it during the preceding calendar month to each of the other political subdivisions party to the said agreement together with a request for reimbursement of the proportionate share of such expenses agreed to be paid by each of such other political subdivisions Each political subdivision so requested to make reimbursement shall do so within thirty days after such request from the appropriation made for the payment of the expenses of the local or district council of defense and in the event of failure to do so mandamus shall lie to compel the officers of such political subdivision to pay the agreed upon proportionate share of the proper expenses of the local or district council of defense out of the first moneys thereafter in the treasury of such political subdivision and not previously pledged to any other purpose provided that no political subdivision shall be compelled to pay for any one year an amount greater than the amount estimated in the agreement as its proportionate share The books and records of the political subdivision designated as agent in the agreement shall at all reasonable times be open to inspection by any authorized agent of each other political subdivision party to the agreement and by any taxpayer who by law is entitled to inspect the books or accounts of any political subdivision party to the agreement Nothing in this paragraph shall be deemed to limit the power of any political subdivision to appropriate and pay out for the expenses of the local or district council of defense an amount greater than that set forth in the agreement herein required provided that all such payments shall be made through the treasury of the political subdivision designated as agent in such agreement in the manner herein required Any payments made by any political subdivision to the political subdivision named as agent in the agreement for reimbursement for the payment of the expenses of the local or district council of defense shall be credited by such agent political subdivision to the appropriation made by it for the payment of the expenses of the local and district council of defense and shall be available for the payment of future expenses of the local or district council of defense without further appropriation or action by such agent political subdivision Any gift or grant of money made to or for the local or district council of defense shall if made to a political subdivision be deposited in its treasury and be appropriated by it for the purpose for which such gift or grant was made and such political subdivision shall notify the political subdivision named as agent in the agreement of such appropriation and the purpose for which it is available If such gift or grant of money is made to the local or district council of defense it shall be deposited in the treasury of the political subdivision named as agent in the agreement and shall be appropriated by such political subdivision for the purpose for which such gift or grant was made provided however that any expenditure made by such agent political subdivision from any gift or grant deposited in its treasury or reimbursed from any gift or grant deposited in the treasury of any other political subdivision shall not be included in computing the reimbursement requested from any other political subdivision under the agreement

(c) Where the local or district council of defense has jurisdiction in an area including the whole area of one or more counties which is not coterminus with any one county before paying any expenses of the local or district council of defense the counties all or part of which lie within the jurisdiction of the local or district council of defense shall enter into an agreement in the manner and form provided in paragraph (b) of this section and with like effect and no other political subdivision lying within the jurisdiction of the local or district council of defense shall be a party to such agreement For the purposes of this paragraph the city and county of Philadelphia shall be a county and the city of Philadelphia shall act for such city and county

(d) Nothing in this or any other section of this act shall be deemed to limit the power of any political subdivision to appropriate money for the purpose of paying the expenses of a local or district council of defense having jurisdiction both within and without the political subdivision even though an appropriation has been or is to be made to another local or district council of defense coterminus with or having jurisdiction within such political subdivision provided that any payments on account of such appropriation shall be made pursuant to an agreement as provided in paragraphs (b) and (c)

hereof or in the form of a gift or grant to the political subdivision responsible in the first instance for the payment of bills and claims against the local or district council of defense for the payment of the expenses of which such appropriation was made

Section 4. Any political subdivision during the fiscal year one thousand nine hundred forty-two may borrow a sum or sums of money necessary for the purposes authorized by this act by the issuance and sale of bonds or notes in the manner provided in the Municipal Borrowing law approved June twenty-fifth one thousand nine hundred forty-one (P. L. 159) Such bonds or notes shall mature within one year from the date of issue

Section 5. Any political subdivision which finds that it cannot within present statutory limitations raise by taxation in any year an amount of money which together with all other sources of anticipated receipts will be sufficient to pay debt service ordinary operating expenditures and a sufficient amount for the purposes specified in section two of this act may petition the court of quarter sessions of the county in which such political subdivision is situated for permission to levy a tax in excess of present statutory limitations The petition to the court shall be made at least thirty days before the time at which the budget and tax levy of such political subdivision are ordinarily adopted finally and shall be accompanied by a tentative budget for the fiscal year in the form required by law for the adoption of the final budget Before granting the permission requested the court shall give such notice as it deems proper to the tax payers of the political subdivision of a hearing and shall after such hearing as the court may direct satisfy itself first that the political subdivision cannot pay its debt service operating expenses and a sufficient amount for the purposes specified in section two hereof without the levy of a tax in excess of present statutory limitations and secondly that the amount to be raised by the portion of the tax in excess of present statutory limitations does not exceed the amount required for the purposes set forth in section two of this act After so satisfying itself the court shall enter its order of record setting forth the amount of tax which the political subdivision may levy for the year but in no event shall the rate of tax be permitted to exceed present statutory limits by more than five mills It shall be competent for the court in its discretion to require the political subdivision to keep the proceeds of such portion of the tax as is in excess of present statutory limits separate and apart from all other moneys of the political subdivision and to use such proceeds solely for the purposes specified in section two of this act

Section 6. All appropriations and expenditures heretofore made by political subdivisions to local or district councils of defense or for the purposes specified in Section 2 of this act are hereby ratified confirmed and validated

Section 7. This act shall become effective immediately upon its final enactment and shall remain in effect so long as a state of war exists between the United States and any foreign country and six months after such state of war ceases to exist

And said bill having been read at length the third time,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

Mr. CAVALCANTE. Mr. President, I wish to register my criticisms on this bill. It appears that the primary purpose of the bill is to provide revenue for the various Councils of Defense established by the Act of 1941. The bill proposes to permit the various municipal sub-divisions to make appropriations for the purposes mentioned in the bill, and then provides the power to levy additional taxes in order to meet the appropriations.

My criticisms and objections to the bill are several. Take section two, it gives the political sub-division the power to make appropriations in like manner as provided by law for the making of appropriations.

Well, Mr. President, we who know the law and its provisions on appropriations, know that it says that a political sub-division draws up a budget and in that budget it sets forth the appropriation that it intends to make and the purpose for which the appropriation is made. After that the budget is advertised and any taxpayer of that municipality or sub-division may file his protest and objection.

Mr. President, if the bombs begin to fall on this particular municipal sub-division, probably they might have time to make the appropriation, and they might not; they might need the money immediately and the Japs or the Nazis might not wait for that political sub-division to make its appropriation and to go through the usual red tape of making an appropriation before they start dropping the bombs.

That same criticism applies to section three, clause (b), which provides that if the Council of Defense or the municipal sub-division requires equipment that exceeds a certain price, they must follow the same procedure that they follow under the law in purchasing material of the same price.

Well, that means that if a contract for equipment requires advertising and the solicitation of bids, I say to you gentlemen again that maybe the Japs and the Nazis will not wait until notice is given and the contract let out on bids; the appropriation might be needed immediately.

On page four of the bill, section three, it also provides that any gift or grant of money made to a local or a district Council of Defense or to a political sub-division for the payment of expenses incurred shall be paid into the treasury of that political sub-division and then paid out according to the usual way of paying money out of the treasury of the political sub-division.

Well now, Mr. President, up to this time there have been gifts made to many local Councils of Defense in this state and those Councils of Defense have already spent part of that money, even though it was not paid into the treasury of that political sub-division. What is the status of gifts already made and part of which have already been spent?

In section six of the act all appropriations or expenditures heretofore made by political sub-divisions are ratified, confirmed and validated, but what about the expenses already incurred and paid out of this gift money that is in the hands of these local Councils of Defense? When will that be ratified or confirmed, or will the persons who received those gifts and spent part of them for supplies and other materials for the Council of Defense, will they be surcharged or will they have to be accountable to the municipal sub-division for that? I think that Section 6 should be amended to include that.

There is another very serious objection and criticism to this bill. The defense of the civilian population of this Commonwealth is also the duty of the Federal Government and the Federal Government has already appropriated one hundred million dollars for this very specific purpose and there is no doubt in my mind that vast

appropriation will very shortly be allocated to the various states for the purposes mentioned in this bill. Does this bill make provision for that allocation?

We had a similar case in our public assistance law, in all those grants to which the Federal Government makes contribution. In our public assistance law we had a provision that if the Federal Government would allocate any money to our state that it would be paid into the state treasury and then we provided how that money would be spent or re-allocated.

As I have stated, Mr. President, I feel that of the one hundred million dollars appropriated by the Federal Government, part of it at least will come to the State of Pennsylvania, and this bill makes no provision for the receiving of that money and how it should be applied.

I have to members of this Senate already suggested that this bill should contain a section that if federal money is allocated to the State of Pennsylvania that this bill should provide that that money is to go into the state treasury and then re-allocated to the local Councils of Defense, as the State Council of Defense might see fit and proper.

Another very serious criticism that I have about this bill is this. I would have no objection to giving the political sub-divisions the power to make appropriations out of their general funds for this purpose, but this bill goes further, it says you may make those appropriations and we will then give you the additional power to levy additional taxes in order to meet that appropriation.

Members of this Senate, there is considerable spending of money by political sub-divisions for non-essentials, and I say that the apparent burden that is going to fall on the American taxpayers to meet the expenses of this war is going to be so tremendous that we ought not to allow an increase of the taxing power, or that this bill should give the political sub-division the power to make the appropriations out of their general funds; let them cut down on the non-essential expenditures that they make at this time, if we must do without something, if we are going to win the war, if we are going to defend our civilian population, and this ought to be one sacrifice.

All of us know, Mr. President, that the present burden of taxation on real etsate is enormous and the federal government is scheming and figuring out how to add additional income taxes upon us. This load is going to get too heavy, it is going to get too heavy, and many of them will not be able to stand that load, and I level this criticism against this bill because I honestly believe that we ought to give the political sub-divisions the power to make appropriations out of their general funds, but we ought not to give them the additional power to levy taxes or borrow money in order to meet that appropriation. Let them do without probably a load of amesite or the employment of two or three persons on the roads to scrape down the banks or to do nothing, and save money to meet that appropriation and not burden the real estate owner, the taxpayer, with this additional tax.

Mr. DENT. Mr. President, the thing that appeals to me at this moment is that this bill when it started out gave the local communities the right to levy additional taxes, if necessary, to meet whatever contingencies that might arise. However, as the bill now stands amended, there is only one person that is going to pay the entire cost of any amount of money that will be spent for local defense, and that will be the home owner. I submit the home owner, in most instances, would be the one to suffer most, and all of us know that if the enemies win, none of us will have homes or anything else, and under such an argument, of course, we could go into a bill that would confiscate all our properties and still be justified in so doing, if the only bugaboo that they would hold above us would be the defeat of our Nation.

However, Mr. President, I feel very strongly about the matter, in that it will mean additional taxes to the home owner, and the home owner alone. There is nothing in this bill to provide funds other than by direct taxation on real estate, insofar as the communities that I represent are concerned.

I call the attention of the Senate to this fact, because some of them are working under a misapprehension and do not realize that this is an additional home owners' tax being placed upon the home owner locally. You can figure it out from any angle that you care to and you will find that is the only answer to solve this problem opposed by this Legislature.

I take this position, that the matter of local defense is a matter for the Federal Government and the State Government. What are we going to do in Pennsylvania by setting up appropriations through our local subdivisions? We are going to say to the southern states and to the western states who do not do this, that their moneys for local defense will come from the Federal Government, from appropriations made by the O.C.D., and we in Pennsylvania will take care of it ourselves. We contribute to the Federal Government a larger amount than any state in the nation outside of New York, yet we will suffer from the passage of this legislation, that is, the people of this state. There is nothing in any law that prevents any local municipality from taking care of repairs and whatever damages may be done, from whatsoever cause they may come, and we do not need any special legislation. You are going to find, gentlemen, that when you pass this appropriation bill or this enabling act, you are going to find heavy appropriations made to local Defense Councils and it says here that this money can be used to defray the expenses of that Council, mind you, to defray the expenses of that Council, and there is nothing, no law, no regulation whatsoever that tells that local Defense Council how many employes they can have or whether or not they can be paid.

I say to you, Mr. President, the State of Pennsylvania has a surplus of over one hundred millions of dollars from taxes already assessed and collected against the taxpayers of this state, and they should take whatever amount is necessary out of that one hundred millions of dollars now resting in the State Treasury and provide the money for the local authorities to appropriate for local defense, if necessary. We should take the money that comes from the Federal Government, our right and just share, and we should take the money which has already been collected for specific purposes and has not been spent.

I say to you that the only thing that one hundred millions of dollars is going to be used for is a political football in the November election, to show how much money

has been saved. I want to say to all of you, I do not care how you vote on the bill, because, under the guise of war hysteria, we often go along and vote for legislation that in our saner moments we would not vote for. We are here in this Senate the protectors of the local taxpayers, under any and all circumstances, I personally may be hurt by some application of this; but it is not fair and it is not just, and I still say that the local home owner should not have to suffer the further burden of taxation under the circumstances.

And the question recurring,

Will the Senate agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—35

Bartlett,	DiSilvestro,	Kephart,	Tallman,
Becker,	Ealy,	Lanius,	Thomas,
Carr,	Farrell,	Letzler,	Tyler,
Chapman,	Geltz,	Mallery,	Wade,
Coleman,	Haluska,	McGinnis,	Walker,
Cox,	Heyburn,	Miller,	Watkins,
Crider,	Homsher,	Shapiro,	Wilson, H. I.,
Crowe,	James,	Snowden,	Woodward,
Deitrick,	Jaspan,	Stiefel,	

NAYS—6

Barr,	Dent,	Reed,	Ruth,
Cavalcante,	McQuiddy,		

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 31, as follows:

An Act making available the services of recipients of general assistance under certain conditions by permitting them to earn a limited amount of money in work essential to the prosecution of the existing war in which the United States of America is engaged without forfeiting their right to assistance or any part thereof

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 In order to make available the services of persons receiving general assistance no person now or hereafter receiving such assistance shall be denied the same or any part thereof by reason of the fact that he or she earns in any capacity or in any form of effort essential to the prosecution of the existing war in which the United States of America is engaged an amount not exceeding fifteen dollars ($15) in any one calendar month nor exceeding a total of one hundred fifty dollars ($150) in any one calendar year in addition to all work expenses connected with the job and any such amount shall not be deductible from any such grant now or hereafter payable Provided however That if such person shall have earned in excess of one hundred fifty dollars ($150) in any calendar year such excess shall be deductible from his general assistance grant Provided further That if such earnings are of such amount as to disqualify such person from receiving any grant according to the standards fixed by the Department of Public Assistance he shall be restored to general assistance immediately upon the termination of said employment if he is otherwise eligible to receive same The Department of Public Assistance is hereby authorized to prescribe by rules and regulations the types of work deemed essential to the prosecution of the aforesaid war for the purposes of this act

Section 2 The provisions of this Act shall continue in effect only during the continuance of the war in which the United States of America is now engaged and for a period of three months thereafter

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—41

Barr,	Dent,	Kephart,	Snowden,
Bartlett,	DiSilvestro,	Lanius,	Stiefel,
Becker,	Ealy,	Letzler,	Tallman,
Carr,	Farrell,	Mallery,	Thomas,
Cavalcante,	Geltz,	McGinnis,	Tyler,
Chapman,	Haluska,	McQuiddy,	Wade,
Coleman,	Heyburn,	Millet,	Walker,
Cox,	Homsher,	Reed,	Watkins,
Crider,	James,	Ruth,	Wilson, H. I.,
Crowe,	Jaspan,	Shapiro,	Woodward,
Deitrick,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 36, as follows:

An Act making an appropriation to the Committee appointed pursuant to Senate Concurrent Resolution number one hundred forty of the Regular Session of one thousand nine hundred forty-one adopted July fifteenth one thousand nine hundred forty-one to report recommendations for Congressional re-apportionment

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of five thousand five hundred dollars ($5,500) or as much thereof as may be necessary is hereby appropriated to pay the expenses of the members of the Committee appointed pursuant to Senate Concurrent Resolution number one hundred forty of the Regular Session of one thousand nine hundred forty-one adopted July fifteenth one thousand nine hundred forty-one to report recommendations for Congressional re-apportionment

Section 2 Requisitions and accountings for said expenses shall be presented by the President Pro Tempore of the Senate and the Speaker of the House of Representatives

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—41

Barr,	Dent,	Kephart,	Snowden,
Bartlett,	DiSilvestro,	Lanius,	Stiefel,
Becker,	Ealy,	Letzler,	Tallman,
Carr,	Farrell,	Mallery,	Thomas,

Cavalcante,	Geltz,	McGinnis,	Tyler,
Chapman,	Haluska,	McQuiddy,	Wade,
Coleman,	Heyburn,	Miller,	Walker,
Cox,	Homsher,	Reed,	Watkins,
Crider,	James,	Ruth.	Wilson, H. I.,
Crowe,	Jaspan,	Shapiro,	Woodward,
Deitrick,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

MOTION TO READ BILLS THE FIRST TIME

Mr. GELTZ. Mr. President, I move that the Senate do now proceed to the first reading of all bills reported from committees for the first time at today's sessoin.

Mr. WALKER. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 41, entitled:

An Act to further amend the act approved the fifth day of December, one thousand nine hundred and thirty-six (P. L. 2897, 1937), entitled "An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry and its existing and newly created agencies, with personnel (with certain exceptions) selected on a civil service basis, requiring employers to keep records and make reports and certain employers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons, providing procedure and administrative details for the determination, payment and collection of such contributions and the payment of such compensation, providing for cooperation with the Federal Government and its agencies, creating certain special funds in the custody of the State Treasurer and prescribing penalties," changing the provisions thereof and the rights, obligations and procedure thereunder.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 12, entitled:

An Act to amend the act approved the sixth day of August, one thousand nine hundred and forty-one (1941 Appropriation Acts, page 98), entitled "A supplement to the act approved the sixteenth day of June, one thousand nine hundred forty-one (Appropriation Act Number 12-A), entitled 'An act to provide for the ordinary expenses of the Executive, Legislative and Judicial Departments of the Commonwealth, interest on the public debt, and the support of the public schools for two years beginning June first, one thousand nine hundred and forty-one, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first, one thousand nine hundred and forty-one,'" by increasing the appropriation to the Department of Justice for the parole work of the Board of Pardons.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

ADJOURNMENT

Mr. GELTZ. Mr. President, I move that the Senate do now adjourn until Tuesday, March 10, 1942, at 2:00 o'clock, p. m. Eastern War Time.

Mr. WOODWARD. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 5:16 o'clock, p. m. Eastern War Time until Tuesday, March 10, 1942, at 2:00 o'clock, p. m. Eastern War Time.

HOUSE OF REPRESENTATIVES

MONDAY, March 9, 1942

The House met at 9 p. m.

The CHIEF CLERK (Thomas J. Callahan) in the Chair.

The CHIEF CLERK. The Speaker has directed me to announce that he has appointed the gentleman from Westmoreland, Mr. Lovett, as Speaker pro tempore during his absence this evening. The Speaker is attending a dinner at the Executive Mansion given by His Excellency the Governor in honor of the Superior Court.

MR. LOVETT IN THE CHAIR

PRAYER

The SPEAKER pro tempore. The Rev. August Jung, pastor of the Carmel Presbyterian Church of Phialdelphia, is the guest here today of the gentlemen from Philadelphia, Mr. Rooney and Mr. Hersch, and will give the invocation this evening at the invitation of the Chaplain of the House. The Rev. Jung is the father of Erwin O. Jung, one of the employes of the House.

The Rev. August Jung offered the following prayer:

Almighty God, the Father of Our Lord, Jesus Christ, and through Him, our Father, we approach Thy throne of grace and mercy. We pray Thee to deliver us with Thy divine presence and blessing.

We know Thee as the Creator and the Governor of all the world, and especially of this, our blessed country, the United States, and the Commonwealth of Pennsylvania.

Lord, the representatives of this state are assembled here this night in session to take up their tasks and their duties.

If at any time a man's knowledge, wisdom and executive ability were insufficient and inadequate to cope with the problems on hand, it is now that time. Lord, Thou knowest we are engaged in one of the greatest and most cruel of wars that ever engulfed mankind in this civilization.

Our own welfare, freedom and manner of living are at stake. Be pleased, we ask of Thee, dear Father in heaven, to give wisdom, power and executive ability to the leaders of our nation and of the states; to our Honorable President, Franklin D. Roosevelt and to his counsellors; to our Honorable Governor, Arthur H. James, and his counsellors, and especially Thy servants, the representatives of our state, that they may know the things and do the things which will lead to ultimate victory, and a righteous, lasting and if possible, speedy peace, so that once more mercy and truth will meet together and righteousness and peace will kiss each other.

Bless and protect, we ask Thee, dear Father in heaven our boys in the Army, the Navy and the forces in the Air, they who fight the ruthless enemy on land, sea and in the air; keep them in the hollow of Thy hand, and if it is Thy will give them victory and bring them back safe and sound.

Forgive us, Our Father in Heaven as individuals and as a Nation all our sins of omission and commission. Cleanse us from all selfishness and unrighteousness through the blood of Thy dear Son Jesus Christ.

We pray that Thy holy spirit may lead us, and especially these Thy servants in the paths of peace and righteousness in such a way that soon peace may be established and prosperity and good will may reign supreme.

All the glory and honor to Thee, Father, Son and Holy Ghost. All these things we ask in the name of our Lord and Savior Jesus Christ. Amen.

JOURNAL APPROVED

The SPEAKER pro tempore. The Clerk will read the Journal of Wednesday, March 4, 1942.

The Clerk proceeded to read the Journal of Wednesday, March 4, 1942, when, on motoin of Mr. LESKO, unanimously agreed to, the further reading was dispensed with and the Journal approved.

BILLS INTRODUCED AND REFERRED

By Messrs. DUFFY and HERSCH. HOUSE BILL No. 39.

An Act providing for the payment of gratuities for military services to residents of the Commonwealth who are enlisted or inducted into the armed service of the United States; and making an appropriation therefore to the Department of Military Affairs.

Referred to the Select Committee on Special Session Legislation.

By Messrs. READINGER and WILINKSON.
HOUSE BILL No. 40.

An Act authorizing courts of common pleas to stay writs of execution against, and tax sales of, real property in certain cases; providing for the continuance of return days of writs of execution, and authorizing sales thereon without issuance of further writs.

Referred to the Select Committee on Special Session Legislation.

RESOLUTIONS INTRODUCED AND REFERRED

By Mr. VERONA. RESOLUTION No. 18

In the House of Representatives, March 9, 1942.

Whereas, There has been in existence in the City of Pittsburgh an organization known as the "Chatham-Wylie Cigarette Club"; and

Whereas, Said organization was formed for the purpose of sending cigarettes and other gifts to the men serving in the armed forces of our country; and

Whereas, Movements of this type foster the ideals upon which our great country was founded and permits everyone to contribute to the comfort and personal needs of our fighting forces; therefore be it

Resolved, That the House of Representatives hereby acknowledge the activities of, and commends the members of the Chatham-Wylie Cigarette Club for its inspiring efforts in contributing to the moral and spiritual development of the men in the armed forces of our country, and hereby endorses its activities and wishes it continued success; and be it further

Resolved, That the Chief Clerk of the House be directed to mail a copy of this resolution to the Chatham-Wylie Cigarette Club in order to apprise the members thereof of our acknowledgment of its inspiring efforts.

Referred to the Select Committee on Special Session Legislation.

By Mr. O'MULLEN. RESOLUTION No. 19.

In the House of Representatives, March 4, 1942.

Whereas, Many applications have been made to the Public Utility Commission by Passenger Transportation Utilities for increases in their rates; and

Whereas, It is generally recognized that the business and earnings of such transportation utilities have increased tremendously as a result of the increased business activity created by the present emergency; and

Whereas, There can be no possible merit in any ruling by the Public Utility Commission increasing such rate during said emergency; therefore be it

Resolved, That this House request the Public Utility Commission to defer all applications for rate increases filed by passenger transportation facilities for the duration of the present emergency; and be it further

Resolved, That a copy of this resolution be transmitted by the Chief Clerk to the Secretary of the Public Utility Commission of this Commonwealth.

Referred to the Select Committee on Special Session Legislation.

By Mr. REGAN. RESOLUTION No. 20.

In the House of Representatives, March 4, 1942.

Ever since the start of the war in the far East between the United Nations and Japan, which was set off by the treacherous attack on Pearl Harbor on December 7, 1941, the Japanese tide has swept forward relentlessly engulfing many of the vital outposts and bases of our allies and ourselves in the Pacific Ocean and the China Sea.

The one inspiring light shining through the darkness of an almost unbroken succession of military reverses, made possible by Japanese treachery and secret preparation, has been the glorious defense of the Philippine Islands exhibited by the American and Filipino forces under the command of General Douglas MacArthur.

Although crushed back into the narrow confines of the Bataan Peninsula by an overwhelming superiority in numbers and equipment and although lacking in air and naval support, the brilliant military tactics and inspiring leadership of General MacArthur, together with the courage and resourcefulness of his men, have repulsed every Japanese attempt to gain complete control of the Philippine Islands.

At a time when American prestige as a military and naval power has suffered in the eyes of other nations as a result of the attack on Pearl Harbor and the seizure of Wake, Guam and Midway Islands, General MacArthur's resistance of every Japanese attack on his small but undaunted force serves notice to all the world that American courage, persistance, determination and military ability are more than a match for any opponents, and that once adequate supplies are flowing from our great industrial machine, final victory is inevitable.

The continued resistance of General MacArthur and his men over a period of three months and the repeated heavy losses they have inflicted on the Japanese attackers have served the further invaluable purpose of gaining military time for the allied nations by forcing

the Japanese to divert large quantities of men and materials to the Philippines which would have been used in pressing other campaigns to a conclusion.

General Douglas MacArthur's masterful conduct of the defense of the Philippines is another fitting step in a long and distinguished military career, and he serves as an eloquent example of the type of fighting man produced by the world's greatest democracy; therefore be it

Resolved, That the House of Representatives pay tribute to General Douglas MacArthur and his American and Filipino forces for their inspiring and successful resistance of Japanese aggression in the Philippine Islands, which has proved to be of inestimable benefit to our Nation in the present war, and which will become one of the most glorious sagas in our national history; and be it further

Resolved, That the Chief Clerk of the House transmit a copy of this resolution to General Douglas MacArthur as soon as this can be done.

Referred to the Select Committee on Special Session Legislation.

LEAVE OF ABSENCE

By unanimous consent leave of absence was granted as follows:

Mr. Taylor for Mr. DAVID P. REESE for tonight's session.

Mr. George E. Jones for Mr. FISHER for tonight's session.

Mr. Leisey for Mr. RANK for tonight's session.

Mr. BOORSE for himself for tomorrow's session.

Mr. Monks for Mr. McCLANAGHAN for tonight's session.

Mr. Flynn for Mr. FRENCH for the week's session.

The Speaker pro tempore for Mr. KILROY for tonight's session.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 29, entitled:

An Act relating to air raid precautions and the prevention of sabotage in cities of the first class; creating a Board of Inspection in the Department of Public Works in such cities; imposing powers and duties on such boards and any lessee of water and gas mains owned by such cities, and repealing inconsistent legislation.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 24, entitled:

An Act relating to air raid precautions, including blackouts; conferring certain powers and duties upon the State Council of Defense, local and district Councils of Defense, political subdivisions, members of certain municipal and volunteer agencies and civilians necessary for the safety, defense and protection of civilians and property in the Commonwealth; providing for the mobilization, coordination and use of certain municipal agencies and volunteer agencies, including their personnel and equipment; providing for immunity from liability for injury or death to persons or damage to property under certain circumstances; and providing penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 23, entitled:

An Act to add clause forty-seven to section one thousand five hundred two of the act approved the twenty-fourth day of June, one thousand nine hundred thirty-one (P. L. 1206), entitled "An act concerning townships of the first class; amending, revising, consolidating, and changing the law relating thereto," authorizing emergency appropriations by boards of townships commissioners for purposes of civilian defense.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 25, entitled:

An Act to further amend section twenty-one of the act approved the seventh day of June, one thousand nine hundred fifteen (P. L. 900), entitled "An act to provide for the immediate registration of all births and deaths throughout the Commonwealth of Pennsylvania, by means of certificates of births and deaths, and burial or removal permits; requiring prompt returns to the Central Bureau of Vital Statistics as required to be established by the State Department of Health; and, in order to secure prompt and faithful registration of births, marriages, deaths, and diseases, of practitioners of medicine and surgery, of midwives, nurses, and undertakers, and of all persons whose occupation is deemed to be of importance in obtaining complete registration of births, deaths, marriages, and diseases throughout the State, as provided in section ten of an act entitled 'An act creating the Department of Health and defining its powers and duties,' approved the twenty-seventh day of April, nineteen hundred and five, and providing penalties for violations of this act," by directing the Department of Health to maintain branch offices in certain cities of the third class for the filing of birth and death certificates; authorizing such offices to issue certified copies of said certificates and make searches of their files; providing that such offices be supplied with duplicates of certain birth and death records now on file in Harrisburg; imposing additional duties upon local registrars in such cities and prescribing fees.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 18, entitled:

An Act to further amend the act approved the fifth day of December, one thousand nine hundred thirty-six (1937, P. L. 2897), entitled "An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry and its existing and newly created agencies with personnel (with certain exceptions) selected on a civil service basis; requiring employers to keep records and make reports, and certain employers to pay contributions based on payrolls to provide monies for the payment of compensation to certain unemployed persons; providing procedure and administrative details for the determination, payment and collection of such contributions and the payment of such compensation; providing for cooperation with the Federal Government and its agencies; creating certain special funds in the custody of the State Treasurer; and prescribing penalties," by changing the provisions thereof, and the rights, obligations and procedure thereunder.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 28, entitled:

An Act to further amend clause (g) as added to section one thousand one hundred and ten of the act approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," suspending during the period of present hostilities and for one year thereafter, the requirement that all electrically operated traffic signals shall be made to conform with provisions of said act and the regulations of the Secretary of Highways.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 21, (Senate Bill No. 28), entitled:

An Act to further amend Section 801 of the act, approved the fifth day of May, one thousand nine hundred and thirty-three (P. L. 457), entitled "An act relating to the business of building and loan asociations; providing for the organization and voluntary dissolution of such associations; defining the rights, powers, duties, liabilities, and immunities of such associations, and of their officers, directors, shareholders, solicitors, and other employes; prohibiting the transaction of business in this Commonwealth by foreign building and loan associations; conferring powers and imposing duties upon the courts, recorders of deeds, and certain State departments, commissions, and officers; establishing limitations of actions; imposing penalties; and repealing certain acts and parts of acts," by authorizing building and loan associations to act as fiscal agents of the United States Government for the sale of United States Defense Bonds and Defense Stamps, and permitting such associations to pledge their assets for the faithful performance of their duties as such agents.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 8, entitled:

An Act to further amend section two of the act approved the seventh day of June, one thousand nine hundred seventeen (P. L. 600), entitled "An act providing that appointive officers and employes, employed by the Commonwealth of Pennsylvania in its civil service, or by any department, bureau, commission, or office thereof, or by any county, municipality, township, or school district, shall not be deemed or held to have resigned or abandoned their offices or employments by reason of enlistment, enrollment, or draft in the military or naval service of the United States or any branch or unit thereof, in time of war or contemplated war; prohibiting the removal from their offices or employments of such officers and employes during the period of their service in the Army or Navy; directing that one-half of the salaries or wages of such officers or employes as have dependent wives, children, or parents, and not exceeding two thousand dollars per annum, be paid during the term of their service in the Army or Navy to such dependents; authorizing the employment during said term of substitutes to perform the duties theretofore performed by such officers or employes, respectively, and providing for the compensation of such substitutes," by more fully defining amounts payable.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 12, entitled:

An Act prescribing the rights of persons enlisting or being drafted into the military or naval service of the United States during the war under licenses issued by the Department of Revenue to operate any motor vehicle, and providing for the renewals after discharge from such service.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 20, (Senate Bill No. 27), as follows:

An Act to provide for the expenses of the extraordinary session of the Legislature assembled February seventeenth one thousand nine hundred forty-two in pursuance of the proclamation of the Governor of the Commonwealth dated February tenth one thousand nine hundred forty-two and the supplement thereto

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The following sums or as much thereof as may be necessary are hereby specifically appropriated for the payment of the expenses of the Legislature assembled in extraordinary session the seventeenth day of February one thousand nine hundred forty-two in pursuance of the proclamation of the Governor dated the tenth day of February one thousand nine hundred forty-two and the supplement thereto

To the Senate

For the payment of the salaries of senators and extra compensation allowed by law to the President Pro Tempore of the Senate the sum of twenty-five thousand five hundred dollars ($25,500)

For the payment of the mileage of senators the sum of four thousand four hundred dollars ($4,400)

For the payment of postage allowed by law to senators the sum of two thousand five hundred dollars ($2,500)

For the payment of the salaries of the officers and employes of the Senate during and for the completion of the work of the session the sum of thirty thousand dollars ($30,000)

For the payment of the mileage of the officers and employes of the Senate the sum of three thousand dollars ($3,000)

To the Chief Clerk of the Senate for the payment of the postage on the Legislative Journal bills and calendars the sum of one thousand dollars ($1,000)

For the payment of the incidental expenses of the Senate including extra clerical and stenographic labor for the office of the Chief Clerk during and for the completion of the work of the session the sum of two thousand dollars ($2,000)

For the payment of the postage labor and incidental expenses in the office of the Secretary of the Senate during and for the completion of the work of the session the sum of five hundred dollars ($500)

For the payment of the postage labor and incidental expenses in the office of the Senate Librarian during and for the completion of the work of the session the sum of three hundred dollars ($300)

To the Secretary of the Senate for the payment of extra services in connection with the compilation of the history of legislation in the Senate the sum of two hundred fifty dollars ($250)

To the House of Representatives

For the payment of the salaries of members of the House of Representatives and extra compensation allowed by law to the Speaker of the House the sum of one hundred two thousand five hundred dollars ($102,500)

For the payment of the mileage of members of the House the sum of sixteen thousand eight hundred forty-eight dollars ($16,848)

For the payment of postage allowed by law to members the sum of ten thousand two hundred dollars ($10,200)

For the payment of salaries of the officers and employes of the House of Representatives during and for completion of the work of the session the sum of thirty thousand dollars ($30,000)

For the payment of the mileage of the officers and employes of the House of Representatives the sum of three thousand three hundred dollars ($3,300)

To the Chief Clerk of the House of Representatives for the payment of postage on the Legislative Journal bills and calendars the sum of two thousand five hundred dollars ($2,500)

For the payment of the incidental expenses of the House of Representatives including extra clerical and stenographic labor in the office of the Chief Clerk the sum of five thousand dollars ($5,000)

For the payment of contingent expenses including clerical stenographic traveling and discretionary charges of the Speaker of the House of Representatives the sum of five hundred dollars ($500)

For the payment of the expenses of the Committee on Appropriations of the House of Representatives in examining and analyzing requests of the various departments boards and commissions of the Commonwealth for appropriations and for clerical assistance and other necessary expenses in connection with the work of said committee the sum of two thousand dollars ($2,000) to be paid on warrant of the Auditor General in favor of the chairman of said committee on the presentation of his requisition

For the payment of the incidental expenses of the House of Representatives including extra clerical and stenographic labor in the office of the Secretary of the House the sum of six hundred dollars ($600.00)

To the Chief Clerk of the House of Representatives for the payment of extra services in connection with the compilation of the history of legislation in the House of Representatives the sum of two hundred fifty dollars ($250.00)

Legislative Journal

The expenses for paper and printing of the Legislative Journal shall be paid out of the appropriation to the Department of Property and Supplies for this purpose

For the payment of the Chief Clerk of the Senate and the Chief Clerk of the House of Representatives the sum of one hundred fifty dollars ($150) each for making indices for the journals of each House the sum of three hundred dollars ($300)

For the work of the legislative officials after the close of the session on the Legislative Journal also the proofreading of the appendix and index thereto as provided by law the sum of three thousand dollars ($3,000)

For the payment of the person or persons appointed to index the Legislative Journal the sum of two hundred fifty dollars ($250) in accordance with the act establishing said journal

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows viz:

YEAS—195

Achterman,	Foor,	Malloy,	Royer,
Auker,	Gallagher,	Marks,	Rush,
Baker,	Gates,	Maxwell,	Sarge,
Balthaser,	Gerard,	McClester,	Sarraf,
Baugher,	Gillan,	McDermott,	Scanlon,
Bentley,	Goodwin,	McDowell,	Schwab,
Bentzel,	Gross,	McFall	Serrill,
Boles,	Gryskewicz,	McGrath,	Shaffer,
Boney	Gyger,	McIntosh,	Shaw
Boorse,	Habbyshaw,	McKinney,	Shepard,
Bower,	Haberlen,	McLanahan,	Simons,
Breth,	Haines,	McLane,	Skale,
Bretherick,	Hall,	McMillen,	Snyder,
Brown,	Hamilton,	McSurdy,	Sollenberger,
Brunner, C H.,	Hare,	Melchiorre,	Sorg,
Brunner, P. A.,	Harmuth,	Mihm,	Stambaugh,
Burns,	Harris,	Modell,	Stank,
Burris,	Heatherington,	Monks,	Stine,
Cadwalader,	Helm,	Mooney,	Stockham,
Chervenak,	Hering,	Moran,	Tarr,
Chudoff,	Herman,	Moul,	Tate,
Cochran,	Hersch,	Muir,	Taylor,
Cohen, M. M.,	Hewitt,	Munley,	Thompson, E. F.,
Cohen, R. E.,	Hirsch,	Nagel,	Thompson, R. L.,
Cook,	Holland,	Nunemacher,	Trout,
Cooper,	Huntley,	O'Brien,	Turner,
Cordier,	Imbrie,	O'Connor	VanAllsburg,
Corrigan,	James,	O'Dare,	Verona,
Croop,	Jefferson,	O'Neill,	Vincent,
Cullen,	Jones, G. E.,	Owens,	Vogt,
Dalrymple,	Jones, P. N.,	Petrosky,	Voldow,
Dennison,	Keenan,	Pettit,	Wagner,
DiGenova,	Kenehan,	Polaski,	Watkins,
Dix,	Kline,	Polen,	Weingartner,
Dolon,	Knoble,	Powers,	Weiss,
D'Ortona,	Kolankiewicz,	Prosen,	Welsh, E. B.,
Duffy,	Komorofski,	Rausch,	Welsh, M. J.,
Early,	Krise,	Readinger,	Wilkinson,
Eckels,	Lee, E. A.,	Reagan,	Williams,
Elder,	Lee, T. H.,	Reese R. E.,	Winner,
Elliott,	Leisey,	Regan,	Wolf,
Ely,	Leonard,	Reynolds,	Wood, L. H.,
Falkenstein,	Lesko,	Rhea,	Wood, N.,
Finestone,	Levy,	Riley,	Woodring,
Finnerty,	Leydic,	Rooney,	Wright,
Fiss,	Lichtenwalter,	Rose, S.,	Yeakel,
Fleming,	Longo,	Rose, W. E.,	Yester,
Fletcher,	Lovett,	Rosenfeld,	Young,
Flynn,	Lyons,		

NAYS—2

Greenwood, O'Mullen,

The majority required by the Constitution having voted in the affirmative the question was determined in the affirmative.

Ordered, That the Clerk return it to the Senate with information that the House has passed it with amendments in which the concurrence of the Senate is requested.

HOUSE RESOLUTION No. 5

Mr. CORDIER called up House Resolution No. 5, Printer's No. 13.

The resolution was read by the Clerk as follows:

In the House of Representatives, February 18, 1942.

Whereas, The present system of this Commonwealth for assistance to dependent children, aged persons and other persons who need assistance was established in the year 1937, on the principle of enabling such persons to maintain for themselves and their dependents a decent and healthful standard of living; and

Whereas, In spite of the steadily rising cost of every item going to make up the vital necessities of life, especially during the past several months, the amount of assistance allowed under the act of 1937 has not been increased over that established during the first year of the system's operation, when the cost of commodities was extremely low; therefore be it

Resolved, That the House of Representatives of the Commonwealth of Pennsylvania hereby place itself on record as favoring, recommending and demanding for the unfortunates of this wealthy sovereign state an increase in the amount of public assistance that each receives, commensurate with the increase in the cost of living in the particular community in which he or she resides, based on the best available Federal, State or local surveys and statistics; and be it further

Resolved, That copies of this resolution be transmitted by the Chief Clerk to His Excellency, the Governor of the Commonwealth, and to the Secretary of Public Assistance, each member of the State Board of Public Assistance, and the chairman of each county board of assistance.

On the question,

Will the House adopt the resolution?

Mr. CORDIER. Mr. Speaker. The resolution before the House provides for an expression of opinion by the membership on the question of the inadequacy of General Assistance and other grants by the Commonwealth and occasioned by the balloon-like rise in the cost of living during the past several months.

The State Department of Public Assistance is in the possession of sufficient power to raise these grants and they have passed a resolution recognizing the increase in the cost of living and the inadequacy of the grants. The Secretary of the Department of Public Assistance has also admitted the rise in the cost of living and inadequacy of these grants. I have been consistently fighting since last June to bring about increases in this field but, despite the action of the State Board and the Secretary of the Department of Public Assistance, these grants have not been increased and there is no definite indication that they will be increased.

We who are assembled here come from every section of the Commonwealth. We represent, as a whole, the entire State. We have a moral obligation to give an expression of opinion both as to recognizing the problem and to insist upon corrective measures being taken. People who receive these grants are human beings like you and I, but find themselves in their present unfortunate condition through no fault of their own. Are we to continue to give them crumbs when all manner of decency demands that we give them a full loaf of bread? Should we shunt their pleas aside? Or should we recognize them as a vital part of the strata of our American life, and uplift their spirits? I believe there is a mass of evidence that can be presented to bear out the need for these increases.

I will not burden you with a great deal of statistics. However, Mr. Speaker I have here an index of the cost of goods purchased in large cities of Pennsylvania in a survey issued by the United States Department of labor, the Penna. Department of Labor and Industry and other statistics.

Mr. Speaker I ask unanimous consent to send these statistics to the desk to have them included in the record of my remarks without burdening the House with a lengthy statistical oration.

I respectfully urge the members of the House to vote Aye on this resolution and give it its full expression.

REMARKS EXTENDED

Mr. CORDIER asked and obtained unanimous consent to have his remarks extended in the Legislative Journal as follows:

Increased General Assistance Grants

The 1941 regular session passed an appropriation of $106,000,000 for all forms of public assistance. To this was added an additional cushion of $15,000,000 to be used for public assistance at the discretion of the Governor if the finances of the Commonwealth permitted.

This appropriation for the biennium was made at the request of the Department of Public Assistance based on a diminishing total caseload of 291,545 cases or 582,737 persons.

While the caseload of the categories from June 1941 to the present has remained relatively constant, the cases and persons on general assistance has dropped respectively from 110,962 cases and 243,806 persons, to 72,000 cases and 134,000 persons.

This reduction in general assistance has naturally reflected itself in the expenditures by the department which dropped from $6,464,000 for the month of June to approximately $4,800,000 for the month of February—a decrease of about $2,000,000 a month.

Of the original appropriation of $106,000,000, there has been expended to date, for all forms of assistance, about $50,000,000, leaving a balance as of March 1, 1942, of approximately $56,000,000, which would become exhausted in forty-six weeks, or about January 16, 1943, if the present rate of expenditure of $1,200,000 per week was continued.

However, should the present rate of decrease in general assistance cases continue, with employable cases absorbed by the war effort, then we can assume that general assistance will be reduced to the bare unemployables of approximately 50,000 cases. This would reduce the weekly expenditures by at least $100,000 and tend to prolong the present appropriation balance for public assistance far beyond the middle of January, and possibly to the end of April.

We are here concerned with the present living costs of those on general assistance. The budgetary grants, which were only 80 per cent of subsistance requirements in 1935, become extremely inadequate at the present time with our increased cost of living. It is hard to realize how the average, general assistance case of approximately two people can exist on the present weekly grant of slightly less than $5.00 per case.

While it is true that there was a slight increase in cost of living in 1937 it approximated only one-third of the present increase, and prevailed only during the third quarter of 1937, rapidly receding back to the 1935 level.

The cost of living based on a 1935-1939 average of 100 gives us a present living cost of about 112.0; with food

at 113.1; rent 107.9; fuel, electricity, ect., 104.0; furnishings at 115.8; clothing 114.4; and miscellaneous at 107.1.

It is unfair to say that the present cost of living being about 98 per cent of the 1926 average requires no revision of the schedules of grants in public assistance. These schedules when made were not based on the living costs of 1926, but on the living costs of the depression years of the 1930's.

The present schedules for Philadelphia gives a family of five $13.40 a week which includes $7.00 for food; $1.90 for clothing; $2.25 for fuel; and $2.25 for shelter. For one person the grant is $4.75 a week made up of $2.00 for food; 40 cents for clothing; $1.00 for fuel; and a $1.35 for shelter.

Since it is estimated that the present appropriation for public assistance will carry us well passed the next regular session of the legislature without making use of the $15,000,000 contingent, then any additional fund required for assistance, due to increased grants, can readily be met by the legislature as it has done in all years passed since 1933.

There can be no sudden demand on the relief resources of the State, because the industries of Pennsylvania are not of those classes to be appreciably affected by war priorities, nor has there been any indication of a sudden or violent stoppage of WPA.

REPORT OF THE UNITED STATES DEPARTMENT OF LABOR ON LIVING COSTS

This was issued on October 15 of last year and we all know that there has been many further increases in the bare necessities of life since that date. This shows that in Pittsburgh, for instance, the cost of food went up 11% during the year; clothing went up 14%; rent, 6%; fuel and electricity, 7%; and house furnishings, 15%. The comparison of other Pennsylvania cities is about the same average.

I also have here a statement by Mr. Louis G. Hines, Secretary of the Department of Labor and Industry, which was issued on November 17 of last year and which deals with the changes in the cost of living in Pennsylvania, for the year up until September 15 of last year, and I quote from this statement:

"The period from the middle of June to the middle of September of this year marked the fourth consecutive quarter during which living costs increased. The index of changes in the cost of goods purchased in six Pennsylvania cities as compiled by the Bureau of Research and Information of the Pennsylvania Department of Labor and Industry reached its highest level since 1931. Further increases in the cost of living are to be anticipated since it climbed only 9.8% from June 15, 1939 to September 15, 1941, while wholesale prices increased 21.2% over the same period of time, according to the United States Department of Labor statistics. The variation in rates of increase among the several groups is significant because it represents a distinct change from the behavior of prices to this time. During the first several quarters since the defense program got under way no appreciable change took place in the cost of living. The first substantial increase took place during the quarter ending June 15, 1941 and was confined almost entirely to the food group, but extended in some measure to other groups also. These increases in groups which normally show little, if any, change in prices illustrate how the current upward trend in prices is taking hold of all important items in the family budget.

"Compared with September 15, 1940, costs were higher on September 15, 1941, by 4.4% for fuel and light; 9.3% for clothing; 10.7% for house furnishings, and 14.9% for food.

"In the City of Scranton, for instance, from September 15, 1940, to June 15, 1941, the cost of food, according to this index, was increased 13%; clothing increased 10%; fuel and light increased 3%, and house furnishings, 15%."

Mr. MELCHIORE. Mr. Speaker, I don't believe in speeches. You haven't heard me make many, but I feel I must rise to call attention of this house to a situation that cries for correction.

I speak of relief to the unemployed of Pennsylvania. Oh, I know with booming defense industry we're not supposed to have unemployment, if you listen to the words of the long-faces with bulging bank accounts, but I don't have to tell you gentlemen how many of your own constituents you know personally who are unable to find a job with a living wage perhaps because they are physically unable to stand the gaff of high pressure production methods.

We have them, gentlemen, and it seems to me everyone of us is pledged morally to see that they live—and I said live—not merely exist.

I know what some of my worthy opponents may say, that may bring up that old chestnut about pampering the unemployed. Well, the Republican James administration can answer that one by its own figures which demonstrate the eagerness with which the so-called pampered unemployed, quit the relief rolls in the past year or two when job opportunities arose.

I'm speaking now of those who just can't leave the relief rolls and again I refer you to the Republican James Administration whose investigators bear that out.

The people on relief will tell you sincerely—the county assistance boards, the boards themselves mind you, will tell you—and the State Board of Assistance will tell you, that the grants we are making today to the needy are inadequate.

All of us know that prices have risen tremendously, we with incomes have felt the pinch. What do you think is happening to the unemployed man, who often has to support himself and a family on something like $5.00 a week. Try it, gentlemen, try it yourself.

I say it's high time we do something about it. I'm not just talking to hear myself talk, on this subject. Bear with me a moment, and let us look at the record.

Personally, gentlemen, I think Pennsylvania is out of step, and I want to know if we are going to sit idly by and let the situation continue.

REMARKS EXTENDED

Mr. MELCHIORRE asked and obtained unanimous consent to have his remarks extended in the Legislative Journal as follows:

INCREASED GENERAL ASSISTANCE GRANTS

The 1941 regular session passed an appropriation of $106,000,000 for all forms of public assistance. To this was added an additional cushion of $15,000,000 to be used for public assistance at the discretion of the Governor if the finances of the Commonwealth permitted.

This appropriation for the biennium was made at the request of the Department of Public Assistance based on a diminishing total caseload of 291,545 cases or 582,737 persons.

While the caseload of the categories from June 1941 to the present has remained relatively constant, the cases and persons on general assistance has dropped respectively from 110,962 cases and 243,806 persons, to 72,000 cases and 134,000 persons.

This reduction in general assistance has naturally re-

flected itself in the expenditures by the department which dropped from $6,464,000 for the month of June to approximately $4,800,000 for the month of February—a decrease of about $2,000,000 a month.

Of the original appropriation of $106,000,000 there has been expended to date, for all forms of assistance, about $50,000,000 leaving a balance as of March 1, 1942, of approximately $56,000,000 which would become exhausted in about forty-six weeks, or about January 16, 1943, if the present rate of expenditure of $1,200,000 per week was continued.

However, should the present rate of decrease in general assistance cases continue, with employable cases absorbed by the war effort, then we can assume that general assistance will be reduced to the bare unemployables of approximately 50,000 cases. This would reduce the weekly expenditures by at least $100,000 and tend to prolong the present appropriation balance for public assistance far beyond the middle of January, and possibly to the end of April.

We are concerned with the present living costs of those on general assistance. The budgetary grants, which were only 80 per cent of subsistence requirements in 1935, become extremely inadequate at the present time with our increased cost of living. It is hard to realize how the average, general assistance case of approximately two people can exist on the weekly grant of slightly less than five dollars per case.

While it is true that there was a slight increase in cost of living in 1937, it approximated only one-third of the present increase, and prevailed only during the third quarter of 1937, rapidly receding back to the 1935 level.

The cost of living based on a 1935-39 average of 100 gives us a present living of about 112.0; with food at 113.1; rent 107.9; fuel, electricity, etc., 104.0; furnishings at 115.8; clothing 114.4; and miscellaneous at 107.1.

It is unfair to say that at present the cost of living being about 98 per cent of the 1926 average requires no revision of the schedules of grants in public assistance. These schedules when made were not based on the living costs of 1926, but on the living costs of the depression years of the 1930's.

The present schedule for Philadelphia gives a family of five $13.40 a week which includes $7.00 for food; $1.90 for clothing; $2.25 for fuel; and $2.25 for shelter. For one person the grant is $4.75 a week made up of $2.00 for food; 40c for clothing; $1.00 for fuel; and $1.35 for shelter.

Since it is estimated that the present appropriation for public assistance will carry us well past the next regular session of the legislature without making use of the $15,000,000 contingent, then any additional funds required for assistance, due to increased grants, can readily be met by the legislature as it has done in all years passed since 1933.

There can be no sudden demand on the relief resources of the State, because the industries of Pennsylvania are not of those classes to be appreciably affected by war priorities, nor has there been any indication of a sudden or violent stoppage of WPA.

New York State recognizes the need for higher grants to meet present day conditions. Increases have been granted to 40 per cent of the case load. Increases have been made from seven percent in the small case category to 25 per cent in the city of Syracuse. The State is making a complete survey of all areas with this sort of thing in mind.

New Hampshire has granted increases in certain sections. Ohio is cognizant of the problem, too, and is waiting only for the legislature to handle the problem when it meets. The Governor of Vermont has set up a committee to go into the situation there.

On the question recurring,

Will the House adopt the resolution?

It was adopted.

RESOLUTION

Mr. VanALLSBURG offered a resolution and asked and obtained unanimous consent that it be read for the information of the House.

The resolution was read by the Clerk as follows:

In the House of Representatives, March 9, 1942.

Whereas, Hundreds of industries in Pennsylvania are shifting from normal consumer production to war and defense production, thereby necessitating the employment in many instances of thousands of new and additional employes; and

Whereas, Certified copies of birth certificates are required for all employes as a requisite for employment; and

Whereas, It is imperative that everything possible should be done to remove all conditions which retard in any way the prosecution of the war production program; and

Whereas, Copies of birth certificates could be issued with dispatch locally where birth records are available, without being obliged to apply to the Bureau of Vital Statistics in Harrisburg; and

Whereas, It is very urgent that employes and prospective employes should be able to secure a certified copy of birth certificate promptly and conveniently;

Therefore, Be It Resolved, if the Senate concur, that the Governor of the Commonwealth is hereby requested to direct and instruct the Secretary of Health to authorize the local Registrar of births in such cities as the Secretary of Health may designate, to issue certified copies of birth certificates to all applicants born in those cities since 1906, and whose birth certificates are of record in the local office.

Be It Further Resolved, That a copy of this Resolution be transmitted by the Chief Clerk of the House to the Governor of the Commonwealth.

The SPEAKER pro tempore. The resolution lies over for printing under the Rules.

SENATE MESSAGE

TIME OF NEXT MEETING

The Clerk of the Senate being introduced presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, March 9, 1942.

Resolved (if the House of Representatives concur), That when the Senate adjourns this week, it reconvene on Monday, March 16, 1942, at four o'clock p. m., and when the House of Representatives adjourns this week, it reconvene on Monday, March 16, 1942, at one o'clock p. m.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

On the question,

Will the House concur in the resolution of the Senate?

It was unanimously concurred in.

Ordered, That the Clerk inform the Senate accordingly.

PERMISSION TO ADDRESS HOUSE

Mr. RUSH asked and obtained unanimous consent to address the House.

Mr. Speaker, because of the conditions throughout the

world today, due to the war, and because of the fact that we have certain requests before this General Assembly of Pennsylvania, I would like to give a brief history of the organized labor movement in this country and its connections with the birth of the United States of America, and just a few of the connections between the organized labor movement and America as we know it today.

The most authentic records of the past events prove that industrial organizations had their beginning, and were in successful operation before the American Colonies were declared free and independent states. These earlier organizations were known under various names such as companies, societies, associations, etc. They were unlike guilds of European countries at that time, inasmuch as they had no mystic ceremonies, signs, passwords, etc. Many of these organizations were composed of both employer and employe, on strictly business basis, for the purpose of the regulation of wages, prices, and other trade matters. These organizations were incorporated generally under the Colonial Government and were given extended powers relating to their trades.

During the Colonial Period many of the colonies enacted laws for the provision and regulating of industrial and economic conditions that would seem very strange at this time. The Colonial records of Massachusetts furnish evidence of the fact that wages of carpenters and skilled mechanics in 1630 were fixed by law; the wages of laborers were regulated by Constables. In the Massachusetts laws at that time, carpenters and bricklayers were paid two shillings a day and any workman taking more, or any employer paying more were subject to a penalty of the law. The hours worked were measured by the rising and setting of the sun.

In the archives of Connecticut it was shown that in 1677 the law prescribed the price for mending shoes, 7½ pence was the lawful charge for wooden or common heels and the same price for putting on soles.

In the year 1700 the Assembly of Pennsylvania fixed the weight of a loaf of bread and required the baker to stamp his name and the lawful weight of the loaf. In 1787 New York passed a similar law and the lawful price for a loaf of bread being 7 coppers for a two pound loaf. In the year 1724 a group of carpenters formed an organization known as the Carpenters Company of Philadelphia. This organization has maintained an uninterrupted existence to this day. It came into existence about forty years after the landing of William Penn and about fifty years before the declaration of American independence. This is, without doubt, the oldest industrial organization in continuous existence in America, and its records present a remarkable story of industrial movement in the country. The principals of the organization were to establish a uniform standard of measurement, wages, and prices, that every one concerned may have the value of his money and every workman the worth of his labor. They set up a committee to meet with the employer and to make a study of the cost of products of the carpenters, to establish a uniform scale of prices which is very similar to the working scales of the labor unions of the present day.

We have heard a lot in recent months about the costs of the entrance fees for joining labor unions. Allow me to show you, from historical records, that in many cases the members of these early labor unions paid a higher initiation fee, or entrance fee than is paid at this date.

From the year 1724 to 1763 the entrance fee for membership in the Carpenters Company was one pound, ten shillings; in 1763 it was increased to two pounds; 1769 it was increased to four pounds, again in 1787 to six pounds; 1795 there was a change from sterling to federal money and the entrance fee was fixed at thirty dollars. In 1805 the fee was raised to forty dollars. In 1829 to sixty dollars, in 1852 to eighty dollars, and in 1857 an applicant for admission was required to pay an entrance fee of one hundred dollars, and today, in 1942, the entrance fee to the Carpenters Union in the Philadelphia area is only seventy-five dollars.

On February 3, 1768, the Carpenters Company, or what today would be known as a Carpenters Union purchased the land on which Carpenters Hall now stands in the City of Philadelphia, Pennsylvania. The original lot was sixty-six feet on Chestnut Street and extended back 255 feet. The land purchased was subject to an annual ground rent of 176 Spanish Milled Dollars and the Carpenters Hall was erected in the year 1770 and the Carpenters Company held their first meeting in it on January 21, 1771.

When the people of this country were forced to throw off the yolk of British oppression delegates were commissioned by the American Colonies to assemble in convention in the City of Philadelphila and adopt such measures as would induce England to recognize and respect the rights of the American Colonies. The seat of the Colonial Government of Pennsylvania was at that time in the city of Philadelphia, and when the delegates from the Colonies arrived they were warmly welcomed by the people and escorted to the City Tavern on Second Street, Philadelphia. It was the general impression that the convention would assemble in the Legislative Hall of the State Capitol. However, these halls were denied these delegates and when it became known it caused much resentment. In this emergency the carpenters union, or Carpenters Company as it was then known, unanimously placed the use of Carpenters Hall at the disposal of the delegates and on the fifth day of September, 1774 the first meeting of the Continental Congress assembled in Carpenters Hall and commenced deliberations that resulted, on July 4, 1776, in declaring the Colonies free and independent.

The British, on September 26, 1777, took possession of Philadelphia and the British Army was quartered in Carpenters Hall. However, they were forced to evacuate on June 18, 1778, after occupying Carpenters Hall for eight months and twenty-three days. This labor union hall was the rallying point for the patriots during the Revolutionary Period and the meeting place of organizations and committees that were intimately connected with the stirring events of that time. The convention appointed by Congress to draw a constitution assembled in Carpenters Hall in May, 1787. Their deliberations were behind closed doors and at the end of four months, September 27, 1787, they agreed upon a constitution for the United States of America and so, Mr. Speaker and members of the House, from these records, official, we find that this Great Country of Ours was conceived and

born in a labor union hall and this great document known as the Constitution of the United States of America was also written in a labor union hall.

At the close of the Revolutionary Period when peace was declared, a contract between the States was sealed by the adoption of the Federal Constitution in the year 1788. Grand celebrations were held in all the principal cities of the country in honor of that event. In all these celebrations trade organizations took the most prominent parts. Freeman's Journal of Philadelphia in an issue of July 9, 1788, printed the name of forty-five trade organizations that participated in the celebration of the American Independence and the adoption of the Federal Constitution in the City of Philadelphia on July 4, 1788.

I would like to mention the names of these organizations at this time for the benfit of some members of this House who were very much surprised to learn that labor organizations existed over sixty years ago. The organizations taking part in this celebration 154 years ago were house carpenters, cordwainers, coach painters, cabinet makers, chair makers, sail makers, house painters, weavers, bricklayers, tailors, wood turners, wood carvers, gilders, coopers, coach makers, blacksmiths, whitesmiths, nailsmiths, gunsmiths, coppersmiths, goldsmiths, silversmiths, jewelers, potters, hatters, wheelwrights, printers, bookbinders, saddlers, harness makers, bakers, press molders, curriers and tanners, upholsterers, barbers, engravers, plasterers, masons, brewers, brush makers, stay makers, comb makers, plane makers, sailors and draymen and according to the description in Francis Hopkinson's "Annals of Philadelphia" the trade organizations that appeared on that occasion wore regalia and embellishments with the insignia of their crafts. The painters displayed the motto "Virtue alone is true nobility". The tailors' motto was "By Union our Strength Increases." The carpenters' motto was "Justice and Benevolence."

In McMaster's History of the people of New York he says journeyman carpenters at Philadelphia had a union of their trade in that city in 1791 which was known as the Union Society of Carpenters. These organizations having been in existence many years prior to that date.

A large reception was tendered to General George Washington, the First President of the United States, on the occasion of his visit to the City of Boston in 1789. The Pennsylvania Gazette, a newspaper of that time, mentions the fact that there were twenty-two trade and union organizations who appeared in public procession at that celebration.

In the year 1841 some twenty-six or twenty-seven years before the institution of our free public school system there met, in the City of Boston, Massachusetts, delegates from some twenty labor unions, in convention. At this convention there was adopted a resolution proposing the setting-up of a free public school system such as we have today and for their efforts these delegates were stoned out of the City of Boston because they had the temerity to suggest such an unheard of thing. Organized labor has taken the lead in many of the advancements of the people of the United States and are responsible for many of the laws on our statute books today that when first proposed we, in the labor movement, were termed radicals and called similar names, and yet today, after enactment of such legislation, the citizens of the United States would not allow such legislation to be repealed.

I would like to say to you that in a convention of the American Federation of Labor held in Atlantic City in the year 1926, our leaders foresaw the economic depression that hit this country a few years later and proposed that the Congress of the United States enact Legislation that would correct certain evils in the Banking Business and the sale of Stocks and Bonds. Labor pointed out that unless this was done that the World would face the greatest panic of all times. These pleadings fell on deaf ears, Congress said what does Labor know of economics, and refused to pass the requested Legislation and you know what happened in 1929, The Stock Market Crash followed by the worst bank failures and depression the world ever saw. It was not until President Franklin Delano Roosevelt was elected and took office that measures such as were proposed at the Convention of Labor in 1926, were adopted and carried out and we are only now receiving benefits of those proposals, and while the Banking interests agree those measures saved their businesses yet they still refuse to concede that labor knew what they were talking about.

Today we are in a war. No one realizes more than labor the seriousness of this war or that the only way to win it is by sacrifice. No one is more directly affected by this war than we in the Labor movement. Our Sons, Our Brothers our relatives are bleeding and dying tonight on the Battlefields to preserve our Democracy, and we at home are going to see that they have the equipment and supplies to fight with. We have already voluntarily given up certain in-alien rights, we have pledged the United States of America and all our allies through the President of the United States that we would give up our right to Strike for the Duration of the War, and the Report of Secretary of Labor, Frances Perkins for January 1942 shows this:—The Moratorium on strikes is better than 99% effective. In January 1942, man-days of idleness in all strikes amounted to .06 percent of the total worked as compared with .08 percent in December 1941 and these represent only about 1/3 as many man-days of idleness as in January 1941, there were 32,500 workers involved in 155 strikes in January 1942.

I point out this fact because the public press likes to publish in glaring headlines that Labor is hindering the defense of the country every time there is a labor dispute no matter what the cause or who is at fault. Let me point out that from reports of the Department of Labor that against the .06 percent of time lost from labor strikes that the time lost from accidents in defense work was twenty times as great and time lost from sickness was thirty times as great as time lost from strikes. We find that delays in defense work due to the employer have been so great that delays from strikes fall into insignificance in comparison.

Senator Aiken said; coming from official Washington, from June, 1940, to May, 1941, 150,000,000 man-days were lost to defense by employers negotiating with the Government, while in the same period only 2,450,000 man-days were lost to defense by labor negotiating with the employers. Illustration of the employer delay was in the airplane industry. In June, 1940 Congress made an appro-

priation for 4,000 airplanes. On August 9, two months later, Secretary Stimpson said that only thirty-three of these planes had been contracted for and the cause of the delay didn't lay with the Army or the Defense Commission but the Companies were waiting to be sure the legislation they sought would be enacted before they sign contracts. As proof of this the legislation they wanted passed the House on August 29, 1940, and within one month after the passage of the Legislation in the House guaranteeing their profits 3,282 bombers and 1,897 pursuit planes were contracted for worth $540,000,000. We here had a delay in the production of our most vital weapon caused by the employer which amounted to far more lost man-days than all the strikes since the beginning of the defense program. Another serious delay is due to a steel shortage. Early in the program the President of the United States urged expansion in the steel capacity of plants so that new plants might be ready for operation when needed. Steel companies refused, claiming their capacity was adequate. At a conference of Steel executives called by the OPM, November 11, 1941, after calling the Steel companies to task for not complying with Government orders, (because right up to that date the companies postponed defense orders to serve their own customers), Mr. A. D. Whiteside, Chief, Iron and Steel Branch, OPM, said "You are delinquent on defense requirements of a 30 days' supply of steel." And this statement was made by Rear Admiral Land, Chairman, U. S. Maritime Commission, "14 ship ways were idle in October, 1941 due to the steel shortage" and "At the present time (November 11, 1941), we have a steel plate deficit of 80,000 tons and of the steel delivered much of it cannot be fabricated because it is not being delivered on schedule, this deficit alone is equivalent to 30 cargo ships." These delays caused by the Steel Companies, (the employers) is many, many times the delays caused by all the strikes since the beginning of the defense program (the above taken from transcript of above mentioned conference pages 17-52). Many employers have not hesitated to cause enormous delays in defense to protect their profits or business relations. These are only a few of the many delays caused by the employer. I can stand here and cite you dozens more from the records but we don't hear much about them but when we of labor cause a relatively small delay to protect our own interests and ask for a living wage commensurate with prices of the times, we are made the scapegoat for all delays and the anti-union forces seek to rob us of our rights, our power to deal with the employer management on an equal footing to win progress and security. To place any limitation on our rights is to sacrifice our freedom.

We have in these United States of America the best form of Government in the world, other countries have followed our examples, we are charged today with the protection and preservation on that Government. We shall never allow that form of Government to become a dictator form. That's what our men are fighting and dying for at this very moment to prevent, we of the Labor in these United States know what has happened in the Dictator Countries, and we are not going to allow that to happen here we know it means sacrifice not only for Labor the creators of wealth but sacrifice for those who control that wealth as well, they too must give up the enomorous profits, profits which were greater in 1941 "after taxes than they were in the lush years of the late 1920's, or any years since" (Statement from Standard and Poor's).

One of the most effective ways of destroying any country is to destroy the faith in that country and to undermine the morale of its people. The most efficient weapon of the fifth columnist is by doing these things. What would weaken the faith of our people more, or what would undermine the morale of our people more than to take from them those things guaranteed by the Constitution and the laws of our State and nation. We have three distinct branches in our form of Government, in both the State and Nation, the Executive, Legislative and Judicial, today we are in war to preserve that form of Government and yet we have the Governor of this Commonwealth asking the Legislature to surrender to him the Legislative Branch, to allow if you please a Council under his domination and his chairmanship to perform the duties assigned to the Legislative branch of the Government. Asking we who have been elected to office to do this job to give him and his State Council of Defense the right to say what laws shall be in effect and in force. When Hitler rose to power in Germany that was what he asked and got and you see what misery he caused the world. I am not accusing Governor James, of being a Hitler or even a fifth columnist, I am only pointing out that we cannot be true to our task for which we were elected, we cannot be true to America, or most of all to those men who are now fighting, bleeding and dying this very minute to preserve these very things, if we here in Pennsylvania grant the dictatorial powers asked of us.

Mr. Speaker, and members of this House, I said we of Labor know what this war means, I said we are sacrificing to win it, we are "all out" in the true sense of the phrase, not only are we giving up hard earned rights, our pleasures and privileges but we are doing a great job in financing the war as well. Through President William Green, of the A. F. of L. two months after the attack on Pearl Harbor, the membership of the A. F. of L., pledged the purchase of a billion dollars in Defense Bonds, by the time he made the pledge to the nation or the middle of February last, over $200,000,000 of bonds were already purchased or pledged by the various branches of the A. F. of L. by the affiliated Unions, and this amount does not include bonds purchased by individual members. A few examples are International Ladies Garment Workers, $25,000,000 worth by its members the first 6 months of 1942. Brotherhood of Electrical Workers $8,006,277, Hatters, Cap and Millinery Workers, $5,000,000, Boilermakers Int'l. Union, to date $10,000,000. Meat Cutters & Butchers Workmen, $1,000,000. Pittsburg Central Labor Union, in Pittsburg District, $30,000,000. Los Angeles CLU, $300,000 by Local Unions, many times that by members, District of Columbia CLU, already purchased $460,000. While returns for the Phila. District is not complete from returns now in estimates show about $50,000,000 from that district and time don't permit me to go on but this is a picture of what we are doing in this line. I have not been able as yet to get figures from the C.I.O., but I know they are doing as much as the A. F. of L. We are supporting in a big way the Red Cross, Navy Relief,

USO United Charities, Civilian Defense, and all other relief agencies. Many of our civilian members were killed or captured when Wake Island and Guam fell. Over 200 of our members of the Carpenter Unions were killed at Wake Island that we now have records of and many more are prisoners in Japan, yet in spite of these records Labor is hounded and berated by Employers, Labor haters and the press. I urge all who are as interested in winning this war as labor is to bear these truths always in mind in your deliberations.

F & M CLASS WELCOMED

The SPEAKER pro tempore. The Chair welcomes to the House this evening the American History and Government Class of the Franklin and Marshall Academy who are the guests of the gentleman from Lancaster, Mr. Marshall M. Cohen.

BILLS INTRODUCED AND REFERRED

By Messrs. GEORGE E. JONES and IMBRIE.

HOUSE BILL No. 41.

An Act vesting certain additional police powers in game protectors and fish wardens during the continuation of the present war emergency.

Referred to the Select Committee on Special Session Legislation.

By Mr. RUSSELL E. REESE. HOUSE BILL No. 42.

An Act to further amend section eight of the act, approved the nineteenth day of March, one thousand nine hundred nine (P. L. 46), entitled "An Act to regulate the practice of osteopathy in the State of Pennsylvania; to provide for the establishment of a State Board of Osteopathic Examiners; to define the powers and duties of said Board of Osteopathy Examiners; to provide for the examining and licensing of osteopaths in this State; and to provide penalties for the violation of this act," by further regulating the time necessary for graduation and for admission to practice as osteopathic physicians and surgeons in this State.

Referred to the Select Committee on Special Session Legislation.

SENATE MESSAGE

SENATE BILLS FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence bills numbered and entitled as follows:

SENATE BILL No. 31. (HOUSE BILL No. 43).

An Act making available the services of recipients of general assistance under certain conditions by permitting them to earn a limited amount of money in work essential to the prosecution of the existing war in which the United States of America is engaged without forfeiting their right to assistance or any part thereof.

Referred to the Select Committee on Special Session Legislation.

SENATE BILL No. 21. (HOUSE BILL No. 44).

An Act authorizing certain political subdivisions to make appropriations for the payment of expenses of local or district councils of defense within said political subdivisions and for the protection or preparation for the protection of the health welfare and safety of the civilian population of said political subdivision during emergencies resulting from air raids blackouts or sabotage regulating the manner of payment of expenses of local and district councils of defense authorizing such political subdivisions to levy taxes and borrow money under certain conditions for such purposes providing for the repayment thereof and ratifying confirming and validating appropriations heretofore made for said purposes.

Referred to the Select Committee on Special Session Legislation.

SENATE BILL No. 36. (HOUSE BILL No. 45).

An Act making an appropriation to the Committee appointed pursuant to Senate Concurrent Resolution number one hundred forty of the Regular Session of one thousand nine hundred forty-one adopted July fifteenth one thousand nine hundred forty-one to report recommendations for Congressional re-apportionment.

Referred to the Select Committee on Special Session Legislation.

SENATE BILL No. 16. (HOUSE BILL No. 46).

An Act to provide relief in cases where fiduciaries are in military service authorizing the court to appoint a substituted fiduciary pro tem in such cases or to allow the remaining fiduciaries to act authorizing security to be entered by and compensation paid to such substituted fiduciaries pro tem and regulating the powers and liabilities of the fiduciary in military service and of the substituted fiduciary pro tem.

Referred to the Select Committee on Special Session Legislation.

COMMITTEE MEETING

Meeting of the Select Committee on Special Session Legislation tomorrow morning in Room 327 at 12 m.

ADJOURNMENT

Mr. YESTER. Mr. Speaker, I move that this House do now adjourn until Tuesday, March 10, 1942, at 1 p. m.

The motion was agreed to, and (at 10.14 p. m.) the House adjourned.

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal.

Extraordinary Session of 1942.

Vol. 26. HARRISBURG, PA., TUESDAY, MARCH 10, 1942. No. 11.

SENATE

TUESDAY, March 10, 1942

The Senate met at 2:00 o'clock, p. m., Eastern War Time.

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the Chair.

PRAYER

The Chaplain, Rev. EDWIN S. WALLACE offered the following prayer:

To the only living God, the evidence of whose existence is all about us and within us, we bow our heads in adoration and in gratitude for all Thy mercies. The gift of life which Thou hast given to each of us, and which Thou hast cast for us in pleasant places, calls for our gratitude. If we fail to express that gratitude in words may we express it in deeds of kindness to those who are less favored, and thus imitate our great Exemplar, whose life is summed up in one luminous sentence, "He went about doing good."

May Thy Holy Spirit inspire us with good intentions, then give us wills strong enough to execute such intentions, that our consciences may be void of offense before God and man.

Guide, we pray Thee, the deliberations of the Senate that the best interests of our state may be advanced, while freedom under law, and justice tempered with mercy, be maintained.

Hear our prayer for our President and our Governor. May wisdom and strength be given them to guide the ship of state through the troubled seas and bring it to the desired haven of peace.

In the name of the Prince of Peace, our Lord and Savior. Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. CARR and Mr. MILLER, the further reading was dispensed with, and the Journal was approved.

LEAVE OF ABSENCE

Mr. Farrell asked and obtained leave of absence for the Senator from Erie, Mr. ZIESENHEIM.

Mr. Carr asked and obtained leave of absence for the Senator from McKean, Mr. THOMAS B. WILSON.

Mr. McGinnis asked and obtained leave of absence for the Senator from Allegheny, Mr. FREY.

He also asked and obtained leave of absence for the Senator from Luzerne, Dr. MUNDY.

RECESS

Mr. GELTZ. Mr. President, I move that the Senate do now take a recess for five minutes.

Mr. COX. Mr. President, I second the motion.

The motion was agreed to.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed the Senate will be in order.

ANNOUNCEMENT OF TESTIMONIAL DINNER TO HONORABLE ELLWOOD J. TURNER

The PRESIDENT. The Chair is in receipt of a communication from the House of Representatives which is as follows:

"On March 17, at 7:00 p. m., a Testimonial Dinner will be given to the Honorable Ellwood J. Turner in recognition of eighteen years of service in the General Assembly of Pennsylvania.

"The Dinner is sponsored by a Committee of the House of Representatives, and it is earnestly hoped that all of Mr. Turner's friends in the Senate will avail themselves of the opportunity to pay tribute to him on this occasion.

"Penn-Harris Hotel, Tuesday evening, March 17th, at 7:00 p. m. Tickets will be made available through members of the Committee. Subscription—$3.00 per person. Ladies welcome."

HOUSE MESSAGE

TIME OF NEXT MEETING

The Clerk of the House of Representatives being introduced informed the Senate that the House has concurred in resolution from the Senate as follows:

In the Senate, March 9, 1942

Resolved (if the House of Representatives concur), That when the Senate adjourns this week, it reconvene on Monday, March 16, 1942, at four o'clock, p. m., and when the House of Representatives adjourns this week, it reconvene on Monday, March 16, 1942, at nine o'clock p. m.

SENATE BILL NO. 27

RETURNED WITH AMENDMENTS

He also returned to the Senate, Senate Bill No. 27, entitled:

An Act to provide for the expenses of the Extraordinary Session of the Legislature assembled February seventeenth, one thousand nine hundred forty-two, in pursuance of the proclamation of the Governor of the Commonwealth dated February tenth, one thousand nine hundred forty-two, and the supplement thereto.

with the information that the House has passed the same with amendments, in which the concurrence of the Senate is requested.

SUSPENSION OF RULE 21

Mr. CHAPMAN. Mr. President, I move that Rule 21, which requires amended bills to be noted on the calendar, be in this case dispensed with, and that the Senate proceed to the consideration of the amendments made by the House of Representatives to the foregoing bill.

Mr. SHAPIRO. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendments?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	DiSilvestro,	Lanius,	Stevenson,
Bartlett,	Ealy,	Letzler,	Stiefel,
Becker,	Edmonds,	Mallery,	Taliman,
Carr,	Farrell,	McCreesh,	Taylor,
Cavalcante,	Geltz,	McGinnis	Thomas,
Chapman,	Haluska,	McQuiddy	Tyler,
Coleman,	Heyburn,	Miller,	Wade,
Cox,	Homsher,	Reed,	Walker,
Crider,	James,	Ruth,	Watkins,
Crowe,	Jaspan,	Shapiro,	Wilson, H. I.,
Deitrick,	Kephart,	Snowden,	Woodward,
Dent,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

BILL SIGNED

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) announced that the Chief Clerk having reported that the following bill had passed both houses of the General Assembly and the same being correct, the title was publicly read as follows:

Senate Bill No. 27, entitled:

An Act to provide for the expenses of the Extraordinary Session of the Legislature assembled February seventeenth, one thousand nine hundred forty-two, in pursuance of the proclamation of the Governor of the Commonwealth dated February tenth, one thousand nine hundred forty-two, and the supplement thereto.

Whereupon,

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the presence of the Senate signed the same.

EMPLOYEE OF THE SENATE ELECTED

Mr. CHAPMAN offered the following resolution which was twice read, considered and agreed to:

In the Senate, March 10, 1942.

Resolved, That the following person be elected an employe of the Senate, Extraordinary Session of 1942, to fill an existing vacancy:

PASTER AND FOLDER

H. Gordon McCreary—Vice—George E. Williams

REPORT FROM COMMITTEE ON EXECUTIVE NOMINATIONS

Mr. JAMES. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. JAMES from the Committee on Executive Nominations reported with a favorable recommendation the following nominations made by His Excellency, the Governor of the Commonwealth:

NOMINATIONS BY THE GOVERNOR

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 17, 1942.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate, the following:

SECRETARY OF COMMERCE

Mark S. James, Pittsburgh, from July 18, 1941, until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified.

MEMBERS OF THE REGISTRATION COMMISSION IN AND FOR THE CITY OF PHILADELPHIA

(Mrs.) Sara S. McNeil, Philadelphia, from August 1, 1941, until the first Monday of January, 1945, and until her successor is qualified.

Kendall H. Shoyer, Philadelphia, from August 1, 1941, until the first Monday of January, 1945, and until his successor is qualified.

Charles W. Sweeney, Philadelphia, from August 1, 1941, until the first Monday of January, 1945, and until his successor is qualified.

Victor E. Moore, Philadelphia, from August 1, 1941, until the first Monday of January, 1945, and until his successor is qualified.

Michael R. Kerwick, Philadelphia, from August 1, 1941, until the first Monday of January, 1945, and until his successor is qualified.

UNEMPLOYMENT COMPENSATION REFEREES

Michael J. Stack, Philadelphia, from July 16, 1941, until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified.

Charles C. McGovern, Pittsburgh, from July 16, 1941, until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified.

Michael J. Muldowney, Pittsburgh, from July 16, 1941, until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified.

WORKMEN'S COMPENSATION REFEREE

Alvin E. Dillman, Millvale, from September 26, 1941, to serve as a substitute for Thomas Anthony Thornton, for and during the period that Mr. Thornton shall be engaged in the military service of the United States, but not beyond the term for which Mr. Thornton was appointed, to wit, until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified.

MEMBER OF THE STATE ART COMMISSION

George M. Harding, Wynnewood, from September 17, 1941, until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified.

MEMBERS OF THE BANKING BOARD

A. E. Mackintosh, Oil City, from September 16, 1941, until September 1, 1949, and until his successor is duly appointed and qualified.

A. C. Robinson, Pittsburgh, from September 16, 1941, until September 1, 1949, and until his successor is duly appointed and qualified.

MEMBER OF THE BUSHY RUN BATTLEFIELD COMMISSION

E. M. Dietrich, Irwin, from September 22, 1941, until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified.

MEMBERS OF THE BOARD OF TRUSTEES OF CALIFORNIA STATE TEACHERS' COLLEGE

Harry E. Price, Charleroi, from September 23, 1941, for the term of four years, and until his successor is qualified.

Ben G. Binns, Donora, from September 23, 1941, for the term of four years, and until his successor is qualified.

Earl W. Taylor, California, from September 23, 1941, for the term of four years, and until his successor is qualified.

(Mrs.) Margaret B. Thompson, Washington, from September 23, 1941, for the term of four years, and until her successor is qualified.

Jacob B. Schrock, Berlin, from September 23, 1941, for the term of four years, and until his successor is qualified.

Robert Williams, Fayette City, from September 23, 1941, for the term of four years, and until his successor is qualified.

D. C. Longanecker, Waynesburg, from September 23, 1941, for the term of four years, and until his successor is qualified.

Wilbur Van Bremen, South Greensburg, from September 23, 1941, for the term of four years, and until his successor is qualified.

MEMBERS OF THE BOARD OF TRUSTEES OF CHEYNEY TRAINING SCHOOL FOR TEACHERS

Albert L. Bailey, Jr., West Chester from September 17, 1941, for the term of four years, and until his successor is qualified.

William M. Maier, Bryn Mawr, from September 17, 1941, for the term of four years, and until his successor is qualified.

James M. Brittain, Haverford, from September 17, 1941, for the term of four years, and until his successor is qualified.

Alfred H. Williams, Wallingford, from September 17, 1941, for the term of four years, and until his successor is qualified.

MEMBER OF THE COMMISSION TO EXAMINE AND REPORT UPON THE ECONOMIC, CULTURAL, HEALTH AND LIVING CONDITIONS OF THE URBAN COLORED POPULATION OF THE STATE

Mark S. James, Pittsburgh, from January 20, 1942, until annulled.

MEMBER OF THE DELAWARE RIVER JOINT COMMISSION

Thomas B. Smith, Glenside, from July 16, 1941, for the term of five years, and until his successor shall have been appointed and qualified.

MEMBERS OF THE BOARD OF TRUSTEES OF EASTERN STATE PENITENTIARY

John P. Hallahan, Lansdowne, from November 13, 1941, for the term of four years, and until his successor is qualified.

George Schmidt, Philadelphia, from November 13, 1941, for the term of four years, and until his successor is qualified.

MEMBER OF THE BOARD OF TRUSTEES OF EAST STROUDSBURG STATE TEACHERS' COLLEGE

Randall J. Marsh, Stroudsburg, from January 23, 1942, for the term of four years, and until his successor is qualified.

MEMBER OF THE BOARD OF TRUSTEES OF FARVIEW STATE HOSPITAL

Edmund Lewis, Scranton, from November 18, 1941, for the term of four years, and until his successor is qualified.

MEMBER OF THE STATE BOARD OF HOUSING

J. E. Burns, Oil City, from January 9, 1942, until August 17, 1943, and until his successor is appointed and qualified.

MEMBERS OF THE BOARD OF TRUSTEES OF MILLERSVILLE STATE TEACHERS' COLLEGE

J. F. Aierstock, Lancaster, from September 18, 1941, for the term of four years, and until his successor is qualified.

Allen P. Brightbill, Jonestown, from September 18, 1941, for the term of four years, and until his successor is qualified.

Samuel S. Wenger, Paradise, from September 18, 1941, for the term of four years, and until his successor is qualified.

George S. Mann, Millersville, from September 18, 1941, for the term of four years, and until his successor is qualified.

Harry N. Nissly, Mount Joy, from September 18, 1941, for the term of four years, and until his successor is qualified.

(Mrs.) Anna L. Atlee, Millersville, from September 18, 1941, for the term of four years, and until her successor is qualified.

John L. Bowman, Denver, from September 18, 1941, for the term of four years, and until his successor is qualified.

(Miss) Ada M. Forry, Columbia, from September 18, 1941, for the term of four years, and until her successor is qualified.

H. C. Burgard, Manheim, from September 18, 1941, for the term of four years, and until his successor is qualified.

MEMBERS OF THE MINE INSPECTORS' EXAMINING BOARD FOR THE BITUMINOUS COAL MINES OF PENNSYLVANIA

Joseph Rymer, Irwin, from September 15, 1941, until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified.

Alfred E. Roberts, Revloc, from September 15, 1941, until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified.

Frank Dunbar, Mather, from September 15, 1941, until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified.

Harry Millward, Leckrone, from September 15, 1941, until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified.

William Goaziou, Ellsworth, from September 15, 1941, until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified.

MEMBER OF THE BOARD OF TRUSTEES OF NANTICOKE STATE HOSPITAL

George Dzuris, Nanticoke, from January 5, 1942, for the term of four years, and until his successor is qualified.

MEMBER OF THE BOARD OF TRUSTEES OF PHILIPSBURG STATE HOSPITAL

Jonathan E. Hutchinson, Houtzdale, from August 1, 1941, for the term of four years, and until his successor is qualified.

MEMBER OF THE STATE BOARD OF PUBLIC ASSISTANCE

John A. Stevenson, Bryn Mawr, from January 20, 1942, until the third Tuesday of January, 1948.

MEMBERS OF THE BOARD OF TRUSTEES OF PENNSYLVANIA SOLDIERS' ORPHAN SCHOOL

E. C. Shannon, Columbia, from December 18, 1941, for the term of four years, and until his successor is qualified.

E. J. Stackpole, Jr., Dauphin, from December 18, 1941, for the term of four years, and until his successor is qualified.

Wilbur F. Brown, Waynesboro, from December 18, 1941, for the term of four years, and until his successor is qualified.

Paul N. Geyer, Chambersburg, from December 18, 1941, for the term of four years, and until his successor is qualified.

R. W. Lemaster, Shippensburg, from December 18, 1941, for the term of four years, and until his successor is qualified.

Wilbur S. Arbegast, Mechanicsburg, from December 18, 1941, for the term of four years, and until his successor is qualified.

(Mrs.) Myrtle M. Beyer, McKeesport, from December 18, 1941, for the term of four years, and until her successor is qualified.

J. F. Faust, Chambersburg, from February 9, 1942, for the term of four years, and until his successor is qualified.

MEMBER OF THE BOARD OF TRUSTEES OF STATE INDUSTRIAL HOME FOR WOMEN

Frank Smith, Philadelphia, from October 30, 1941, for the term of four years, and until his successor is qualified.

PUBLIC ASSISTANCE BOARDS

Also the following persons to be MEMBERS OF THE COUNTY BOARDS OF ASSISTANCE, for the terms set opposite their names:

ADAMS COUNTY

(Mrs.) Mary K. McClean, Gettysburg, from December 22, 1941, until December 31, 1943.

(Mrs.) Maude S. Saby, Gettysburg, from January 1, 1942, until December 31, 1944.

Robert P. Smith, McSherrystown, from December 22, 1941, until December 31, 1943.

BEAVER COUNTY

Richard Holt West, Beaver, from January 1, 1942, until December 31, 1944.

Robert M. Crawford, Aliquippa, from December 22, 1941, until December 31, 1943.

(Mrs.) Rebecca R. Brown, Rochester, from January 1, 1942, until December 31, 1944.

Charles L. Wright, New Brighton, from February 4, 1942, until December 31, 1943, and until his successor is duly appointed and qualified.

Robert Ritchie, Beaver, from February 4, 1942, until December 31, 1943, and until his successor is duly appointed and qualified.

BEDFORD COUNTY

Albert Hoover, New Paris, from December 22, 1941, until December 31, 1943.

Robert Henry, Loysburg, from December 22, 1941, until December 31, 1943.

George S. Gorsuch, Yellow Creek, from January 1, 1942, until December 31, 1944.

James Blackburn, Saxton, from December 22, 1941, until December 31, 1943, and until his successor is duly appointed and qualified.

(Mrs.) Evelyn Sides, Hyndman, from January 1, 1942, until December 31, 1944, and until her successor is duly appointed and qualified.

BERKS COUNTY

Charles R. McCann, Reading, from January 1, 1942, until December 31, 1944.

(Mrs.) Bessie B. Worrall, Reading, from December 22, 1941, until December 31, 1943.

J. D. Edwards, Boyertown, from December 22, 1941, until December 31, 1943.

Matthew J. Boland, Reading, from January 1, 1942, until December 31, 1944.

Percy F. Hess, Hamburg, from January 16, 1942, until December 31, 1943, and until his successor is duly appointed and qualified.

BLAIR COUNTY

(Mrs.) Maude Colvin Lotz, Tyrone, from September 12, 1941, until December 31, 1941, and until her successor is duly appointed and qualified.

(Mrs.) Eva M. Montgomery, Altoona, from January 1, 1942, until December 31, 1944.

(Mrs.) Eliza Emily Garber, Roaring Spring, from December 22, 1941, until December 31, 1943.

John B. McCullough, Altoona, from January 23, 1942, until December 31, 1943, and until his successor is duly appointed and qualified.

BRADFORD COUNTY

John F. Beirne, Towanda, from January 1, 1942, until December 31, 1944.

(Mrs.) Florence B. Schrier, Athens, from December 22, 1941, until December 31, 1943.

Clayton H. Maryott, Monroeton, from January 1, 1942, until December 31, 1944.

(Mrs.) Marion M. Newman, Canton, from December 22, 1941, until December 31, 1943.

H. M. Turner, Towanda, from December 22, 1941, until December 31, 1943.

BUCKS COUNTY

(Mrs.) Edith Weamer, Quakertown, from December 22, 1941, until December 31, 1943.

(Mrs.) Lillian Williams, Langhorne, from January 1, 1942, until December 31, 1944.

(Mrs.) Elizabeth Mercer Roberts, Southampton, from December 22, 1941, until December 31, 1943.

BUTLER COUNTY

(Mrs.) Rebekah Miller Cypher, Butler, from January 23, 1942, until December 31, 1944, and until her successor is duly appointed and qualified.

Finley Hawk, Petrola, from January 23, 1942, until December 31, 1943, and until his successor is duly appointed and qualified.

CAMBRIA COUNTY

A. L. Hunt, Cresson, from December 22, 1941, until December 31, 1943.

(Mrs.) Mary M. Hays, Johnstown, from January 1, 1942, until December 31, 1944.

David S. Bantley, Johnstown, from January 1, 1942, until December 31, 1944.

John Allan Murray, Patton, from December 22, 1941, until December 31, 1943.

CAMERON COUNTY

L. N. Coppersmith, Emporium, from December 22, 1941, until December 31, 1943.

(Mrs.) Kathryn Daley, Driftwood, from December 22, 1941, until December 31, 1943.

CARBON COUNTY

Raymond F. Smith, Palmerton, from January 23, 1942, until December 31, 1943, and until his successor is duly appointed and qualified.

CENTRE COUNTY

William C. Thompson, Bellefonte, from December 22, 1941, until December 31, 1943.

Newton Hartswick, State College, from January 1, 1942, until December 31, 1944.

(Mrs.) Helen Oursler Beatty, Bellefonte, from December 22, 1941, until December 31, 1943.

James H. Holmes, State College, from January 1, 1942, until December 31, 1944.

CLARION COUNTY

(Miss) Jane H. Orr, Clarion, from January 1, 1942, until December 31, 1944.

CLEARFIELD COUNTY

George Ohs, Houtzdale, from January 1, 1942, until December 31, 1944.

COLUMBIA COUNTY

(Mrs.) Elsie Yorks Jones, Bloomsburg, from January 1, 1942, until December 31, 1944.

(Mrs.) Marguerite Fortner, Centralia, from January 1, 1942, until December 31, 1944.

Frank A. Creasy, Berwick, from December 22, 1941, until December 31, 1943.

CRAWFORD COUNTY

John A. McAndrew, Conneautville, from December 22, 1941, until December 31, 1943.

Edward I. Bates, Meadville, from December 22, 1941, until December 31, 1943.

CUMBERLAND COUNTY

(Mrs.) Emma E. Brownhill, Enola, from December 22, 1941, until December 31, 1943.

Ray E. Hutter, Mechanicsburg, from December 22, 1941, until December 31, 1943.

G. R. Fogelsonger, Shippensburg, from January 1, 1942, until December 31, 1944.

(Mrs.) Louise Bentz Carroll, Carlisle, from January 1, 1942, until December 31, 1944.

(Mrs.) Lottie M. Thompson, Camp Hill, from December 22, 1941, until December 31, 1943.

DAUPHIN COUNTY

Ezra F. Hershey, Hershey, from January 1, 1942, until December 31, 1944.

E. R. Eckenrode, Harrisburg, from December 22, 1941, until December 31, 1943.

(Mrs.) Anne Rupp, Steelton, from December 22, 1941, until December 31, 1943.

(Mrs.) Gabriella C. Gilbert, Harrisburg, from December 22, 1941, until December 31, 1943.

Harry S. Smeltzer, Harrisburg, from January 1, 1942, until December 31, 1944.

DELAWARE COUNTY

(Mrs.) Eleanor B. Lloyd, Haverford, from January 1, 1942, until December 31, 1944.

E. Wallace Chadwick, Chester, from January 1, 1942, until December 31, 1944.

(Mrs.) Doris Garvin Kinsley, Wallingford, from December 22, 1941, until December 31, 1943.

(Miss) Theresa A. Kelley, Chester, from December 22, 1941, until December 31, 1943.

ELK COUNTY

Carl W. Asplund, St. Marys, from January 1, 1942, until December 31, 1944.

John F. Joyce, St. Marys, from December 22, 1941, until December 31, 1943.

C. H. Frederick, Ridgway, from January 9, 1942, until December 31, 1944, and until his successor is duly appointed and qualified.

ERIE COUNTY

Edward G. Baker, Erie, from September 5, 1941, until December 31, 1943, and until his successor is duly appointed and qualified.

Norbert D. Gannon, Erie, from January 1, 1942, until December 31, 1944.

(Mrs.) Rachel Spencer, Erie, from December 22, 1941, until December 31, 1943.

Hover S. Brown, Erie, from January 1, 1942, until December 31, 1944.

FOREST COUNTY

J. Orr Carson, West Hickory, from January 1, 1942, until December 31, 1944.

Robert Pickens, Marienville, from January 1, 1942, until December 31, 1944.

L. E. Moore, East Hickory, from December 22, 1941, until December 31, 1943.

F. F. Spencer, Truemans, from December 22, 1941, until December 31, 1943.

(Mrs.) Louise E. Phillips, Endeavor, from December 22, 1941, until December 31, 1943.

FRANKLIN COUNTY

Lee L. Steiger, Mercersburg, from January 1, 1942, until December 31, 1944.

(Miss) Rhoda Berger, Cove Gap, from January 1, 1942, until December 31, 1944.

FULTON COUNTY

George S. Grissinger, McConnellsburg, from December 22, 1941, until December 31, 1943.

John W. Kelso, McConnellsburg, from December 22, 1941, until December 31, 1943.

Wilson L. Nace, McConnellsburg, from January 1, 1942, until December 31, 1944.

Harvey E. Comerer, Thompson Township, from January 1, 1942, until December 31, 1944.

HUNTINGDON COUNTY

R. E. Long, Mount Union, from January 1, 1942, until December 31, 1944.

(Mrs.) Keturah Ketterman, Entriken, from December 22, 1941, until December 31, 1943.

M. M. Geissinger, Huntingdon, from January 1, 1942, until December 31, 1944.

Mrs. Minnie Rudy, Huntingdon, from February 5, 1942, until December 31, 1943, and until her successor is duly appointed and qualified.

INDIANA COUNTY

W. L. Benz, Blairsville, from January 1, 1942, until December 31, 1944.

Paul B. Hasinger, Indiana, from January 1, 1942, until December 31, 1944.

Ernest C. Fletcher, Saltsburg, from December 22, 1941, until December 31, 1943.

Harold Nesbitt, Clymer, from December 22, 1941, until December 31, 1943.

JUNIATA COUNTY

Joseph Sieber, McAlisterville, from December 22, 1941, until December 31, 1943.

Geo. G. Dawe, Mifflintown, from December 22, 1941, until December 31, 1943.

Francis L. Cooper, Spruce Hill, from January 1, 1942, until December 31, 1944.

(Mrs.) Alida Johnson, Mifflin, from January 1, 1942, until December 31, 1944.

LANCASTER COUNTY

(Mrs.) Irene Weidman, Ephrata, from September 16, 1941, until December 31, 1942, and until he successor is duly appointed and qualified.

Francis P. Sharpless, Lancaster, from September 16, 1941, until December 31, 1941, and until his successor is duly appointed and qualified.

V. W. Dippell, Lancaster, from December 22, 1941, until December 31, 1943.

(Miss) Bess McGowan, Christiana, from December 22, 1941, until December 31, 1943.

Wm. E. Alexander, Lancaster, from January 1, 1942, until December 31, 1944.

George W. Hensel, Jr., Quarryville, from December 22, 1941, until December 31, 1943.

LAWRENCE COUNTY

Ivor Richards, New Castle, from July 16, 1941, until December 31, 1942, and until his successor is duly appointed and qualified.

Sam Taylor, New Castle, from July 16, 1941, until December 31, 1942, and until his successor is duly appointed and qualified.

Lloyd Strayer, New Castle, from July 16, 1941, until December 31, 1941, and until his successor is duly appointed and qualified.

(Mrs.) Rose Fazzone, New Castle, from July 16, 1941, until December 31, 1941, and until her successor is duly appointed and qualified.

Ray B. Johnston, Ellwood City, from July 16, 1941, until December 31, 1943.

Fred Vaughn, New Castle, from July 16, 1941, until December 31, 1943.

Scott S. Brest, New Galilee, from July 16, 1941, until December 31, 1943.

LEBANON COUNTY

Earnest Williams, Annville, from January 14, 1942, until December 31, 1944, and until his successor is duly appointed and qualified.

LEHIGH COUNTY

William A. Gibson, Allentown, from January 1, 1942, until December 31, 1944.

(Mrs.) Ruth Siegfried, Allentown, from December 22, 1941, until December 31, 1943.

(Mrs.) Eva Krum, Slatington, from December 22, 1941, until December 31, 1943.

(Mrs.) Ruth Thornburg, Fountain Hill, from December 22, 1941, until December 31, 1943.

LYCOMING COUNTY

William H. Hough, Williamsport, from December 22, 1941, until December 31, 1943.

Clair W. Bishop, Williamsport, from January 1, 1942, until December 31, 1944.

Stuart B. Gibson, Williamsport, from January 1, 1942, until December 31, 1944.

(Mrs.) Marjorie Nicholson, Muncy, from December 22, 1941, until December 31, 1943.

McKEAN COUNTY

Francis DeCaria, Bradford, from December 22, 1941, until December 31, 1943.

Chris H. Messerly, Bradford, from January 1, 1942, until December 31, 1944.

John Adrian Skooglund, Kane, from January 1, 1942, until December 31. 1944.

Edward Eugene Drake, Smethport, from December 22, 1941, until December 31, 1943.

William M. Reese, Port Allegany, from December 22, 1941, until December 31, 1943.

MERCER COUNTY

John V. Wherry, Grove City, from January 1, 1942, until December 31, 1944.

MIFFLIN COUNTY

Harold P. Hanna, Lewistown, from December 22, 1941, until December 31, 1943.

T. C. Matthews, Lewistown, from December 22, 1941, until December 31, 1943.

(Mrs.) Beulah Gill, Burnham, from December 22, 1941, until December 31, 1943.

MONROE COUNTY

(Mrs.) Helen W. Hoffman, Stroudsburg, from December 22, 1941, until December 31, 1943.

(Mrs.) Hazel S. Achterman, Stroudsburg, from December 22, 1941, until December 31, 1943.

(Mrs.) Elmira Shafer, Gilbert, from December 22, 1941, until December 31, 1943.

Harry L. Sutton, East Stroudsburg, from January 1, 1942, until December 31, 1944.

Andrew W. Lewis, Mountainhome, from January 28, 1942, until December 31, 1944, and until his successor is duly appointed and qualified.

MONTGOMERY COUNTY

Henry P. Friend, Norristown, from July 30, 1941, until December 31, 1943, and until his successor is duly appointed and qualified.

William E. Wills, King of Prussia, from January 1, 1942, until December 31, 1944.

(Miss) Marjorie N. MacCoy, Haverford, from January 1, 1942, until December 31, 1944.

(Mrs.) Lillian L. Strauss, Elkins Park, from December 22, 1941, until December 31, 1943.

Paul T. Moyer, Lansdale, from December 22, 1941, until December 31, 1943.

NORTHAMPTON COUNTY

Henry A. Miller, Northampton, from January 1, 1942, until December 31, 1944.

Arthur Stoddard, Bangor, from January 1, 1942, until December 31, 1944.

William P. Gano, Nazareth, from December 22, 1941, until December 31, 1943.

Orion H. Reeves, Easton, from December 22, 1941, until December 31, 1943.

Merrill Miles Moore, Bethlehem, from December 22, 1941, until December 31, 1943.

PERRY COUNTY

Edward S. Glass, Duncannon, from January 1, 1942, until December 31, 1944.
Herman Shoemaker, Liverpool, from January 1, 1942, until December 31, 1944.
Lynn McMillen, Loysville, from December 22, 1941, until December 31, 1943.
(Mrs.) Ella M. Gray, Blain, from December 22, 1941, until December 31, 1943.
(Miss) Marion Shull, Newport, from December 22, 1941, until December 31, 1943.

PIKE COUNTY

(Mrs.) Gertrude A. Bihl, Lackawaxen, from December 22, 1941, until December 31, 1943.
(Mrs.) Nina Hopps, Greentown, from December 22, 1941, until December 31, 1943.
(Mrs.) Carolyn S. Ludwig, Milford, from January 1, 1942, until December 31, 1944.
Leland Ryder, Matamoras, from December 22, 1941, until December 31, 1943.
William Weintz, Matamoras, from January 1, 1942, until December 31, 1944.

POTTER COUNTY

Robert R. Lewis, Coudersport, from December 22, 1941, until December 31, 1943.
(Mrs.) Lilah Curry Wandall, Coudersport, from January 1, 1942, until December 31, 1944.
Garrie W. Benson, Galeton, from December 22, 1941, until December 31, 1943.
W. Arthur Ham, Galeton, from December 22, 1941, until December 31, 1943.

SCHUYLKILL COUNTY

Harvey Luckenbill, Orwigsburg, from December 22, 1941, until December 31, 1943.
Andrew H. Riddle, Mahanoy City, from December 22, 1941, until December 31, 1943.
John E. Schlottman, Pottsville, from January 1, 1942, until December 31, 1944.
C. T. Straughn, Shenandoah, from December 22, 1941, until December 31, 1943.
Bernard McGinley, Middleport, from January 1, 1942, until December 31, 1944.

SNYDER COUNTY

G. A. Rhoads, Shamokin Dam, from January 1, 1942, until December 31, 1944.
Charles F. Wagner, McClure, from January 1, 1942, until December 31, 1944.
Lee Fisher, Selinsgrove, from December 22, 1941, until December 31, 1943.
(Mrs.) Clara Reigle, Paxtonville, from December 22, 1941, until December 31, 1943.
J. Howard Burns, Selinsgrove, from January 14, 1942, until December 31, 1943, and until his successor is duly appointed and qualified.

SULLIVAN COUNTY

B. T. Martin, Dushore, from January 1, 1942, until December 31, 1944.
J. H. Dieffenbach, Colley, from December 22, 1941, until December 31, 1943.
Edward M. Williams, Wheelerville, from December 22, 1941, until December 31, 1943.
Edward B. Wright, Forksville, from December 22, 1941, until December 31, 1943.

SUSQUEHANNA COUNTY

A. D. Kehren, Forest City, from January 1, 1942, until December 31, 1944.
Byron Benninger, Dimock, from January 19, 1942, until December 31, 1944, and until his successor is duly appointed and qualified.

TIOGA COUNTY

(Mrs.) Edna Mae Fleitz, Mansfield, from December 22, 1941, until December 31, 1943.
Fred A. Jupenlaz, Covington, from January 1, 1942, until December 31, 1944.
M. A. Welch, Mansfield, from December 22, 1941, until December 31, 1943.
(Mrs.) Hazel M. Parsells, Cowanesque, from January 1, 1942, until December 31, 1944.

UNION COUNTY

Arthur A. Eisenhauer, Lewisburg, from December 22, 1941, until December 31, 1943.
Hiram Walter, Lewisburg, from December 22, 1941, until December 31, 1943.

VENANGO COUNTY

E. P. Boyle, Oil City, from December 22, 1941, until December 31, 1943.
H. Carl Wasson, Franklin, from January 1, 1942, until December 31, 1944.
(Mrs.) Hanna L. Hollister, Franklin, from December 22, 1941, until December 31, 1943.
W. Edward Walz, Oil City, from January 1, 1942, until December 31, 1944.

WASHINGTON COUNTY

(Miss) Ann Mesta, Finleyville, from January 5, 1942, until December 31, 1943, and until her successor is duly appointed and qualified.

WAYNE COUNTY

Neil Keene, Waymart, from January 1, 1942, until December 31, 1944.
Roy N. Howe, Lake Ariel, from January 1, 1942, until December 31, 1944.

WYOMING COUNTY

William A. Kelley, Center Moreland, from January 1, 1942, until December 31, 1944.
Basil Nichols, Falls, from December 22, 1941, until December 31, 1943.
(Mrs.) Lula Gilmore, Noxen, from December 22, 1941, until December 31, 1943.
(Mrs.) Esther Englemier, Osterhout, from December 22, 1941, until December 31, 1943.

YORK COUNTY

Clyde S. Buckingham, York, from January 1, 1942, until December 31, 1944.
Charles E. Kephart, York Haven, from January 1, 1942, until December 31, 1944.
H. C. Ulmer, York, from December 22, 1941, until December 31, 1943.
(Mrs.) Nellie B. Neely, High Rock, from December 22, 1941, until December 31, 1943.
(Mrs.) Kathryn R. Fix, York, from December 22, 1941, until December 31, 1943.

ARTHUR H. JAMES.

On the question,

Will the Senate advise and consent to the nominations?

Mr. JAMES. Mr. President, in the absence of some of the senators who have an interest in the matter, I desire to withdraw from consideration of the Senate at this time the following nominations, just read:

UNEMPLOYMENT COMPENSATION REFEREE

Michael J. Stack, Philadelphia, from July 16, 1941, until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified.

MEMBER OF THE DELAWARE RIVER JOINT COMMISSION

Thomas B. Smith, Glenside, from July 16, 1941, for the term of five years, and until his successor have been appointed and qualified.

MEMBERS OF THE BOARD OF TRUSTEES OF CALIFORNIA STATE TEACHERS' COLLEGE

Harry E. Price, Charleroi, from September 23, 1941, for the term of four years, and until his successor is qualified.

Ben B. Binns, Donora, from September 23, 1941, for the term of four years, and until his successor is qualified.

Earl W. Taylor, California, from September 23, 1941, for the term of four years, and until his successor is qualified.

(Mrs.) Margaret B. Thompson, Washington, from September 23, 1941, for the term of four years, and until her successor is qualified.

Jacob B. Schrock, Berlin, from September 23, 1941, for the term of four years, and until his successor is qualified.

Robert Williams, Fayette City, from September 23, 1941, for the term of four years, and until his successor is qualified.

D. C. Longanecker, Waynesburg, from September 23, 1941, for the term of four years, and until his successor is qualified.

Wilbur Van Breman, South Greensburg, from September 23, 1941, for the term of four years, and until his successor is qualified.

The PRESIDENT. The Chair understands that the nominations previously read by the Clerk, with the exception of those nominations just withdrawn, are now to be considered by the Senate.

Mr. JAMES. That is correct, Mr. President, and there are also additional nominations which I respectfully suggest that the Clerk read.

The Clerk read the nominations as follows:

APPOINTMENT AS MEMBERS OF THE COUNTY BOARD OF ASSISTANCE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 25, 1942.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for reappointment as members of County Boards of Assistance, for the terms set opposite their names:

ALLEGHENY COUNTY

R. Maurice Moss, 1300 Fifth Avenue, Pittsburgh, until December 31, 1943.

ARMSTRONG COUNTY

Ralph Bittinger, Bellwood Gardens, Ford City, until December 31, 1943.

BUTLER COUNTY

R. J. Ferguson, 330 East Pearl Street, Butler, until December 31, 1944.

Mrs. Daisy Riddle, 609 North Main Street, Butler, until December 31, 1943.

CARBON COUNTY

Mr. George H. Mitten, 18 Jones Street, Lansford, until December 31, 1943.

CHESTER COUNTY

Mrs. Laura E. Knauer, 343 Price Street, West Chester, until December 31, 1943.

Mrs. Edith H. Owens, Parkesburg, until December 31, 1943.

CLINTON COUNTY

Howard Gundlach, R. D. No. 2, Jersey Shore, until December 31, 1943.

Mrs. Estella Cummings, 460 South High Street, Lock Haven, until December 31, 1944.

GREENE COUNTY

A. G. Wiley, Wind Ridge, until December 31, 1943.

LACKAWANNA COUNTY

Edgar Oliver, 807 South 9th Avenue, Scranton, until December 31, 1943.

Barry Searle, Jr., 20 Washington Street, Carbondale, until December 31, 1943.

MONTOUR COUNTY

Mrs. Mary Perry, 248 West Mahoning Street, Danville, until December 31, 1943.

Miss Anna Pritchard, 219 Water Street, Danville, until December 31, 1943.

WASHINGTON COUNTY

William D. Davies, 210 Third Street, McDonald, until December 31, 1943.

ARTHUR H. JAMES.

APPOINTMENT AS MEMBER OF LYCOMING COUNTY BOARD OF ASSISTANCE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 17, 1942.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Rev. J. Ray Houser, 28 Huffman Avenue, Williamsport, Lycoming County, for appointment as a member of the Lycoming County Board of Assistance, until December 31, 1943, and until his successor is duly appointed and qualified, vice Rev. Ganse Little, resigned.

ARTHUR H. JAMES.

APPOINTMENT AS MEMBER OF WARREN COUNTY BOARD OF ASSISTANCE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 24, 1942.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate C. H. Whittaker, Sheffield, Warren County, for appointment as a member of the Warren County Board of Assistance, until December 31, 1944, and until his successor is duly appointed and qualified, vice Mrs. Minnie Haggerty, whose term expired.

ARTHUR H. JAMES.

APPOINTMENT AS JUDGE OF MUNICIPAL COURT OF FIRST JUDICIAL DISTRICT

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 9, 1942.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Francis F. Burch, 6426 Drexel Road, Philadelphia, Philadelphia County, for appointment as Judge of the Municipal Court of the First Judicial District of Pennsylvania, composed of the City and County of Philadelphia, until the first Monday of January, 1944, vice Thomas Bluett, resigned.

JUSTICES OF THE PEACE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 24, 1942.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Mrs. Isabel Beretsky, 25 East First Street, Larksville, Wilkes-Barre, Luzerne County, for reappointment as Justice of the Peace in and for the Borough of Larkesville, Luzerne County, until the first Monday of January, 1944.

ARTHUR H. JAMES.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 24, 1942.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate William E. Williams, 18 Cedar Avenue, West Conshohocken, Montgomery County, for appointment as Justice of the Peace in and for the Borough of West Conshohocken, Montgomery County, until the first Monday in January, 1944, vice John W. Tuckerman, resigned.

ARTHUR H. JAMES.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 24, 1942.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate W. J. Beglin, Midland, Beaver County, for appointment as Justice of the Peace in and for the Borough of Midland, Beaver County, until the first Monday in January, 1944, vice H. H. Bream, deceased.

ARTHUR H. JAMES.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 18, 1942

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate John E. Coffey, 308 East King Street, Shippensburg, Cumberland County, for appointment as Justice of the Peace in and for the Borough of Shippensburg, Cumberland County, until the first Monday in January, 1944, vice Clarence A. Heller, deceased.

ARTHUR H. JAMES.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 25, 1942.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate James A. Thomas, 558 Orchard Street, Warrior Run, Peely, Luzerne County, for appointment as Justice of the Peace in and for the Borough of Warrior Run, Luzerne County, until the first Monday in January, 1944, vice John Wiener, resigned.

ARTHUR H. JAMES.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 25, 1942.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate J. E. Nagel, Hadley, Mercer County, for appointment as Justice of the Peace in and for the Township of Perry, Mercer County, until the first Monday in January, 1944, vice Elsie Powell, resigned.

ARTHUR H. JAMES.

EXECUTIVE SESSION

By unanimous consent,

A motion was made by Mr. JAMES and Mr. TAYLOR,

That Rule 38 which requires nominations made by the Governor be referred to an appropriate committee be dispensed with, and the Senate do now resolve itself into Executive Session, for the purpose of acting on the foregoing nominations.

Which was agreed to.

Whereupon,

A motion was made by Mr. JAMES and Mr. TAYLOR,

That the Senate do advise and consent to said nominations.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—43

Barr,	DiSilvestro,	Lanius,	Stiefel,
Bartlett,	Ealy,	Letzler,	Tallman,
Becker,	Edmonds,	McCreesh,	Taylor,
Carr,	Farrell,	McGinnis,	Thomas,
Cavalcante,	Geltz,	McQuiddy,	Tyler,
Chapman,	Haluska,	Miller,	Wade,
Coleman,	Heyburn,	Reed,	Walker,
Cox,	Homsher,	Ruth,	Watkins,
Crider,	James,	Shapiro,	Wilson, H. I.,
Crowe,	Jaspan,	Snowden,	Woodward,
Dent,	Kephart,	Stevenson,	

NAYS—0

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

Mr. JAMES. Mr. President, I move that the Executive Session do now rise.

Mr. FARRELL. Mr. President, I second the motion.

The motion was agreed to.

NOTARIES PUBLIC

He also presented in writing from His Excellency, the Governor of the Commonwealth, nominations for appointment as Notaries Public.

CONSIDERATION OF NOTARIES PUBLIC

Mr. JAMES. Mr. President, I move that the Senate do

now proceed to the consideration of nominations for appointment as Notaries Public, sent to the Senate, March 10, 1942, by His Excellency, the Governor of the Commonwealth.

Mr. MILLER. Mr. President, I second the motion.

The motion was agreed to.

The nominations were read as follows:

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 10, 1942.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

Miss Alice Neff, Pittsburgh, 901 Pennsylvania Ave.

DELAWARE COUNTY

Miss Kathryn X. Haring, Tinicum Twp., Lester.
Earl R. Miller, Springfield Twp., 152 Saxer Ave., Springfield.

LEHIGH COUNTY

Miss Elizabeth T. Sables, Allentown.

LUZERNE COUNTY

Mrs. Agnes S. Evans, Wyoming.

NORTHUMBERLAND COUNTY

W. L. Seiler, Milton.

PHILADELPHIA COUNTY

Mrs. Mary Wiegand, Phila., 1701 N. Second St.

WESTMORELAND COUNTY

Andrew S. Romito, Arnold.

ARTHUR H. JAMES.

NOMINATIONS FOR NOTARIES PUBLIC

A motion was made by Mr. JAMES and Mr. MILLER,

That the Senate do advise and consent to said nominations.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—43

Barr,	DiSilvestro,	Lanius,	Stiefel,
Bartlett,	Eal,,	Letzler,	Tallman,
Becker,	Edmonds,	McCreesh,	Taylor,
Carr,	Farrell,	McGinnis,	Thomas,
Cavalcante,	Geltz,	McQuiddy,	Tyler,
Chapman,	Haluska,	Miller,	Wade,
Coleman,	Heyburn,	Reed,	Walker,
Cox,	Homsher,	Ruth,	Watkins,
Crider,	James,	Shapiro,	Wilson, H. I.,
Crowe,	Jaspan,	Snowden,	Woodward,
Dent,	Kephart,	Stevenson,	

NAYS—0

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

He also presented a communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows, and referred to the Committee on Executive Nominations.

JUSTICE OF THE PEACE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 10, 1942.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate C. Martin Micken, Box No. 40, Witmer, Lancaster County, for appointment as Justice of the Peace in and for the Township of East Lampeter, Lancaster County, until the first Monday in January, 1944, to fill a vacancy.

ARTHUR H. JAMES.

BILLS INTRODUCED

Mr. EDMONDS read in his place and presented to the Chair Senate Bill No. 46, entitled:

An Act authorizing the Governor of the Commonwealth of Pennsylvania with the approval of the Department of Wharves, Docks and Ferries of the City of Philadelphia to suspend for a limited time the operation of laws regulating or relating to the movement and anchorage of vessels carrying or having on board certain explosives insofar as the same relate to fixed ammunition or ammunition which contains the projectile and the explosive in one container or shell.

Which was committed to the Committee on State Government.

Mr. MILLER read in his place and presented to the Chair Senate Bill No. 47, entitled:

An Act to suspend existing law providing for and requiring certain contracts or purchases made by the Commonwealth or any political subdivision thereof to be made with and from the lowest responsible bidder after notice by advertisement insofar as they apply to certain contracts and purchases.

Which was committed to the Committee on State Government.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 12, entitled:

An Act to amend the act approved the sixth day of August, one thousand nine hundred and forty-one (1941 Appropriation Acts, page 98), entitled "A supplement to the act approved the sixteenth day of June, one thousand nine hundred forty-one (Appropriation Act Number 12-A), entitled 'An act to provide for the ordinary expenses of the Executive, Legislative and Judicial Departments of the Commonwealth, interest on the public debt, and the support of the public schools for two years beginning June first, one thousand nine hundred and forty-one, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first, one thousand nine hundred and forty-one,'" by increasing the appropriation to the Department of Justice for the parole work of the Board of Pardons.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 41, on second reading, entitled:

An Act to further amend the act approved the fifth day of December, one thousand nine hundred and thirty-six (P. L. 2897, 1937), entitled "An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry and its existing and newly created agencies, with personnel (with certain exceptions) selected on a civil service basis, requiring employers to keep records and make reports and certain employers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons, providing procedure and administrative details for the determination, payment and collection of such contributions and the payment of such compensation, providing for cooperation with the Federal Government and its agencies, creating certain special funds in the custody of the State Treasurer and prescribing penalties," changing the provisions thereof and the rights, obligations and procedure thereunder.

go over in its order temporarily.

The PRESIDENT. Is there objection? The Chair hears none.

RECESS

Mr. GELTZ. Mr. President, I move that the Senate do now take a recess until 5:00 o'clock, p. m.

Mr. MILLER. Mr. President, I second the motion.

The motion was agreed to.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed the Senate will be in order.

PERMISSION TO ADDRESS SENATE

Mr. EALY. Mr. President, I desire to address the Senate.

The PRESIDENT. The gentleman from Somerset will proceed.

Mr. EALY. Mr. President, I desire to offer a resolution, but before offering it I wish to make a statement.

There were some of us who feel all the work of this session could be ended before three o'clock next Tuesday, that is, within the first month of the session. There are others who feel that the Legislature should remain in session, at least for a time, to determine more fully questions which may arise in connection with the war effort. I still think that if we would remain in session all the rest of this week and the first two days of next week, we could finish up.

One of the reasons for not carrying over into a recess session is the fact that all the per diem employes under the present law would be paid even during the time that the Legislature is in recess, unless, under the act of 1939, the two Houses would take action to discharge their employes during the recess period, from month to month, or for whatever period it might be.

If those employes are not discharged and this session should continue for several months, then the cost of the extra time would really be more than if the Governor should call the Legislature back into another Special Session later, if it became necessary.

In order to get the viewpoint of the two Houses on this matter I therefore offer the following resolution and ask for its immediate adoption.

Mr. EALY offered the following resolution which was twice read:

In the Senate, March 10, 1942.

Resolved (if the House of Representatives concur) That in the event the General Assembly shall recess at any time during the present special session for a period of more than one week, the respective Houses shall take appropriate action to discharge all per diem employees during such weeks as the General Assembly shall not be sitting.

Mr. EALY. Mr. President, I ask unanimous consent that Rule 39, which requires resolutions be referred to an appropriate committee, to be dispensed with and the Senate proceed to the consideration of the foregoing resolution.

The PRESIDENT. Is there objection to immediate consideration of the resolution? Are there any remarks?

Mr. McGINNIS. Mr. President, this is a new subject to us. It is something we ought to ponder about a little. These employes, if they are discharged, their future would be rather uncertain and they do not know whether they ought to go into other employment or whether they should wait for a call to come back at some future time, and it puts them in a rather difficult position.

I would like to have an opportunity to discuss this resolution before it is acted on, with the members on this side of the House.

Mr. EALY. Of course, the Senator from Allegheny has a perfect right to object to immediate consideration of the resolution. I might say that the per diem employes are not in a certain position now. Suppose we should get through and adjourn finally next Tuesday; then they would be out of this employment, and it also appears, from what has taken place in this session, a good many employes have resigned, as there have been vacancies, which have been filled with new appointees. That would probably happen again.

Mr. McGINNIS. Mr. President, if we adjourned next Tuesday, as it has been suggested we might possibly do, then of course this resolution would not be necessary.

Mr. EALY. No, Mr. President.

Mr. McGINNIS. I would suggest that this resolution lay on the table so that we can take it under consideration.

Mr. EALY. If the Senator wishes to do that and objects to immediate consideration it will have to lay over until tomorrow.

The PRESIDENT. As the Chair understands the request of the Senator from Allegheny, it is that the resolution be laid on the table, from which it can be taken at any time.

Mr. McGINNIS. Mr. President, I would not object to the resolution being called up tomorrow.

Mr. EALY. I will call it up tomorrow if there is now objection to immediate consideration.

The PRESIDENT. There is objection to immediate consideration and the resolution is referred to the Committee on Rules.

PARLIAMENTARY INQUIRY

Mr. BARR. Mr. President, I rise to a parliamentary inquiry.

The PRESIDENT. The gentleman from Allegheny will state his parliamentary inquiry.

Mr. BARR. Mr. President, could the resolution lay on the table and not be sent to committee? Is that a proper motion?

The PRESIDENT. Under the rules, if there is objection, a resolution must automatically be referred to committee. It could be reported out tomorrow.

Mr. BARR. Then, Mr. President, perhaps the gentleman from Allegheny, Senator McGinnis, may desire to withdraw his objection and ask that the resolution be laid on the table.

The PRESIDENT. It has been referred to the Committee on Rules.

PARLIAMENTARY INQUIRY

Mr. GELTZ. Mr. President, I rise to a parliamentary inquiry.

The PRESIDENT. The gentleman from Allegheny will state his parliamentary inquiry.

Mr. GELTZ. Mr. President, in order that the record may be kept straight in connection with the resolution introduced by the gentleman from Allegheny, I am not quite sure I understand just what is the situation here, whether my colleague from Allegheny, Senator McGinnis, objected to immediate consideration. Just what is the situation.

The PRESIDENT. It is equivalent to that. The Senator from Allegheny stated that he desired to give the resolution consideration, and this is the only way in which that can be done. His first request was to lay the resolution on the table, but under the rules, if it is not desired to consider the resolution immediately, it must be referred to a committee.

Mr. GELTZ. Then, Mr. President, it has been referred to a committee?

The PRESIDENT. That is right, the Committee on Rules.

Mr. SHAPIRO. Mr. President, I suggest that since this is a very important resolution, what can be done is that the gentleman from Allegheny could withdraw his objection to immediate consideration; it then can be considered and a motion made to lay the resolution on the table.

The PRESIDENT. That is right.

Mr. SHAPIRO. Then it could be considered tomorrow without further action by the committee.

Mr. GELTZ. Before that is done by the gentleman from Allegheny, Mr. McGinnis, I would like to say that if such a motion is made to lay the resolution on the table, I will ask my colleagues to vote against that motion. I think the procedure which has been followed is the correct procedure, to have the resolution referred to committee.

RESOLUTION URGING OBSERVANCE OF MAY DAY

Mr. CAVALCANTE offered the following resolution which was twice read, considered and agreed to:

In the Senate, March 10, 1942.

It has been a custom in the United States and in other countries throughout the world to observe the first day of May as May Day, and to mark such observances by various kinds of celebrations.

A decade ago the American Legion organization in Fayette County inaugurated a new and more appropriate observance of the first day of May, by staging a parade and celebration in the name of Americanism.

The first day of May has since been annually observed and celebrated as Americanism Day by patriotic societies, veterans' organizations and other groups, both in Fayette County and throughout the Commonwealth, and it has been the custom of the Governor of the Commonwealth to issue his proclamation signifying the observance of Americanism Day.

The present world crisis constitutes a serious threat to those American principles of life and government, which were established with such great sacrifice and which have since been maintained and protected so valiantly, thus making particularly significant and appropriate the observance of May first as Americanism Day in the year of 1942; now therefore be it

Resolved, That the Governor of the Commonwealth is hereby urged to issue his proclamation signifying May 1, 1942, as Americanism Day, and calling upon all patriotic, veteran, fraternal and civic organizations to hold celebrations of this day in such a manner as will bring to the people of the Commonwealth the full realization of the benefits, privileges and blessings that come to them through the continuance of our American form of government; and be it further

Resolved, That the Senate of the General Assembly of the Commonwealth of Pennsylvania further urges all persons in the Commonwealth of Pennsylvania to join in a real American celebration of May 1, 1942, as Americanism Day.

REPORTS FROM COMMITTEES

Mr. STIEFEL. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. STIEFEL, from the Committee on State Government, reported as amended, Senate Bill No. 42, entitled:

An Act to suspend and modify existing law providing for and requiring the use of plates or tage as evidence of the payment of any license or registration fee insofar as such laws require the use of plates or tags manufactured of metal and by authorizing the use of other material in whole or in part.

Mr. FARRELL. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. FARRELL, from the Committee on State Government, reported as committed, Senate Bill No. 46, entitled:

An Act authorizing the Governor of the Commonwealth of Pennsylvania with the approval of the Department of Wharves, Docks and Ferries of the City of Philadelphia to suspend for a limited time the operation of laws regulating or relating to the movement and anchorage of

vessels carrying or having on board certain explosives insofar as the same relate to fixed ammunition or ammunition which contains the projectile and the explosive in one container or shell.

Mr. CRIDER. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. CRIDER, from the Committee on State Government reported as committed, Senate Bill No. 40, (House Bill No. 11), entitled:

An Act to further amend section eight hundred twenty-eight of the act, approved the first day of May one thousand nine hundred twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds;" authorizing the Secretary of Revenue, during the period of national emergency, to suspend the operation of certain provisions of this act relating to school buses, when such provisions conflict with priority claims for material.

Mr. REED. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. REED, from the Committee on State Government, reported as committed, Senate Bill No. 37, entitled:

An Act relating to air raid precautions, including blackouts; conferring certain powers and duties upon the State Council of Defense, local and district Councils of Defense, political subdivisions, members of certain municipal and volunteer agencies and civilians necessary for the safety, defense and protection of civilians and property in the Commonwealth; providing for the mobilization, coordination and use of certain municipal agencies and volunteer agencies, including their personnel and equipment; providing for immunity from liability for injury or death to persons or damage to property under certain circumstances; and providing penalties.

PERMISSION TO ADDRESS SENATE

Mr. BARR. Mr. President, I would like to call attention of the members of the Senate to page twenty-nine of the History of House Bills and Resolutions, Serial No. 18, Resolution No. 7, presented in the House by Representative Homer S. Brown, and ask that each one of the Senators read it before we take up tomorrow the resolution which was introduced by the Senator from Somerset. I think this would be a good time to do that, as some of my colleagues probably might not be familiar with that resolution. It is Serial No. 18, Resolution No. 7.

Mr. REED. Mr. President, I suggest that the gentleman from Allegheny tell us the contents of the resolution.

Mr. BARR. It is a request by Representative Brown that the General Assembly should recess instead of finally adjourning for the duration.

REPORT FROM COMMITTEE

Mr. WADE. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. WADE, from the Committee on State Government, reported as committed, Senate Bill No. 13, entitled:

An Act to amend Section 36 and to repeal Section 37 of the act approved the sixth day of August, one thousand nine hundred and forty-one (P. L. 861), entitled "An act to create a uniform and exclusive system for the administration of parole in this Commonwealth; establishing the 'Pennsylvania Board of Parole'; conferring and defining its jurisdiction, duties, powers and functions, including the supervision of persons placed upon probation in certain designated cases; providing for the method of appointment of its members; regulating the appointment removal and discharge of its officers, clerks and employes; dividing the Commonwealth into administrative districts for purposes of parole; fixing the salaries of members of the board and of certain other officers and employes thereof; making violations of certain provisions of this act misdemeanors; providing penalties therefor; and for other cognate purposes, and making an appropriation," by postponing the operation and effective date of the act and repealing the appropriation made by said act.

MOTION TO READ BILLS THE FIRST TIME

Mr. GELTZ. Mr. President, I move that the Senate do now proceed to the first reading of all bills reported from committees for the first time at today's session.

Mr. WALKER. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 13, entitled:

An Act to amend Section 36 and to repeal Section 37 of the act approved the sixth day of August, one thousand nine hundred and forty-one (P. L. 861), entitled "An act to create a uniform and exclusive system for the administration of parole in this Commonwealth; establishing the 'Pennsylvania Board of Parole'; conferring and defining its jurisdiction, duties, powers and functions, including the supervision of persons placed upon probation in certain designated cases; providing for the method of appointment of its members; regulating the appointment, removal and discharge of its officers, clerks and employes; dividing the Commonwealth into administrative districts for purposes of parole; fixing the salaries of members of the board and of certain other officers and employes thereof; making violations of certain provisions of this act misdemeanors; providing penalties therefor; and for other cognate purposes, and making an appropriation; by postponing the operation and effective date of the act and repealing the appropriation made by said act.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 37, entitled:

An Act relating to air raid precautions, including blackouts; conferring certain powers and duties upon the State Council of Defense, local and district Councils of Defense, political subdivisions, members of certain municipal and volunteer agencies and civilians necessary for the safety, defense and protection of civilians and property in the Commonwealth; providing for the mobilization, coordination and use of certain municipal agencies and volunteer agencies, including their personnel and equipment; providing for immunity from liability for injury or death to persons or damage to property under certain circumstances; and providing penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 40, (House Bill No. 11), entitled:

An Act to further amend section eight hundred twenty-eight of the act approved the first day of May one thousand nine hundred twenty-nine (P. L. 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street car trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" authorizing the Secretary of Revenue during the period of national emergency to suspend the operation of certain provisions of this act relating to school buses when such provisions conflict with priority claims for material.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 42, entitled:

An Act to suspend and modify existing law providing for and requiring the use of plates or tags as evidence of the payment of any license or registration fee insofar as such laws require the use of plates or tags manufactured of metal and by authorizing the use of other material in whole or in part.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 46, entitled:

An Act authorizing the Governor of the Commonwealth of Pennsylvania with the approval of the Department of Wharves, Docks and Ferries of the City of Philadelphia to suspend for a limited time the operation of laws regulating or relating to the movement and anchorage of vessels carrying or having on board certain explosives insofar as the same relate to fixed ammunition or ammunition which contains the projectile and the explosive in one container or shell.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

The PRESIDENT PRO TEMPORE (Charles H. Ealy) in the Chair.

REPORT FROM COMMITTEE

Mr. HEYBURN. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. HEYBURN for Mr. MILLER, from the Committee on State Government reported as committed, Senate Bill No. 47, entitled:

An Act to suspend law providing for and requiring certain contracts or purchases made by the Commonwealth or any political subdivision thereof to be made with and from the lowest responsible bidder after notice by advertisement insofar as they apply to certain contracts and purchases.

SENATE BILL No. 41 ON SECOND READING CALLED UP

Mr. HEYBURN. Mr. President, I now call up Senate Bill No. 41, on second reading, which went over in its order, temporarily.

Mr. MILLER. Mr. President, I second the motion.

It was agreed to.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 41, entitled:

An Act to further amend the act approved the fifth day of December, one thousand nine hundred and thirty-six (P. L. 2897, 1937), entitled "An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry and its existing and newly created agencies, with personnel (with certain exceptions) selected on a civil service basis, requiring employers to keep records and make reports and certain employers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons, providing procedure and administrative details for the determination, payment and collection of such contributions and the payment of such compensation, providing for cooperation with the Federal Government and its agencies, creating certain special funds in the custody of the State Treasurer and prescribing penalties," changing the provisions thereof and the rights, obligations and procedure thereunder.

And said bill having been read at length the second time,

On the question,

Will the Senate agree to the bill?

The first section was read.

On the question,

Will the Senate agree to the section?

Mr. HEYBURN. Mr. President, I desire to offer amendments?

The Clerk read the amendments as follows:

Amend Section 1, Page 3, line 6 by striking out after the word "year" the following: "excluding however"; Amend Section 1, page 3, line 6, by striking out all of lines 7 and 8.; Amend Section 1, page 4, line 6, by striking out the word "no"; Amend Section 1, page 4, line 22 by striking out the words "filed by" and all of lines 23 to 26 inclusive.; Amend Section 1, page 3, line 9 by striking out after the word "eight" the following: "out"; Amend Section 1, page 4, line 12 by striking out after the word "or" and before the word "Section" the following: "any provision of"; Amend Section 1, page 4, line 12 by inserting after the numerals "402" the following: "(a) or (b)"; Amend Section 1, page 4, line 22 by striking out after the word "claim" the words "filed by" and all of lines 23 to 26 inclusive; Amend Section 1, page 4, line 22 by inserting after the word "A" and before the word "Compensable" the following: "first"; Amend Section 1, page 4, line 22 by inserting after the word "claim" and before the word "filed" the following: "for the first week of total unemployment for which compensation is payable in a benefit year"; Amend Section 1, page 7, line 7 by inserting after the word "when" and before the word "the" the following: "(1)"; Amend Section 1, page 7, line 11 by inserting after the word "act" the following: "or (2) the predecessor was an employer under this act"; Amend Section 1, page 9, line 5 by striking out after the word "the" the word "other"; Amend Section 1, page 9, line 6 by inserting after the word "subsection" and before the word "service" the following: "as amended"; Amend Section 1, page 9, line 9 by striking out the brackets before and after the word "remuneration"; Amend Section 1, page 9, line 9 by striking out the word "wages"; Amend Section 1, page 17, line 11 by striking out before the word "Full-time" the numeral "(1)" and inserting in lieu thereof the letter "(l)"; Amend Section 1, page 19, line 13 by striking out after the word "for" the word "services"; Amend Section 1, page 19, line 13 by striking out the bracket before the part of the word "em-"; Amend Section 1, page 19, line 14 by striking out the bracket after the part of the word "ployment"; Amend Section 1, page 20, line 26 by striking out the word "voluntarily" after the word "payments" and before the word "made"

On the question,

Will the Senate agree to the amendments?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The second section was read.

On the question,

Will the Senate agree to the section?

Mr. HEYBURN. Mr. President, I desire to offer amendments?

The Clerk read the amendments as follows:

Amend Section 2, page 23, line 17 by adding at the end of said line the following: "or at the first session thereafter if the study has not been completed for submission to the regular session of 1943"; Amend Section 2, page 23, line 12 by striking out the word "shall" after the part of the word "cil" and before the word "at"; Amend Section 2, page 23, line 12 by inserting after the part of the word "cil" and before the word "at" the following: "May and"; Amend Section 2, page 23, line 12 by inserting after the word "council" and before the word "make" the word "shall"

On the question,

Will the Senate agree to the amendments?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The third section was read and agreed to.

The fourth section was read.

On the question,

Will the Senate agree to the section?

Mr. HEYBURN. Mr. President, I desire to offer amendments.

The Clerk read the amendments as follows:

Amend Section 4, page 40, line 5 by inserting at the end of said line the following: "compensable claim"; Amend Section 4, page 40, line 6 by striking out the word "week"; Amend Section 4, page 40, line 7 by striking out the bracket after the word "such" and the brackets before and after the word "three" and the bracket before the word "weeks" all on the same line; Amend Section 4, page 40, line 8 by striking out the bracket after the word "act" at the end of said line; Amend Section 4, page 40, line 9 by striking out the bracket before the word "Such" at the beginning of said line; Amend Section 4, page 41, line 2 by striking out the word "benefit" and inserting in lieu thereof the word "benefits"; Amend Section 4, page 41, line 6 by striking out the words "have been claimed" and inserting in lieu thereof the words "are payable"; Amend Section 4, page 41, line 8 by striking out the word "Sections" at the end of said line and inserting in lieu thereof the word "Section"; Amend Section 4, page 41, line 9 by inserting after the numerals "401" the following: "a b and c"; Amend Section 4, page 41, line 9 by inserting after the word "and" and before the numerals "402" the word "Section"; Amend Section 4, page 41, line 9 by inserting after the numerals "402" the following: "a b and d"; Amend Section 4, page 41, line 9 by striking out after the numerals "402" all the rest of said line and all of line 10; Amend Section 4, page 46, Table I, Part B, line 6, by striking out the numerals "100" and inserting in lieu thereof "50"; Amend Section 4, page 46, Table II, Part B, line 22, by striking out the numerals "100" and inserting in lieu thereof "50"; Amend Section 4, page 28, line 22 by striking out after the word "to" the numerals "2.7" and inserting in lieu thereof the following: "two and seven-tenths"; Amend Section 4, page 39, line 29 by inserting after the word "a" the following: "valid application for benefits with respect to the benefit year for which compensation is claimed and has made a"; Amend Section 4, page 40, line 4 by striking out after the word "weeks" the rest of

said line; Amend Section 4, page 40, line 5 by striking out the following: "inafter provided in this clause"; Amend Section 4, page 41, line 12 by inserting after the word "compensation" and before the word "for" the following: "or waiting period credit"; Amend Section 4, page 42, line 14 by striking out after the word "the" and before the word "in" the word "work"; Amend Section 4, page 42, line 14 by inserting after the word "the" and before the word "in" the following: "week"; Amend Section 4, page 45, line 9 by inserting after the word "the" and before the word "first" the following: "base period"; Amend Section 4, page 45, line 9 by striking out after the word "the" the following: "first eight"; and all of line 10 and all of line 11; Amend Section 4, page 45, line 18 by inserting after the word "the" and before the word "first" the following: "base period"; Amend Section 4, page 45, line 18 by striking out after the word "the" the words "first eight of" and all of line 19 and all of line 20.

On the question,

Will the Senate agree to the amendments?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The fifth, sixth, and seventh sections were read and agreed to.

The title was read and agreed to.

And said bill as amended having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILL INTRODUCED

Mr. KEPHART. Mr. President, I ask unanimous consent to introduce a bill at this time.

The PRESIDENT PRO TEMPORE. Is there objection? The Chair hears none.

Mr. KEPHART read in place and presented to the Chair Senate Bill No. 48, entitled:

An Act to add section one thousand one hundred and nine to the act approved the twenty-fourth day of June, one thousand nine hundred and thirty-nine (P. L. 872), entitled "An act to consolidate, amend, and revise the Penal Laws of the Commonwealth," as amended, by prescribing additional penalties in the case of the commission of certain crimes during blackouts or air-raids and the confusion resulting thereafter.

Which was committed to the Committee on Judiciary General.

MOTION TO READ BILLS THE FIRST TIME

Mr. GELTZ. Mr. President, I move that the Senate do now proceed to the first reading of all bills reported from committees for the first time at today's session.

Mr. MILLER. Mr. President, I second the motion.

The motion was agreed to.

BILL ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 47, entitled:

An Act to suspend law providing for and requiring certain contracts or purchases made by the Commonwealth or any political subdivision thereof to be made with and from the lowest responsible bidder after notice by advertisement insofar as they apply to certain contracts and purchases.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

ADJOURNMENT

Mr. GELTZ. Mr. President, I move that the Senate do now adjourn until Wednesday, March 11, 1942, at 1:00 o'clock, p. m. Eastern War Time.

Mr. WALKER. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 6:27 o'clock, p. m. Eastern War Time until Wednesday, March 11, 1942, at 1:00 o'clock p. m. Eastern War Time.

HOUSE OF REPRESENTATIVES

TUESDAY, March 10, 1942

The House met at 1 p. m.

The SPEAKER (Elmer Kilroy) in the Chair.

PRAYER

The Chaplain, Rev. Donald McFall offered the following prayer:

O God, our Heavenly Father, Thou who hast given strength and power to Thy people of old, manifest Thy presence in our midst, we beseech Thee. Give each one of us the courage to stand for the hard right against the easy wrong. Grant us strong convictions and a great opportunity concerning truth. Take away from us the fears that so easily beset us, and help us in Thy name to set up our banners. Thou who art a mighty fortress, strengthen and support us that we neither fear nor waver in the battle against evil. Encourage us this day that we might witness for Thee. In Jesus' name we pray. Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of yesterday.

The Clerk proceeded to read the Journal of yesterday, when, on motion of Mr. HALL, unanimously agreed to, the further reading was dispensed with and the Journal approved.

RESOLUTION INTRODUCED AND REFERRED

By Mr. VanALLSBURG.

(Concurrent) RESOLUTION No. 21.

In the House of Representatives, March 9, 1942.

Whereas, Hundreds of industries in Pennsylvania are shifting from normal consumer production to war and defense production, thereby necessitating the employment in many instances of thousands of new and additional employes; and

Whereas, Certified copies of birth certificates are re-

quired for all employes as a requisite for employment; and

Whereas, It is imperative that everything possible should be done to remove all conditions which retard in any way the prosecution of the war production program; and

Whereas, Copies of birth certificates could be issued with dispatch locally where birth records are available, without being obliged to apply to the Bureau of Vital Statistics in Harrisburg; and

Whereas, It is very urgent that employes and prospective employes should be able to secure a certified copy of birth certificate promptly and conveniently;

Therefore, Be It Resolved, if the Senate concur, that the Governor of the Commonwealth is hereby requested to direct and instruct the Secretary of Health to authorize the local Registrar of births in such cities as the Secretary of Health may designate, to issue certified copies of birth certificates to all applicants born in those cities since 1906, and whose birth certificates are of record in the local office.

Be It Further Resolved, That a copy of this Resolution be transmitted by the Chief Clerk of the House to the Governor of the Commonwealth.

Referred to the Select Committee on Special Session Legislation.

PETITIONS AND COMMUNICATIONS

The SPEAKER laid before the House the following petition and communications which were read by the Clerk.

CIVILIAN DEFENSE

A petition signed by Mr. R. B. Mateer, Philadelphia, protesting passage of legislation affecting blackouts and other civilian defense measures.

Referred to the Select Committee on Special Session Legislation.

SABOTAGE PREVENTION ACT

Communications from the State Legislative Board, Brotherhood of Railroad Trainmen of Pennsylvania, protesting passage of Senate Bill No. 19 (Sabotage Prevention Act), and suggesting amendments thereto.

Referred to the Select Committee on Special Session Legislation.

LEAVE OF ABSENCE

By unanimous consent leave of absence was granted as follows:

Mr. Achterman for Mr. VOGT for the remainder of the week on account of illness.

Mr. HALL for himself for the remainder of the week after today's session.

Mr. Presley N. Jones for Mr. WEINGARTNER for the remainder of the week.

Mr. GEORGE E. JONES for himself for the remainder of the week after today's session.

Mr. EDWIN F. THOMPSON for himself for the remainder of the week after today's session.

Mr. WOLF for himself for the remainder of the week after today's session.

Mr. Helm for Mr. GATES for the remainder of the week.

Mr. Dix for Mr. WILKINSON for the remainder of the week.

REPORTS FROM COMMITTEES

Mr. O'NEILL from the Select Committee on Special Session Legislation, reported as committed, House Bill No. 40, entitled:

An Act authorizing courts of common pleas to stay writs of execution against, and tax sales of, real property in certain cases; providing for the continuance of return days of writs of execution, and authorizing sales thereon without issuance of further writs.

Mr. SCANLON from the Select Committee on Special Session Legislation, reported as committed, House Bill No. 45 (Senate Bill No. 36), entitled:

An Act making an appropriation to the Committee appointed pursuant to Senate Concurrent Resolution number one hundred forty of the Regular Session of one thousand nine hundred forty-one adopted July fifteenth one thousand nine hundred forty-one to report recommendations for Congressional reapportionment.

Mr. BROWN, from the Select Committee on Special Session Legislation, reported as committed, House Bill No. 46 (Senate Bill No. 16), entitled:

An Act to provide relief in cases where fiduciaries are in military service authorizing the court to appoint a substituted fiduciary pro tem in such cases or to allow the remaining fiduciaries to act authorizing security to be entered by and compensation paid to such substituted fiduciaries pro tem and regulating the powers and liabilities of the fiduciary in military service and of the substituted fiduciary pro tem.

Mr. STANK from the Select Committee on Special Session Legislation, reported as amended, House Bill No. 27, entitled:

An Act authorizing the Department of Highways to construct, repair or rebuild certain bridges in cities of the third class which are deemed necessary for national defense and where Federal or city funds are available for such purposes; defining the powers and duties of said department; and making an appropriation.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 29, entitled:

An Act relating to air raid precautions and the prevention of sabotage in cities of the first class creating a Board of Inspection in the Department of Public Works in such cities imposing powers and duties on such boards and any lessee of water and gas mains owned by such cities and repealing inconsistent legislation

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 24, entitled:

An Act relating to air raid precautions including blackouts conferring certain powers and duties upon the State Council of Defense local and district Councils of Defense political subdivisions members of certain municipal and volunteer agencies and civilians necessary for the safety defense and protection of civilians and property in the Commonwealth providing for the mobilization coordina-

tion and use of certain municipal agencies and volunteer agencies including their personnel and equipment providing for immunity from liability for injury or death to persons or damage to property under certain circumstances and providing penalties

The first to the ninth sections inclusive were separately read and agreed to.

The tenth section was read.

On the question,

Will the House agree to the section?

Mr. Readinger offered the following amendment:

Amend Section 10, Page 8, Line 14—at the beginning of the line, after the word "shall", insert the word "knowingly" and after the word "unlawfully" insert the words "and wilfully."

It was agreed to.

The section was agreed to as amended.

The eleventh section and title were separately read and agreed to.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 25, entitled:

An Act to further amend section twenty-one of the act approved the seventh day of June one thousand nine hundred fifteen (P. L. 900) entitled "An act to provide for the immediate registration of all births and deaths throughout the Commonwealth of Pennsylvania by means of certificates of births and deaths and burial or removal permits requiring prompt returns to the Central Bureau of Vital Statistics as required to be established by the State Department of Health and in order to secure prompt and faithful registration of births marriages deaths and diseases of practitioners of medicine and surgery of midwives nurses and undertakers and of all persons whose occupation is deemed to be of importance in obtaining complete registration of births deaths marriages and diseases throughout the State as provided in section ten of an act entitled 'An act creating the Department of Health and defining its powers and duties' approved the twenty-seventh day of April nineteen hundred and five and providing penalties for violations of this act" by directing the Department of Health to maintain branch offices in certain cities of the third class for the filing of birth and death certificates authorizing such offices to issue certified copies of said certificates and make searches of their files providing that such offices be supplied with duplicates of certain birth and death records now on file in Harrisburg imposing additional duties upon local registrars in such cities and prescribing fees

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 18, entitled:

An Act to further amend the act approved the fifth day of December one thousand nine hundred thirty-six (1937 P. L. 2897) entilted "An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry and its existing and newly created agencies with personnel (with certain exceptions) selected on a civil service basis requiring employers to keep records and make reports and certain employers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons providing procedure and administrative details for the determination payment and collection of such contributions and the payment of such compensation providing for cooperation with the Federal Government and its agencies creating certain special funds in the custody of the State Treasurer and prescribing penalties" by changing the provisions thereof and the rights obligations and procedure thereunder

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 28, entitled:

An Act to further amend clause (g) as added to section one thousand one hundred and ten of the act approved the first day of May one thousand nine hundred and twenty-nine (P. L. 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" suspending during the period of present hostilities and for one year thereafter the requirement that all electrically operated traffic signals shall be made to conform with provisions of said act and the regulations of the Secretary of Highways

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILL PASSED OVER

There being no objection House Bill No. 21, (Senate Bill No. 28), Printer's No. 6, was passed over at the request of Mr. LOVETT.

RESOLUTIONS

Mr. SHEPARD offered a resolution which was laid over for printing under the Rules.

Mr. KNOBLE offered a resolution which was laid over for printing under the Rules.

ANNOUNCEMENT BY SPEAKER

The SPEAKER. The Chair directs the Chief Clerk to instruct the Sergeant-at-arms to check each member's bill file, both Senate and House, and see that they are complete. The Chair further instructs that bills be not left loose on the member's desks.

RECESS

The SPEAKER. If there is no objection the Chair will

declare a recess until 3 p. m. Is there objection? The Chair hears none and a recess is declared.

AFTER RECESS

The House reconvened at 3 p. m.

The SPEAKER (Elmer Kilroy) in the Chair.

BILLS INTRODUCED AND REFERRED

By Mr. O'NEILL. HOUSE BILL No. 47.

An Act making an appropriation to the Insurance Department for the payment of certain moral claims against the Commonwealth and that department.

Referred to the Select Committee on Special Session Legislation.

By Mr. HEATHERINGTON. HOUSE BILL No. 48.

An Act to regulate, control and discourage inflation of public utility rates and charges during the national defense emergency; placing an annual tax of ten per centum on all increases of public utility rates and charges taking effect subsequent to January first one thousand nine hundred thirty-nine; providing for return of sixty per centum of said tax collected by the Commonwealth to the counties wherein the said increases of rates and charges are paid by consumers; requiring such funds to be used only for civilian defense purposes; and authorizing the board of county commissioners to distribute such funds to local and district councils of defense.

Referred to the Select Committee on Special Session Legislation.

By Mr. ROSENFELD. HOUSE BILL No. 49.

An Act to establish a State Emergency Rent Commission and Regional Emergency Rent Boards to prescribe the powers, duties and functions of such commission, and of such boards, to provide for regulation of rents, rental agreements and certain other incidents of the landlord-tenant relationship within regions and with respect to classes of dwellings as defined, and to provide penalties and other means of enforcement.

Referred to the Select Committee on Special Session Legislation.

RESOLUTIONS INTRODUCED AND REFERRED

By Mr. KNOBLE. RESOLUTION No. 22.

In the House of Representatives, March 10, 1942.

The immense sums of money already appropriated by the Federal Government for the purpose of successfully carrying on and concluding the war in which we are now engaged have been and are being largely spent to the benefit of the larger communities in the Nation.

The smaller communities and the districts in which the small farms are located have not shared in the benefits that flow from new defense plants and government spending.

These communities and districts are largely producing the food that is necessary to the vitality of all the citizens and in them is found patriotism of a high order.

The advantages offered by these smaller communities for the placement therein of defense plants are far beyond those afforded by and in the densely populated districts.

The people in these rural communities have had their markets removed by reason of the enlistment of their sons in the services of the Nation and by the treck of their workers to higher paying jobs in defense plants in larger communities.

These people, however, are loyal and patriotic and they are ready and willing to do their full share in the crisis that confronts the Nation regardless of their isolation; therefore be it

Resolved, By the House of Representatives of the Commonwealth of Pennsylvania that those charged with the placing of manufacturing plants by the National Government or any of its agencies for the production of articles of warfare are hereby memorialized to take advantage of the opportunities and benefits offered by the rural communities as sites for location and erection of such plants; and be it further

Resolved, That copies of this resolution shall be immediately forwarded by the Chief Clerk of this House to the President of the United States and to the Secretary of the Army and the Secretary of the Navy.

Referred to the Select Committee on Special Session Legislation.

By Mr. SHEPARD. RESOLUTION No. 23.

In the House of Representatives, March 10, 1942.

Whereas, On the 1st day of February in the year 1865, the 38th Congress of the United States of America adopted, and President Abraham Lincoln signed, a Joint Resolution proposing the 13th Amendment to the Constitution of the United States, whereby slavery and involuntary servitude were forever abolished within the United States; and

Whereas, The proposing of this Constitutional Amendment to the Legislature of the several States marked one of the most enlightened and far-reaching steps in the history of our Democratic form of Government; and

Whereas, The ultimate abolition of slavery and involuntary servitude effected by the adoption of this Constitutional Amendment was of inestimable benefit in welding our people into a strong and unified Nation; and

Whereas, There has now been introduced into the House of Representatives of the Congress of the United States, a Joint Resolution (No. 267), requesting President Franklin D. Roosevelt to proclaim Feberuary 1st as "National Freedom Day." and to invite the people of the United States to observe that day with appropriate ceremonies and thanksgiving; be it therefore

Resolved, That this House of Representatives hereby memorializes Congress to adopt the aforesaid Joint Resolution as a most fitting and appropriate recognition of the great significance of February 1st; and be it further

Resolved, That a copy of this resolution be mailed to all Congressmen and Senators representing the Commonwealth of Pennsylvania, urging them to use their fullest efforts to effect the adoption of this resolution.

Referred to the Select Committee on Special Session Legislation.

COMMUNICATION

The SPEAKER laid before the House a communication which was read by the Clerk.

INCOME-WAGE TAX

A communication from the Committee of Seventy, Philadelphia opposing an income or wage tax legislation (House Bill No. 22)

Referred to the Select Committee on Special Session Legislation.

SENATE MESSAGE

AMENDED SENATE BILL CONCURRED IN BY SENATE

The Clerk of the Senate being introduced informed that the Senate has concurred in the amendments made by the House of Representatives to Senate Bill numbered and entitled as follows, viz:

SENATE BILL No. 27.

An Act to provide for the expenses of the Extraordinary Session of the Legislature assembled February seventeenth, one thousand nine hundred forty-two, in pursuance of the proclamation of the Governor of the Commonwealth dated February tenth, one thousand nine hundred forty-two, and the supplement thereto.

BILL SIGNED BY SPEAKER

Bill numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the title was publicly read as follows:

SENATE BILL No. 27.

An Act to provide for the expenses of the Extraordinary Session of the Legislature assembled February seventeenth, one thousand nine hundred forty-two, in pursuance of the proclamation of the Governor of the Commonwealth dated February tenth, one thousand nine hundred forty-two, and the supplement thereto.

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

BILL ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 21, (Senate Bill No. 28), entitled:

An Act to further amend Section 801 of the act, approved the fifth day of May, one thousand nine hundred and thirty-three (P. L. 457), entitled "An act relating to the business of building and loan associations; providing for the organization and voluntary dissolution of such associations; defining the rights, powers, duties, liabilities, and immunities of such associations, and of their officers, directors, shareholders, solicitors, and other employes; prohibiting the transaction of business in this Commonwealth by foreign building and loan associations; conferring powers and imposing duties upon the courts, recorders of deeds, and certain State departments, commissions, and officers; establishing limitations of actions; imposing penalties; and repealing certain acts and parts of acts," by authorizing building and loan associations to act as fiscal agents of the United States Government for the sale of United States Defense Bonds and Defense Stamps, and permitting such associations to pledge their assets for the faithful performance of their duties as such agents.

The first section was read.

On the question,

Will the House agree to the section?

Mr. ACHTERMAN offered the following amendment:

Amend Sec. 1 (Sec. 801), page 2, line 24, by inserting after the word "prepaid" the following: "optional payment direct reduction loan."

It was agreed to.

The Section was agreed to as amended.

The title was read and agreed to.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

PERMISSION TO ADDRESS HOUSE

Mr. WRIGHT asked and obtained unanimous consent to address the House.

Mr. Speaker, since the Governor has signed the reapportionment bill and it is now a fact, and we must recognize it, we in Greene County are separated from our nearest ally, Fayette County, by the Monongahela River. We did not like being separated from our congenial neighbor, Washington County, but I have learned in my short life that if you do not get what you like in this life that you must learn to like what you get, and we are determined to like our new Fayette County neighbors.

Therefore, Mr. Speaker I would deem it a great favor if you would delegate our good brother, the Honorable Marshall Shepherd, "The leader of the sheep," to come to Green County and lead the community singing of that old familiar and lovely melody, "There's One More River to Cross."

PARLIAMENTARY INQUIRY

Mr. SHEPARD. Mr. Speaker, I arise to a special parliamentary inquiry.

The SPEAKER. The gentleman will state his special parliamentary inquiry.

Mr. SHEPARD. Mr. Speaker, I just want to inquire whether that is "Green River" or not.

The SPEAKER. The Chair would inform the gentleman from Philadelphia, Mr. Shepard, that he is very alert.

LEAVE OF ABSENCE

By unanimous consent leave of absence was granted as follows:

Mr. Dalrymple for Mr. POLASKI for today's session.

ADJOURNMENT

Mr. RILEY. Mr. Speaker, I move that this House do now adjourn until Wednesday, March 11, 1942, at 1 p. m.

The motion was agreed to, and (at 3:12 p. m.) the House adjourned.

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal.

Extraordinary Session of 1942.

Vol. 26. HARRISBURG, PA., WEDNESDAY, MARCH 11, 1942. No. 12.

SENATE

WEDNESDAY, March 11, 1942

The Senate met at 1:00 o'clock, p. m., Eastern War Time.

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the Chair.

PRAYER

The Chaplain, Rev. EDWIN S. WALLACE offered the following prayer:

Almighty God, our Heavenly Father, when we approach Thee in the attitude of prayer may we have the desire to worship Thee in spirit and in truth; otherwise we shall not know how to pray to Thee as we ought.

We pray for faith to belive that Thou art the rewarder of those who seek Thee. We believe that Thou art ready to endow us according to our needs, and we pray for wisdom, for courage, for strength and the will to endure, that we may accomplish Thy purposes concerning us today.

Give wisdom to the men in authority in our nation, courage and the will to endure to the men in all branches of military service, and victory over all our enemies that thereby Thy glory and Thy kingdom may be advanced in our day.

Direct this session of the Senate that all its decisions may have Thine approval.

In the name of Christ our Lord. Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. WALKER and Mr. GELTZ, the further reading was dispensed with, and the Journal was approved.

LEAVE OF ABSENCE

Mr. Carr asked and obtained leave of absence for the Senator from McKean, Mr. THOMAS B. WILSON.

Mr. Farrell asked and obtained leave of absence for the Senator from Erie, Mr. ZIESENHEIM.

NOMINATIONS BY THE GOVERNOR

NOTARIES PUBLIC

The Secretary to the Governor being introduced, presented in writing from His Excellency, the Governor of the Commonwealth, nominations for appointment as Notaries Public.

CONSIDERATION OF NOTARIES PUBLIC

Mr. JAMES. Mr. President, I move that the Senate do now proceed to the consideration of nominations for appointment as Notaries Public, sent to the Senate, by His Excellency, the Governor of the Commonwealth.

Mr. MILLER. Mr. President, I second the motion.

The motion was agreed to.

The nominations were read as follows:

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 11, 1942.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

LUZERNE COUNTY

Michael J. Clarke, Wilkes-Barre.

NORTHAMPTON COUNTY

Mrs. Gladys Male Richards, Bangor.

PHILADELPHIA COUNTY

Miss Anna M. Brancato, Phila., 1418-23 Land Title Bldg.
Mrs. Sara B. Fauser, Phila., 715 Fidelity-Phila., Trust Bldg.
Edward Haws, Phila., 700 Commercial Trust Bldg.
Geo. H. Heck, Phila., 1931 W. Dauphin Street.

ARTHUR H. JAMES.

NOMINATIONS FOR NOTARIES PUBLIC

A motion was made by Mr. JAMES and Mr. MILLER,

That the Senate do advise and consent to said nominations.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—42

Barr,	Dent,	Lanius,	Stevenson,
Bartlett,	Ealy,	Letzler,	Stiefel,
Becker,	Edmonds,	Mallery,	Taylor,
Carr,	Farrell,	McCreesh,	Thomas,
Cavalcante,	Geltz,	McGinnis,	Tyler,
Chapman,	Haluska,	Miller,	Wade,
Coleman,	Heyburn,	Reed,	Walker,
Cox,	Homsher,	Ruth,	Watkins,

Crider,	James,	Scarlett,	Wilson, H. I.,
Crowe,	Jaspan,	Snowden,	Woodward,
Deitrick,	Kephart,		

NAYS—0

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

REPORTS FROM COMMITTEES

Mr. RUTH, from the Committee on Elections, reported as committed, Senate Bill No. 39, (House Bill No. 10), entitled:

An Act to further amend section six hundred twenty-eight, and to amend section six hundred twenty-nine of the act approved the third day of June, one thousand nine hundred thirty-seven (P. L. 1333), entitled "An act concerning elections, including general, municipal, special and primary elections, the nomination of candidates, primary and election expenses and election contests; creating and defining membership of county boards of elections; imposing duties upon the Secretary of the Commonwealth, courts, county boards of elections; county commissioners; imposing penalties for violation of the act, and codifying, revising and consolidating the laws relating thereto; and repealing certain acts and parts of acts relating to elections," extending the time within which writs of election may issue for holding special elections to fill vacancies occurring in either house of the General Assembly, and the time within which nominations therefor may be filed.

REPORT OF THOMAS JEFFERSON BICENTENNIAL COMMISSION OF PENNSYLVANIA

Mr. CHAPMAN. Mr. President and members of the Senate, I have a report of the Thomas Jefferson Bicentenial Commission of Pennsylvania, which was created by Senate Concurrent Resolution.

This Committee presents the following report and requests that it be spread on the minutes of the Journal.

Thomas Jefferson was president of the University of Virginia. We have asked the presidents of the prominent colleges of Pennsylvania to become members, and thirty-five of the presidents in Pennsylvania have agreed to serve on this committee. The committee has unanimously selected Dr. Johnson, of Temple University, as Chairman, Governor James has accepted the honorary chairmanship for the Commonwealth, and Dr. John Weber, of the University of Pittsburgh, Secretary.

Mr. STIEFEL. Mr. President and Members of the Senate, I am proud to state that under the leadership of Dr. Chapman, the Thomas Jefferson Bicentennial Commission of Pennsylvania, has evolved an elaborate program for the celebration of the two Hundredth Anniversary of the Birth of Thomas Jefferson. The Commonwealth of Pennsylvania through our Commission has set an example which will, no doubt, be emulated by other sister States. During our conference with Dr. Fiske Kimball who is a member of the United States Commission for the celebration of the Two Hundredth Anniversary of the Birth of Thomas Jefferson, we have been told that Pennsylvania is leading the entire Nation in its work which is being done preparatory to the celebration of the Bicentennial on April 13, 1943. Dr. Fiske Kimball, the authorities of the University of Virginia and the authorities of William and Mary, were unanimous in their approval of our work.

Bearing in mind that Thomas Jefferson considered his connections with the University of Virginia and his work done in connection therewith as one of the greatest attainments of his life, our Commission felt that the creation of a State-wide Committee of educators will be one of the most fitting tributes to the memory of Jefferson's Immortal Genius. The response to our invitation from Pennsylvania's outstanding educators was most encouraging and stimulating. The State-wide Committee consisting of educators only will indeed mirror all sections of Pennsylvania and will thus cement all elements of our citizenry in its participation in the celebration of the Bicentennial. The unanimous selection of Dr. Robert Livingston Johnson, President of Temple University as Chairman of the Committee, and of Dr. John Weber as Secretary of said Committee, clearly shows how well the work of the Committee is balanced and spread all over Pennsylvania.

In addition to the State-wide Committee, the Commission has now proceeded with the creation of local Committees and towards that end created Thirty-seven District Jefferson Bicentennial Celebration Committees. At the head of each District Bicentennial Commission, there will be selected outstanding citizens, who in the opinion of the Commission will command the cooperation of the citizenry of the District. Towards that end, the membership of the Thomas Jefferson Bicentennial Commission will consult the members of the Senate and of the House of Representatives in the hope that their good judgment will help us to select outstanding educators and men of culture in each district who could be placed at the helm of the District Committee.

Our preliminary report covers only part of our plans. Some of our plans, although very ambitious may have a tendency of conflicting with our present National efforts. Such plans will, no doubt, be held in abeyance until such time that the war effort will not be jeopardized by them. Thus we intended to proceed with the printing and distribution of a Jefferson Commemorative Stamp, the proceeds whereof could be applied towards the erection of a replica of Monticello in Harrisburg that would house a library or another institution of culture. The concensus of the membership was for the postponement of this plan since it was felt that the sale of Jefferson Commemorative Stamps may jeopardize the sale of Defense Stamps.

May I embrace this opportunity and voice my admiration for the fine spirit of cooperation that permeated and permeates the membership of this Commission. Each member of our Commission is fully cognizant of the fact that if our work is crowned with success, the citizenry of Pennsylvania will fully realize the greatness and significance of the cardinal principles laid down by Jefferson and his co-workers at the dawn of our Republic. Ofttimes we proceed with our work hesitatingly, fearing that at crucial times like these, there are more important tasks that command the efforts and devotion of each American. However, we realize that when peace comes on earth and the world will be relieved from the talons of the aggressors, our pople will need spiritual tonics that will imbue them with the fervor of rededication. And so the membership of the Thomas Jefferson Bicentennial Commission of Pennsylvania appeals to this august body to lend us its undivided support in order that our work may inure to the advancement and progress of the great people of Pennsylvania.

Mr. CHAPMAN. Mr. President, I present the following report and desire it to be spread upon the minutes.

FIRST PRELIMINARY REPORT OF THE THOMAS JEFFERSON BICENTENNIAL COMMISSION OF PENNSYLVANIA

established pursuant to

SENATE CONCURRENT RESOLUTION

of March 5, 1941—Serial No. 113, Legislative Journal Page 591

March 10, 1942, Harrisburg, Pa.

I. PREFATORY INFORMATION

A. Scope of the Thomas Jefferson Bicentennial Commission of Pennsylvania

To evolve plans in collaboration with the "United States Commission for the Celebration of the Two-hundredth Anniversary of the Birth of Thomas Jefferson" for Pennsylvania's part in said celebration on April 13, 1943, preparatory to the submission thereof, in the form of a report, to the General Assembly of Pennsylvania in 1943 for proper action.

B. Membership of the Commission on the part of the Senate:

Leroy E. Chapman, Warren County
Charles A. P. Bartlett, Northampton County
Israel Stiefel, Philadelphia County

Membership of the Commission on the part of the House of Representatives:

John B. Hering, Philadelphia County
Leon J. Kolankiewicz, Philadelphia County
Lloyd H. Wood, Montgomery County

C. Officers of the Commission:

Dr. Leroy E. Chapman, Chairman
1911 Pennsylvania Ave., East Warren, Pennsylvania

Dr. Leon J. Kolankiewicz, Vice Chairman
3111 Richmond Street, Philadelphia, Pennsylvania

Charles A. P. Bartlett, Treasurer
1855 Fairview Street, Easton, Pennsylvania

Lloyd H. Wood, Recording Secretary
R. D. 1, Collegeville, Pennsylvania

John B. Hering, Corresponding Secretary
2351 E. Boston Avenue, Philadelphia, Pennsylvania

Israel Stiefel, General Secretary
Philadelphia Saving Fund Bldg., Suite 1801-04, 12 South Twelfth Street, Philadelphia, Pennsylvania

II. PLANS OF THE UNITED STATES COMMISSION FOR THE CELEBRATION OF THE TWO-HUNDREDTH ANNIVERSARY OF THE BIRTH OF THOMAS JEFFERSON (ESTABLISHED PURSUANT TO JOINT RESOLUTION OF CONGRESS APPROVED SEPTEMBER 24, 1940) AS EMBODIED IN S. 1773—77TH CONGRESS FIRST SESSION INTRODUCED BY HONORABLE CARTER GLASS IN THE SENATE OF THE UNITED STATES ON JULY 24, 1941.

1. Preparation of a Congressional Memorial to Thomas Jefferson in the form of a new edition of the writings of Thomas Jefferson, including additional material and unpublished manuscripts preserved in the Library of Congress and elsewhere.

2. Arrangement of memorial meetings and exercises in the year 1943 in the City of Washington and other cities and places in the United States, particularly associated with the memory of Thomas Jefferson and in Universities, Schools and Colleges throughout the United States.

3. Preparation and production for use at such memorial meetings and exercises of a motion picture of the main events in the life of Thomas Jefferson.

4. Preparation and distribution of 100,000 photolithographic copies of the best approved original portrait painting of Thomas Jefferson.

III. PRELIMINARY PLANS ALREADY COMPLETED BY THE THOMAS JEFFERSON BICENTENNIAL COMMISSION OF PENNSYLVANIA

A. Apparata for the Planning and Celebration of the Thomas Jefferson Bicentennial in Pennsylvania.

To make the celebration of the Two-hundredth Anniversary of the Birth of Thomas Jefferson in Pennsylvania wide-spread, all-embracing and penetrative, the Commission decided upon the creation of the following apparata, designed for both the planning and the celebration of the Thomas Jefferson Bicentennial in Pennsylvania.

1. STATE-WIDE JEFFERSON BICENTENNIAL COMMITTEE OF PENNSYLVANIA

At its third meeting held at Charlottsville, Virginia, on September 25th-26th, 1941, the Thomas Jefferson Bicentennial Commission of Pennsylvania, decided to create a State-wide Jefferson Bicentennial Committee of Pennsylvania, to consist of educators only, preferably Presidents or representative members of faculties of Pennsylvania's Colleges and Universities accredited by the State Council of Education, in order that said Committee may evolve plans for the celebration of the Bicentennial, participate in the State-wide Celebration on April 13, 1943, and above all act in an advisory capacity to the Thirty-seven District Celebration Committees which will be established throughout Pennsylvania.

Jefferson always considered his services to the University of Virginia as the greatest attainment of his life, and therefore the membership of the Commission felt that the creation of such a State-wide Committee of educators will in itself constitute a tribute to the memory of this immortal genius.

The Commission further decided that the Governor of Pennsylvania by virtue of his exalted office should be invited to serve as Honorary Chairman of the State-wide Committee, and that the State Superintendent of Public Instruction, and the Chairman of the Pennsylvania Historical Commission be invited to serve as members of the State-wide Committee.

In recognition of the great work done by Dr. Fiske Kimball of Philadelphia, who is one of the most sympathetic and learned scholars in Jeffersonian draftsmanship and architecture, in the preservation and recovery of Jefferson's beautiful historic house and estate at Monticello, Virginia, the Commission decided to extend an invitation to Dr. Fiske Kimball to serve on the State-wide Committee. As a member of the United States Thomas Jefferson Memorial Foundation, Dr. Fiske Kimball would thus bring

his ripe experience and guidance and would link the State-wide Committee with the United States Commission for the Celebration of the Two-hundredth Anniversary of the Birth of Thomas Jefferson.

To expedite the creation of the State-wide Committee, the Thomas Jefferson Bicentennial Commission of Pennsylvania decided that both the Chairman and the Secretary of the State-wide Jefferson Bicentennial Committee should be appointed by the Commission.

Accordingly, invitations to serve on said State-wide Jefferson Bicentennial Committee were forwarded to the Presidents and representative members of faculties of the following Colleges and Universities, accredited by the State Council of Education:

Albright College; Allegheny College; Beaver College; Bryn Mawr College; Bucknell University; Carnegie Institute; Cedar Crest College; Chestnut Hill College; College Misercordia; Dickinson College; Drexel Institute; Dropsie College; Duquesne University; Elizabethtown College; Franklin and Marshall College; Geneva College; Gettysburg College; Grove City College; Hahnemann Medical College; Haverford College; Immaculata College; Jefferson Medical College; Juniata College; Lafayette College; LaSalle College; Lebanon Valley College; Lehigh University; Lincoln University, Marywood College; Mercyhurst College; Moore Institute of Art; Moravian College; Moravian College for Women; Mount Mercy College; Muhlenberg College; Pennsylvania College for Women; Pennsylvania Military College; Pennsylvania State College; Philadelphia College of Pharmacy and Science; Philadelphia Museum School of Industrial Art; Rosemont College; Seton Hall College; St. Charles' Seminary; St. Francis College; St. Joseph's College; St. Thomas College; St. Vincent College; Susquehanna University; Swarthmore College; Temple University; Thiel College; University of Pennsylvania; University of Pittsburgh; University of Pittsburgh Extension; Ursinus College; Villa Maria College; Villanova College; Washington and Jefferson College; Waynesburg College; Westminster College; Wilson College and Woman's Medical College of Pennsylvania.

Up to date Governor James accepted the Honorary Chairmanship of the State-wide Jefferson Celebration Committee and Dr. Francis Haas, State Superintendent of Public Instruction and Dr. Fiske Kimball accepted membership on same Committee.

The Presidents (and in some cases leading members of the faculties) of the following Colleges and Universities of Pennsylvania accepted the invitation to serve on the State-wide Jefferson Celebration Committee.

Harry V. Masters, Albright College
William Pearson Tolley, Allegheny College
Robert E. Doherty, Carnegie Institute of Technology
F. P. Corson, Dickinson College
P. R. Kolbe, Drexel Institute of Technology
Abraham A. Neuman, The Dropsie College
A. C. Baugher, Elizabethtown College
Theodore A. Distler, Franklin and Marshall College
McLeod M. Pearce, Geneva College
Henry W. A. Hanson, Gettysburg College
Frederic J. Von Rapp, Hahnemann Medical College
Felix Morley, Haverford College
Francis J. Furey, Immaculata College
Wm. Harvey Perkins, Jefferson Medical College
W. M. Lewis, Lafayette College
Clyde A. Linch, Lebanon Valley College
C. C. Williams, Lehigh University
W. L. Wright, Lincoln University
Edwin O. Lewis, Moore Institute of Art
Levering Tyson, Muhlenberg College
Herbert Lincoln Spencer, Pennsylvania College for Women
R. D. Hetzel, Pennsylvania State College
Ivor Griffith, Philadelphia College of Pharmacy and Science
Mother M. Cleophas, Rosemont College
James A. Reeves, Seton Hall College
G. Morris Smith, Susquehanna University
Robert L. Johnson, Temple University
Thomas S. Gates, University of Pennsylvania
John E. Binman, University of Pittsburgh
Dr. John Weber, University of Pittsburgh Extension
E. V. Stanford, Villanova College
Ruben F. Galbraith, Westminster College
Paul Swain Havens, Wilson College
Margaret D. Craighill, Woman's Medical College of Pennsylvania
Brother E. Leonard, University of Scranton
Paul R. Stewart, Waynesburg College
Charles C. Ellis, Juniata College
Edwin J. Heath, Moravian College for Women

The Thomas Jefferson Bicentennial Commission of Pennsylvania unanimously decided upon the selection of President Robert L. Johnson, of Temple University as the Chairman of the State-wide Jefferson Bicentennial Committee and of Dr. John Weber of the University of Pittsburgh as the Secretary of said State-wide Jefferson Bicentennial Committee.

2. DISTRICT JEFFERSON BICENTENNIAL CELEBRATION COMMITTEES

To make the celebration of the Two-hundredth Anniversary of the Birth of Thomas Jefferson all embracing and penetrative throughout Pennsylvania, the Commission decided at its meeting held on February 25, 1942, upon the creation of Thirty-seven District Jefferson Bicentennial Celebration Committees as follows:

I. District—City and County of Philadelphia

II. District—Delaware County

III. District—Bucks County

IV. District—Berks County

V. District—Montgomery County

VI. District—Lancaster County

VII. District—Carbon, Monroe, Pike and Wayne Counties

VIII. District—Dauphin County

IX. District—Lehigh County

X. District—Lebanon County

XI. District—Northampton County

XII. District—Chester County

XIII. District—Luzerne County

XIV. District—Lackawanna County

XV. District—Bradford, Susquehanna and Wyoming Counties

XVI. District—Columbia, Montour, Lycoming and Sullivan Counties

XVII. District—McKean, Potter and Tioga Counties

XVIII. District—Cameron, Clarion, Clinton, Elk and Forest Counties

XIX. District—Northumberland, Snyder and Union Counties

XX. District—York County

XXI. District—Schuylkill County

XXII. District—Blair and Huntingdon Counties

XXIII. District—Cumberland, Juniata, Mifflin and Perry Counties

XXIV. District—Fayette County

XXV. District—Adams and Franklin Counties

XXVI. District—Centre and Clearfield Counties

XXVII. District—Cambria County

XXVIII. District—Bedford, Fulton and Somerset Counties

XXIX. District—Indiana and Jefferson Counties

XXX. District—Westmoreland

XXXI. District—Armstrong and Butler Counties

XXXII. District—Greene and Washington Counties

XXXIII. District—Beaver and Lawrence Counties

XXXIV. District—Venango and Warren Counties

XXXV. District—Erie County

XXXVI. District—Crawford and Mercer Counties

XXXVII. District—Allegheny County

These District Committees are now in their formative stages and nuclei thereof are being organized by the Commission. Outstanding citizens of culture and leadership will be selected in each district to organize the District Jefferson Bicentennial Committee, by securing the aid and participation of all creative elements in the various communities of the district.

The Commission announces the appointment of Edward Rimer, Esq., of Clarion, Pennsylvania, son of Judge Harry Rimer of Clarion, Pennsylvania, as Chairman of the XVIII District Jefferson Bicentennial Committee, and of George E. Lloyd, Esq., as Chairman of the XXIII District Jefferson Bicentennial Committee, and Honorable Edward Jackson Thompson, as Chairman of the XXVI District Jefferson Bicentennial Committee.

Further appointments will be announced shortly from the floors of the Senate and the House of Representatives.

B. Commemorative Book on "Jefferson and Pennsylvania."

The Thomas Jefferson Bicentennial Commission of Pennsylvania assigned to Senator Israel Stiefel of Philadelphia, Pennsylvania, the task of securing the cooperation of historians in Pennsylvania and elsewhere, in marshaling, collating and editing literary materials that may appertain to the multi-faceted activities of Jefferson in Pennsylvania, preparatory to the publication of a Commemorative Book on "Jefferson and Pennsylvania."

The Thomas Jefferson Bicentennial Commission of Pennsylvania is planning a meeting within the next few weeks with the representatives of the American Philosophical Society of which Thomas Jefferson was a President and a leading creative spirit. The purpose of said meeting is to arrange for a Joint Sponsorship of the contemplated publication, as well as the participation of the American Philosophical Society in the Jefferson Bicentennial Celebration in Pennsylvania.

C. Certificates of Participation.

The Thomas Jefferson Bicentennial Commission of Pennsylvania will issue Certificates of Participation attesting the work and spiritual contributions of the participants in the activities of the various State-wide and District Committees. These certificates will blend Jeffersonian motifs with a rich Pennsylvania background and will be printed with great artistry and detail.

D. Jefferson Commemorative Stamp.

The Commission planned to proceed with the printing and distribution of a Jefferson Commemorative Stamp, the proceeds whereof could be applied towards the erection of a replica of Monticello in Harrisburg that would house a library or another institution of culture. However, the concensus of opinion of the membership was for a temporary postponement of this plan since it was felt that the sale of Jefferson Commemorative Stamps may interfere with the sale of Defense Stamps.

CONCLUSION

The Thomas Jefferson Bicentennial Commission of Pennsylvania is proud to state, on the basis of its foregoing First Preliminary Report, that it laid the ground work for the Thomas Jefferson Bicentennial Celebration in Pennsylvania, and also set the pace for similar plans and activities in other sister States. Whether we will still be at war in 1943, or the dove of peace will bring tidings that the deluge is about over, a celebration in honor of the Two Hundredth Anniversary of the Birth of Thomas Jefferson will bring us back to the fundamentals of our great republic and will imbue us with the spirit of the great immortals who in hours of stress and tribulation firmly stood at the helm of our country and brought us to the calm harbors of peace, progress and prosperity.

Respectfully submitted,

LEROY E. CHAPMAN, Chairman
CHARLES A. P. BARTLETT
ISRAEL STIEFEL
JOHN B. HERING
LEON J. KOLANKIEWICZ
LLOYD H. WOOD

REPORT FROM COMMITTEE ON EXECUTIVE NOMINATIONS

Mr. JAMES. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. JAMES from the Committee on Executive Nominations reported with a favorable recommendation the following nominations, made by His Excellency, the Governor of the Commonwealth:

JUSTICES OF THE PEACE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 9, 1942.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate George Linton, Box No. 148, Elkland, Tioga County, for appointment as Justice of the Peace in and for the Borough of Elkland, Tioga County, until the first Monday in January, 1944, vice T. C. Wood, deceased.

ARTHUR H. JAMES.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 9, 1942.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate James I. Machemer, Jr., Centerport, Berks County, for appointment as Justice of the Peace in and for the Borough of Centerport, Berks County, until the first Monday in January, 1944, to fill a vacancy.

ARTHUR H. JAMES.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 9, 1942.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Frank Shantz, Italy Street, Mocanaqua, Luzerne County, for appointment as Justice of the Peace in and for the Township of Conyngham, Luzerne County, until the first Monday in January, 1944, vice Stanley A. Masakowski, resigned.

ARTHUR H. JAMES.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 9, 1942.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate C. Martin Micken, Box No. 40, Witmer, Lancaster County, for appointment as Justice of the Peace in and for the Township of East Lampeter, Lancaster County, until the first Monday in January, 1944, to fill a vacancy.

ARTHUR H. JAMES.

APPOINTMENT AS CORONER IN LYCOMING COUNTY

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 9, 1942.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Dr. Leo M. Knauber, 746 West Third Street, Williamsport, Lycoming County, for appointment as Coroner in and for the County of Lycoming, until the first Monday of January, 1944, and until his successor shall be duly qualified, to fill a vacancy.

ARTHUR H. JAMES.

EXECUTIVE SESSION

By unanimous consent,

A motion was made by Mr. JAMES and Mr. MILLER,

That Rule 38, which requires nominations made by the Governor, to lie on the table one day be dispensed with, and the Senate do now resolve itself into Executive Session, for the purpose of acting upon all the nominations reported at to-day's session.

Which was agreed to.

Whereupon,

A motion was made by Mr. JAMES and Mr. MILLER,

That the Senate do advise and consent to the nominations reported.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—42

Barr,	Dent,	Letzler,	Stevenson,
Bartlett,	Ealy,	Mallery,	Stiefel,
Becker,	Edmonds,	McCreesh,	Taylor,
Carr,	Farrell,	McGinnis,	Thomas,
Cavalcante,	Geltz,	McQuiddy,	Tyler,
Chapman,	Haluska,	Miller,	Wade,
Coleman,	Heyburn,	Ruth,	Walker,
Cox,	Homsher,	Scarlett,	Watkins,
Crider,	James,	Shapiro,	Wilson, H. I.,
Crowe,	Kephart,	Snowden,	Woodward,
Deitrick,	Lanius,		

NAYS—0

Two thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

Mr. JAMES. Mr. President, I move that the Executive Session do now rise.

Mr. MILLER. Mr. President, I second the motion.

The motion was agreed to.

PER DIEM EMPLOYES TO BE DISCHARGED DURING RECESS

Mr. LETZLER, from the Committee on Rules, to which was referred resolution offered by Mr. EALY on March 10, 1942, reported the same with amendment as follows:

In the Senate, March 11, 1942.

Resolved (if the House of Representatives concur), That in the event the General Assembly shall recess at any time during the present Special Session for a period of more than one week, the respective Houses shall take appropriate action to discharge all per diem employes during such weeks as the General Assembly shall not be sitting, except such per diem employees as at the adjournment of this special session would be transferred to the regular payroll of the Commonwealth.

RULE 39 SUSPENDED

A motion was made by Mr. LETZLER and Mr. EALY,

That Rule 39, which requires resolutions reported from committee to lie over for one day be dispensed with and the Senate proceed to the consideration of the foregoing resolution.

Which was agreed to.

On the question,

Will the Senate agree to the resolution?

Mr. McGINNIS. Mr. President, I feel that this resolution is premature. We have been here for several weeks. We were called here by the Governor to do specific things. He outlined what he wanted, and I think it is our job to stay here and either concur in his recommendations or suggestions, or to turn them down. I have observed this of our Governor, during the last session, long before war was declared and during the period that war has been declared, that if there ever was a patriotic Governor, it is Governor James. Long before many of us felt there was a real danger, Governor James was alert, and in the last session I felt that Governor James did everything he could to have us face what we are facing now.

I might criticize the Governor for not having had surveys made before he dumped these requests in the special call in our laps. I feel that if he had had proper surveys and had given some encouragement, some help and some advice to both Houses, we would be much further along. However, he did not do that.

Mr. President, I feel that this resolution at this time is, as I said, premature. I am not so sure we will decide that we will have a recess, but I think that should be decided after we have finished our business here, or when we get near the end. Bills have been introduced to cover some of the subjects but not all of them. I feel that it is the opinion of both Houses regarding the request of the Governor, concerning point number one of the supplemental call, for legislation authorizing the suspension or modification of existing laws that interfere with the prosecution of any war in which this nation is, or may become, engaged, that blanket authority be given to somebody, such as the Council of Defense, will not pass either House. I think both Houses are ready and willing to give to any department right now practically anything that they want regarding suspension of laws in their department, and I understand that a number of the departments have made specific requests that certain laws be suspended affecting their departments.

Mr. President, inasmuch as we are at war, I hope there will be no politics on either side of this House; there has been very little so far and I am very proud of it, and I feel that we should first do this job that the Governor asked us to do. I am sure that he was sincere about it; I am sure that he thought every item was very important. If we do not agree with him on some of them, let us bring them up and turn them down; if we feel they are good laws, let every one of us in both Houses get behind the legislation and put it through, but to put this resolution through here today, seems to me to be like a resolution putting the cart before the horse. It is premature and perhaps confuse the issues a little bit. After we get through here and do our job, or towards the end of our work here, I might agree to this resolution, if we agree to a recess, but it may be that after we do this work that has been handed to us by our Governor, that then we should decide whether we shall recess or adjourn. At that time we will be in better position to decide whether we should recess or adjourn, and at that time we should be in better position to decide whether the employes should be laid off during the interim or kept on.

Mr. GELTZ. Mr. President, I believe I can concur with my colleague from Allegheny County, Senator McGinnis, on almost every point which he has raised, other than the fact that he says that this resolution is premature. I see nothing premature about the resolution, for the reason that the resolution does not provide for a recess next week or the following week or at any definite time, but it does do one thing, it indicates that we have reached a conclusion that because of this war emergency we are not going to be in a safe position to adjourn, and that we feel that what will be necessary will be to recess from time to time so that anything which might arise or occur as an emergency can be taken care of by the Legislature.

Mr. President, because of that, we do not feel that we are or would be in any better position two or three weeks from now than we are today, insofar as what might arise two months or six months in the future, but we do feel that since it is our opinion that it is going to be necessary to recess from time to time, we should state our position and our program, in that, when we do take a recess, we believe that in order to save a material expense to the Commonwealth that our program should be set forth in this resolution.

Therefore, Mr. President, at this time I move the adoption of the resolution.

Mr. MALLERY. Mr. President, before putting that motion, I would ask leave to interrogate the Senator from Allegheny, Senator Geltz.

The PRESIDENT. Will the gentleman from Allegheny permit himself to be interrogated?

Mr. GELTZ. I will, Mr. President.

Mr. MALLERY. For my own information, Mr. President, I would like to inquire of the gentleman from Allegheny whether the passage of this resolution would preclude final consideration of all legislation that is before the Legislature.

Mr. GELTZ. Mr. President, passage of this resolution does nothing much more than to declare our policy. It would have no connection or would it in any way tend to interfere with consideration and passage of all matters of importance which have been brought to our attention at this time. In addition, it would in no way interfere with our being in a position, in two months from now or six months from now, to consider any other matters which might arise as an emergency.

Mr. MALLERY. In other words, there is no thought of adjourning immediately.

Mr. GELTZ. That is correct, Mr. President.

Mr. MILLER. Mr. President, I second the motion.

On the question,

Will the Senate agree to the resolution?

Mr. DENT. Of course, Mr. President, there is nothing much anybody can do but vote for this resolution, because it happens to be one of those political strategy moves. We all know, of course, it is just to get in good with the newspapers and so on, to show who is trying to take their two hundred and fifty dollars, with their backs turned to it, and who is taking it looking at it.

To me it is not a question of discharging employes. It is a question of whether it is the decent, just and honorable thing to do. We have, I suppose, about two hundred persons on the payroll in the General Assembly, or more, and you are saying to them, "Now, you can not go back and take an important job while we are waiting to see whether we are going to make up our minds to pass this sixteen point program; you can go back home and when we call you, you have got to be Johnny on-the-spot and come to Harrisburg and work while we are making our minds up."

The most important thing I see in the whole program is the matter of setting aside certain laws. Every person here knows that at any time during any emergency the Governor of the Commonwealth, the President of the United States, or any person in authority can set aside any law. Abe Lincoln did it, Thomas Jefferson did it; Andrew Jackson did it; they all did it when the time came. You have to do it if it is necessary and I do not care how many bills you pass here, you will never be able to foresee an emergency to be covered by any particular legislation.

I say, Mr. President, that this General Assembly could have stayed in session two weeks and if it had approached it in an intelligent manner, such as the House tried to approach it, and if the departments of the government here in Pennsylvania would give their cooperation to the members of the General Assembly, as they have been asked to do, in two weeks we could clear up everything that is before us.

If the Republican majority had not dilly-dallied with the unemployment compensation amendments, that bill would have been passed in the Senate and would have gone over into the House by now. You have to have another week or ten days to pass unemployment compensation laws and everything that is in this bill is already covered in legislation which was introduced the very first day of the session.

You expect these employes to go back home and get jobs in defense, where they should be, if we are in as bad condition as we think we are and as we know that we are. They have to go back home and get jobs in defense. What are you going to do? Are you going to call a session on Friday and say to the employes, you have to be back here on Monday and say, to hang with defense, we have got to go to Harrisburg a couple of days while the Senators and members of the House sit around and twiddle their thumbs.

You are making a great patriotic gesture, taking the pay of a five dollar a day employe away from him, because we have not got the courage to say that this bill is no good, never was any good and never will be any good and let us go home, or if the bill is good, let us pass it.

You are going to come in here once a month. Your attendance here today shows how many members will be able to attend and hold on to their seats and try to do the job that has to be done.

Sure we will vote for the resolution, and it will disappoint the majority if it passes.

POINT OF ORDER

Mr. BARR. Mr. President, I rise to a point of order.

The PRESIDENT. The gentleman from Allegheny will proceed.

Mr. BARR. Mr. President, has this resolution been printed?

The PRESIDENT. Under the rules of the Senate it has not been printed and it will not be printed unless there is a motion to that effect, concurred in by a majority, in which event the resolution would be printed.

Mr. BARR. Mr. President, of course, I have not had a copy of the resolution and I would like to put the horse before the cart and make a real resolution of it, if we are going to vote on it.

I have kept off this floor during this session because I did not want to inject politics into it, but I know that the Republican majority is at loggerheads with the Governor and I would like to be the one to help pull their chestnuts out of the fire. I think they have a job to do and ought to stay here and do it.

Mr. EALY. Mr. President, I do not want to agree entirely with what my colleague from Allegheny, Senator Geltz, has said with regard to recess and adjournment. I felt that we could have finished the session within a month. I tried very hard to get the work done so that we could recess, but after consultation with some of the leaders of the House this morning, I am convinced that it is impossible for us to adjourn finally or even determine on a recess before next Tuesday.

The only way, however, to get the feeling of the House on the proposition is by a resolution or vote in some manner. I feel that we can finish up in a week or two and adjourn finally. I do not want to say at this time that I am in favor of recessing from month to month. That matter may be determined later.

There is nothing wrong with this resolution. It just determines what the House and Senate think about this proposition, if it should come to the point of adjourning from month to month or from two weeks to two weeks.

I remember that a few years ago when Senator Hoffman was President Pro Tempore of the Senate, the question came up of adjournment for perhaps over a month and he tried very desperately to get a bill through in order to prevent employes who were here and who were not rendering any service from being paid during that interim period. He did not succeed; he could not get it passed, try as he would.

It would seem to me that there is no reason whatsoever why an employe should be paid for services during a period that the Senate is not here and is not coming here.

As to the question of keeping their jobs, most of those people, or some of them, are working in other jobs right now, and those who have employment or are offered employment can resign. As I said yesterday or the day before, the Senator from Warren has reported out numerous appointments to fill vacancies, and no doubt if we recess for a period of weeks or months we will have a great many more vacancies to fill, so the passage of this resolution merely determines policy in the event a recess is taken.

Mr. HEYBURN. Mr. President, I would like to correct a misunderstanding which I am afraid the Senator from Westmoreland, Mr. Dent, has left in the minds of

those present, as to his charge that the Republicans dilly dallied in connection with unemployment compensation. For the information of the Senator and those present, the Republicans in the Senate were not forewarned that unemployment compensation would be in the call of the Governor; the Senator from Westmoreland evidently must have had some information.

Immediately upon convening, in this Senate a subcommittee was appointed by the Republican caucus to draft an unemployment compensation bill in line with the liberalization called for by the Governor in his call for a Special Session.

The Senator from Westmoreland did, it is true, introduce some twelve bills covering unemployment compensation liberalization, but when we pieced the twelve together, like a crossword puzzle, we found that there had been a lot of changes in the language, which had been requested by the Social Security Board and the Department here in Harrisburg.

We also found that the Senator from Westmoreland, Mr. Dent, had removed, probably by mistake, the penalty for strikes. I have been in conference with several labor leaders over the last two or three weeks and not one of those labor leaders has indicated to me that he wanted the strike penalty removed.

I think we all agree, Mr. President, that the time has come in America when we must get down to work to lick those dictators, and if we do not, we might find ourselves in a pretty serious difficulty. There are more things at stake today—and I am speaking for myself and not the Republican caucus—there are more things at stake today than closed shops or anything else; all that we hold dear in America is today at stake on foreign battle fields, and I say I am pretty sure the gentleman from Westmoreland must have made a mistake when the strike clause was removed because you see, Mr. President, with that clause removed, and I say this, those people who want to strike are vastly in the minority, the great majority of American working people are as patriotic as any employer. There are some employers who try to make money in this emergency and there may be some employes in labor who try to make money in this emergency, to which they are not entitled. We are in this position, that if the bills introduced by the gentleman from Westmoreland had been enacted, that minority could strike at any time and immediately go upon the unemployment compensation fund, which, of course on the face of it would be a very serious mistake.

That is one reason, Mr. President, it took quite some time for this sub-committee to work on this bill. It is one of the most involved subjects to confront any Legislature at this time. and it is one that could not be settled in a matter of a few hours.

Mr. DENT. Mr. President, I do no think we are on unemployment compensation, but for the information of the Senate I just do not like to have things said that are not quite true. You see, Mr. President, the strike feature was not left out by any bill I introduced. I just did not amend that section of the law, and so if you pass every bill I put in, it would not affect the strike feature whatsoever. The strike feature remains in the law because I did not tackle that particular section of the act, and, incidentally, speaking of the strike feature, I might ask you to ask the Secretary of Labor and Industry, Mr. Hines where in the entire course of his career as Secretary of Labor and Industry he has injected the strike clause into unemployment compensation. He has paid unemployment compensation in every major strike in Pennsylvania without making them wait six weeks, for political reasons.

Mr. SHAPIRO. Mr. President, I enjoy the extreme pleasure at this time of being able to speak for myself alone, and on a topic of this kind it is really a help.

I think patriotism is a relative term and in times like these I will not undertake to question any man's patriotism nor to define the meaning of the word patriotism, and, therefore, I think that is best left out of this discussion.

I have seen no evidence of politics in this resolution, in its birth, or in the way it has been carried through to its possible maturity here in the Senate; on the contrary, I understood from the remarks of the gentleman from Somerset, Mr. Ealy, yesterday, that the resolution was offered for the purpose of bringing to a head discussion on the subject of whether we shall adjourn, finish our work and adjourn definitely, or whether we shall recess from time to time.

In arriving at a determination of that question the cost of each proceeding is one of the items which will determine our action. The members of the majority of this body feel that to call a Special Session, if I understand it, may involve an excessive amount of cost. I am assuming that everybody in this body wants to finish their work and go home. I do not think there is any politics in that at all, because that is the natural inclination of people who have a job to do, and want to do it and are interfered with, adequately doing that job by some other matters which must be given attention.

We have a divided attention now and all of us want to get through with our public duties as quickly as we can and go back to our private and our other public duties, to do what we can to save this democracy.

That being so, Mr. President, I have been thinking about the resolution and the question that it should raise in the minds of all of us. I am not concerned about these employes any more than the government of the United States is or should be concerned about any individual in this country today. They will have to take the consequences of the situation just the same as we and our children, our brothers and our families will in the whole picture.

I think the issue might have been focused much better if this resolution had said it is the sense of this resolution that we shall recess from time to time and to stay in session during the emergency, but if the Legislature does recess for any period longer than one week, then the employes on the payroll shall be dismissed and reappointments made when we convene. That is not serious but I make this statement for the purpose of the record, so that if it is necessary in order to bring the issue it may be focused better.

Now, Mr. President, what about that proposition? Shall we recess or shall we finish our work and adjourn? I have been watching the session, I have not had the privilege of being here from the beginning, but I have been watching what has been going on since and I have been noticing my own reactions and I have been listening to some public reactions. One of the reasons I would advance

against recessing is that the public is already tired of our hanging around here and doing nothing. That does not mean that I criticize you or anybody else for doing nothing, but the fact is that we are doing nothing. The fact may be that we cannot do anything, but that reaction of the public will get greater and more vociferous as time goes on. We can not come here week after week and debate and do nothing. If this resolution should result in recessing from time to time, calling us back, we have another practical proposition, because I doubt very much whether you will be able to get the members of the House to come back time after time. I am afraid you are going to get this kind of a situation—because membership in the House will be multiplied by its members—we do not get the attendance that we should have and we will get less as time goes on, and the House will be in the same position.

Why should we recess? Only because there has been a request in the call for the Special Session that we consider the question of transferring to the Governor through a particular committee the right to suspend any law. I have listened and I have talked to people, I have asked questions of members of this body, I have asked questions of peoples who are actively participating in one way or another in the war effort. I have said, what is there in our laws, what is there in the situation that might create an emergency that would require our action? Nobody has pointed out any single law or single situation that might occur that might interfere with national defense. I have concluded in my own mind that, as this war is going on, the Federal Government has in my opinion sufficient authority to pay attention to any local or state law that might interfere with the prosecution of his war to a success.

I have been told that there is a new law about medicine, the requirement that doctors who may be needed for service in the government, that that law as worded today would interfere with the Federal Government getting the physicians that it needs. The answer, Mr. President, in my opinion, after I have looked at the law, is that that will not interfere in any way. First, we did not make the law covering qualifications of physicians for the Federal Government, we only make it for Pennsylvania. The Federal Government could take any of the men who have studied medicine, set up its own standards, and say, we will accept you for the army.

As a matter of fact, Mr. President, the Commonwealth of Pennsylvania, under existing laws, requires certain collegiate years or equivalent, and you can do that—instead of four years, eight successive semesters, two in each year, they can say continuous semesters, including summer courses, so that your course would be three years instead of four years, as the equivalent of a four year college education.

This law we just put in about barges coming up the river with dynamite has been observed more in its breach than anything else. We have had that law on the books for fifty years, but it did not interfere in the last war, it did not interfere with barges coming up the river.

I understand that the House, through a committee, has requested each of the heads of the various departments to make an investigation and tell them what existing laws might interfere.

Nobody has given them anything serious. As a matter of fact, the longer we continue here the more we increase law interference. For instance, we passed the other day a bill giving localities the right to make appropriations for local defense and to impose taxes for it, but we provided in that law the very thing that we are talking about here that will interfere, because we said that this local defense might require gas masks, might require them to buy some sort of defense for air raids, but they can not buy it unless they comply with existing laws relating to the purchase of materials.

If we continue in that fashion here we will never get out of here, because next week we will have to come back and amend the law or give somebody the right to suspend it. The longer we stay here the more confusion we create.

It is my conclusion, generally speaking, that lawyers and lawmakers lead to confusion rather than to clarity. I do not think we need this legislation, if we have confidence in the President and in the national government. The river bill that we passed, the Supreme Court of the United States has just said that this river is a navigable river and the Federal Government can make laws controlling conduct on that river even in peace times. How much more will that be so in war time.

I have reached the conclusion, Mr. President, that if the emergency is so great that we have to pass a law, then the amount of money it costs is cheap compared to the confusion, the chaos and the disrepute that this legislative body may fall into by hanging around here, being uncertain as to when we will come here and what we will do.

Who is going to assume responsibility during those recess periods of determining what is the situation or what should be done? Nobody knows if there is anything in the laws now that indicates an emergency situation.

We know what is going to happen in this war, what will occur that will create an emergency situtaion. We know that we may be bombed, we know that we may be wounded, we know that we may lose children, we know that we may lose brothers and sisters and we may have damage to property and we may be attacked. All of those things we know.

There are many and sufficient minds in this Senate—I will not call them leaders—to say what is there in the law that will prevent the Federal Government, because of our laws, from taking proper steps to protect us.

Gentlemen, I am talking as sincerely and seriously as I possibly can, because I can concede to you the same unbiased interest in this subject I feel I have myself. I do not think workmen's compensation has any place in this discussion or what the Republican Party feels about workmen's compensation. I will disagree with you on that, I suppose, as long as I am a member of this legislative body, and as long as I have the thoughts I have my views and my aspect of the situation, but that has nothing to do with this, and I give you credit for being able to approach a proposition of this kind seriously and sincerely, and I have approached it on that basis.

I will not vote for this resolution, not because I do not think you ought not to offer a resolution, but because I think the members of the House and you in the Senate ought to know my views on the subject, because I am

reflecting my own, and the views of people I meet and their attitude towards what our attitude should be.

I am afraid if we continue on we will make a spectacle of ourselves rather than add to the picture and clarify it, and I hope this resolution will be defeated, I hope it will be defeated by both the Senate and the House—or maybe it had better be passed and go over to the House and have discussion there, but in any event, I hope the final verdict will be that we shall do the work we have to do and give no such powers as have been asked here to anyone in this situation, because that kind of power, as I have read that bill, might create more danger and more injury to the Commonwealth than it will do good to the national government in this emergency.

I am going to vote against it, with no feeling in the matter of resentment for its being brought up; on the contrary, with commendation to those who bring it up, that we should at least have submitted to us for our consideration, we of the minority and you of the majority, all of us, openly and publicly, the problem which confronts us, and have our debate on it.

I do not think I am talking too long on this subject. I would like to hear the opinions of others, because this is one thing on which my opinion can be changed by discussion and listening. I am willing to listen to any reasons which may be advanced as to why this suggested method of handling the situation should be adopted. Up until now I have heard none as to why we should recess now. As I have said, no light on the situation has been pointed out, and I dislike to visualize the picture of what will happen in the House and Senate when we come back here from time to time sitting around waiting to amend a law which we think may affect national defense.

I think more bitterness and politics will be engendered in that situation than will ever arise from our meeting the situation now and having the courage of our convictions and acting accordingly.

Mr. DENT. Mr. President, this resolution does not say we are going to recess. Maybe I misunderstood it. I thought the resolution called for a recess. All the resolution says is "if we recess."

Mr. GELTZ. That is right.

Mr. DENT. What is the resolution for? Can we not do that when we recess, can we not decide what to do with the employes? What is the idea of putting the resolution in now, saying if we recess we should do this? I think we are putting the cart before the horse. In fact I do not think we even have a cart.

Mr. KEPHART. Mr. President, I would like to have the resolution, as amended, read again before the vote is taken.

(The resolution was again read by the Clerk).

Mr. EALY. Mr. President, I merely want to suggest, in line with what the Senator from Philadelphia, Mr. Shapiro, has said, if we pass this resolution it will be some incentive to the House and Senate to get down and finish the work, so that we can get out of here definitely.

Mr. HEYBURN. Mr. President, I do not want to prolong this debate, but I just want to read into the record a strike-out in Senate Bill No. 41, Printer's No. 22, by the gentleman from Westmoreland, and again I want to say it probably was a mistake, but I want to read the strike-out, which is as follows:

"If the employe's total unemployment is due to a voluntary suspension of work resulting from an industrial dispute then he shall be ineligible for compensation for a further waiting period of three weeks"

Mr. DENT. Mr. President, I do not print the bills. Here is the original.

Mr. CARR. Mr. President, I want to say in connection with the last remarks of the gentleman from Westmoreland, this resolution does, in my mind, have a positive bearing on the question of whether we should adjourn or recess. Personally, I do not propose to vote for any recess of this Senate body wherein employes will be entitled to leave here and receive pay for seven days a week, and go out and work somewhere else for five days a week.

I want to say further, in connection with the previous remarks of the gentleman from Westmoreland, with regard to these employes, that he takes the stand that they are compelled to come back here and work for this Senate. This is the United States of America, not Germany, and no employe so far has been compelled to work anywhere that he does not desire to work. Any employe of this Senate is free at any time to go out and find employment elsewhere, and if, during a recess of this Senate, he finds employment in a defense industry, certainly it would seem to me it is the patriotic obligation of that employe to remain in that defense industry rather than come back here and take one of these jobs that are available in the Senate.

Mr. COLEMAN. Mr. President, we have wandered pretty far afield from the subject matter contained in the resolution, and I am glad my good friend, Senator Kephart, asked to have it re-read, because my mind was not sufficiently retentive to retain the language, but as it was re-read there is a clause in there that leaves some doubt in my mind, and in order to have it clarified I would like to interrogate the Majority Floor Leader, if I may?

The PRESIDENT. Will the gentleman from Allegheny permit himself to be interrogated?

Mr. GELTZ. I will, Mr. President.

Mr. COLEMAN. Mr. President, I desire to ask the Majority Floor Leader if the resolution is adopted by the House and the Senate, whether or not that has the effect of removing a per diem employes from the payroll at the expiration of one week's time during the period of recess?

Mr. GELTZ. No, Mr. President, I would say it does not.

Mr. COLEMAN. The language of the resolution, as I recall it, says that the House and the Senate shall take such appropriate action as may result in the discharge of the employes. Am I to understand, Mr. President, that will require an amendment to the existing law which created the per diem employes, which would necessitate a five day session of the Senate in order to have it passed?

Mr. GELTZ. That understanding is not correct, Mr. President. It could result in that, but it need not. It could be done by resolution of each House.

Mr. COLEMAN. Mr. President, I would like the Majority Floor Leader, who is an able lawyer, to correct

me if I am wrong. I have seen instances where we have done something by resolution and at a subsequent session had to validate it by an act of the General Assembly. I desire to ask the gentleman from Allegheny if we can discharge the employes by the adoption of a resolution, and if we can, why is it necessary to incorporate in the language of the resolution that the House and the Senate shall take such appropriate action as may be necessary to discharge employes.

Mr. GELTZ. Mr. President, I believe these employes to which we are now referring were hired in this session by resolution, in accordance with the act of Assembly. Therefore, they can be discharged by resolution in either the Senate or in the House, or both.

Mr. COLEMAN. I desire to ask one more question, Mr. President.

The PRESIDENT. The gentleman from Lackawanna may proceed.

Mr. COLEMAN. Mr. President, is it not the understanding that the present employes will serve for the 1943 session, the first two weeks of that session under the existing law?

Mr. GELTZ. Either the first two weeks or the first ten days, unless discharged; I am not sure which it is, Mr. President.

Mr. WOODWARD. Mr. President, it seems to me there is more in this resolution than meets the eye. The Federal Government is constantly stealing away from us, the sovereign states—once sovereign states—our former rights and privileges. One evidence of that is the fact they have taken over our employment offices and federalized them. Each step may look quite easy, but the next step is to federalize unemployment compensation. That is a live question, and as you all recollect, it brought a protest from the Governors of forty states in Washington against the federalization of unemployment compensation. Now, in that argument the federal people and I think one of the leaders of the C. I. O. held up to scorn, perhaps, that the states were not sufficiently interested to hold Special Sessions, that there were only two states that had Special Sessions of their Legislature. We have a Special Session and I am arguing in favor of hanging on to it to preserve whatever we have left of the sovereignty of Pennsylvania.

I would like to quote from President Lincoln:

"It has long been a grave question whether any government, not too strong for the liberties of its people, can be strong enough to maintain its existence in great emergencies."

We are in a great emergency and the question is, shall we stick up for our state rights or shall we hake the easy way and go home and hand everything over to Washington.

Mr. SHAPIRO. I want to explain, Mr. President, that if this resolution finally comes up, after we agree to stay in recess, that I am going to vote in favor of not incurring expenses of employes, as I was discussing this resolution only from the point of view that it was submitted for the purpose of focusing attention on the problem facing us.

I do not know, and that is the reason I did not discuss it, whether or not you can by resolution discharge a person whom you employ in a Special Session, because I do know the Dauphin County Court has already decided that you can not discharge persons who have been appointed without paying them for the balance of their terms. Now, whether that will apply to a Special Session, I do not know. That involved a regular session, and I think many of us here in the Senate are familiar with that situation, but whether you can do it by resolution or not, I am opposed to paying people when we recess, just because they happened to be appointed at the beginning of the session, if we find it necessary to recess from time to time. There is no reason why employes here should receive more money than the legislators themselves, and that would be the effect of that situation, if the per diem employes were to be paid and we should continue to recess.

I am not talking about the merits of the resolution as it is drafted and as it meets the eye, I am speaking about the situation which it reflected, but when a bill comes up or a resolution comes up directly after we have agreed to recess from time to time, I shall vote against paying the employes and in favor of a resolution to drop them from the payroll.

And the question recurring,

Will the Senate agree to the Resolution?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—38

Barr,	Dent,	Letzler,	Stiefel,
Bartlett,	Ealy,	Mallery,	Taylor,
Becker,	Edmonds,	McCreesh,	Thomas,
Carr,	Farrell,	McGinnis,	Tyler,
Chapman,	Geltz,	Miller,	Wade,
Coleman,	Heyburn,	Reed,	Walker,
Cox,	Homsher,	Scarlett,	Watkins,
Crider,	James,	Snowden,	Wilson, H. I.,
Crowe,	Kephart,	Stevenson,	Woodward,
Deitrick,	Lanius,		

NAYS—1

Shapiro,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present the same to the House of Representatives for concurrence.

BILL INTRODUCED

Mr. HOMSHER read in his place and presented to the Chair Senate Bill No. 49, entitled:

An Act suspending for a limited time all laws of the Commonwealth requiring the registration of trailers insofar as they require the registration of certain wagons or agricultural machinery drawn by a motor driven vehicle for certain purposes.

Which was committed to the Committee on State Government.

PETITION

The PRESIDENT. The Chair is in receipt of a communication from the Allied Motion Picture Theatre Owners, urging a change in child labor laws.

The communication is referred to the Committee on State Government.

BILLS OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 12, on third reading, entitled:

An Act to amend the act approved the sixth day of August, one thousand nine hundred and forty-one (1941 Appropriation Act page 98), entitled "A supplement to the act approved the sixteenth day of June, one thousand nine hundred forty-one (Appropriation Act Number 12-A), entitled 'An act to provide for the ordinary expenses of the Executive, Legislative and Judicial Departments of the Commonwealth, interest on the public debt, and the support of the public schools for two years beginning June first, one thousand nine hundred and forty-one, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first, one thousand nine hundred and forty-one," by increasing the appropriation to the Department of Justice for the parole work of the Board of Pardons.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 41, on third reading, entitled:

An Act to further amend the act approved the fifth day of December, one thousand nine hundred and thirty-six (P. L. 2897, 1937) entitled, "An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry and its existing and newly created agencies, with personnel (with certain exceptions) selected on a civil service basis, requiring employers to keep records and make reports and certain employers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons, providing procedure and administrative details for the determination, payment and collection of such contributions and the payment of such compensation, providing for cooperation with the Federal Government and its agencies, creating certain special funds in the custody of the State Treasurer and prescribing penalties," changing the provisions thereof and the rights, obligations and procedure thereunder.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 13, entitled:

An Act to amend Section 36 and to repeal Section 37 of the act approved the sixth day of August, one thousand nine hundred and forty-one (P. L. 861), entitled "An act to create a uniform and exclusive system for the administration of parole in this Commonwealth; establishing the 'Pennsylvania Board of Parole'; conferring and defining its jurisdiction, duties, powers and functions, including the supervision of persons placed upon probation in certain designated cases; providing for the method of appointment of its members; regulating the appointment, removal and discharge of its officers, clerks and employes; dividing the Commonwealth into administrative districts for purposes of parole; fixing the salaries of members of the board and of certain other officers and employes thereof; making violations of certain provisions of this act misdemeanors; providing penalties therefor; and for other cognate purposes, and making an appropriation, by postponing the operation and effective date of the act and repealing the appropriation made by said act.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 37, on second reading, entitled:

An Act relating to air raid precautions, including blackouts; conferring certain powers and duties upon the State Council of Defense, local and district Councils of Defense, political subdivisions, members of certain municipal and volunteer agencies and civilians necessary for the safety, defense and protection of civilians and property in the Commonwealth; providing for the mobilization, coordination and use of certain municipal agencies and volunteer agencies, including their personnel and equipment; providing for immunity from liability for injury or death to persons or damage to property under certain circumstances; and providing penalties.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ. There are some amendments being prepared but they will not be ready today.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 40, (House Bill No. 11), entitled:

An Act to further amend section eight hundred twenty-eight of the act, approved the first day of May, one thousand nine hundred twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," authorizing the Secretary of Revenue, during the period of national emergency, to suspend the operation of certain provisions of this act relating to school busses, when such provisions conflict with priority claims for material.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 42, entitled:

An Act to suspend and modify existing law providing for and requiring the use of plates or tags as evidence of the payment of any license or registration fee insofar as such laws require the use of plates or tags manufactured of metal and by authorizing the use of other material in whole or in part.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 46, on second reading, entitled:

An Act authorizing the Governor of the Commonwealth of Pennsylvania with the approval of the Department of Wharves, Docks and Ferries of the City of Philadelphia to suspend for a limited time the operation of laws regulating or relating to the movement and anchorage of vessels carrying or having on board certain explosives insofar as the same relate to fixed ammunition or ammunition which contains the projectile and the explosive in one container or shell.

go over in its order.

Tht PRESIDENT. Is there objection? The Chair hears none.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 47, entitled:

An Act to suspend law providing for and requiring certain contracts or purchases made by the Commonwealth or any political subdivision thereof to be made with and from the lowest responsible bidder after notice by advertisement insofar as they apply to certain contracts and purchases.

And said bill having been read at length the second time.

On the question,

Will the Senate agree to the bill?

The first section was read.

On the question,

Will the Senate agree to the section?

Mr. STEVENSON. Mr. President, I desire to offer amendments.

The Clerk read the amendments as follows:

Amend Section 1, page 2, line 3, by inserting after the word "rationed" the following: "or sales of which are being directly or indirectly controlled"; amend bill by adding after line 4, page 2, the following paragraph and new section: "Before any such supplies and materials shall be purchased or contract let therefor by any political subdivision under the provisions of this act the legislative body of the political subdivision shall adopt a resolution or ordinance by a majority vote of all its members stating that an emergency exists requiring immediate action and that the contract proposed to be let or the purchase proposed to be made involves materials and supplies which are being rationed or the sale of which is being directly or indirectly controlled by the federal government or any of its agencies; Section 2. This act shall become effective immediately upon final enactment and shall remain in force during the period in which the United States of America is engaged in war and for six months thereafter".

On the question,

Will the Senate agree to the amendments?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The title was read.

On the question,

Will the Senate agree to the title?

Mr. STEVENSON. Mr. President, I desire to offer an amendment.

The Clerk read the amendment as follows: amend title by adding in the last line thereof after the word "purchases" the following: "and regulating the letting of contracts and the making of purchases by political subdivisions".

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the title as amended?

It was agreed to.

And said bill as amended having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

HOUSE MESSAGE

HOUSE BILL FOR CONCURRENCE

The Clerk of the House of Representatives being introduced presented for concurrence a bill of the House, as follows:

House Bill No. 28, (Senate Bill No. 50), entitled:

An Act to further amend clause (g) as added to section one thousand one hundred and ten of the act approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "Vehicle Code," suspending during the period of present hostilities and for one year thereafter, the requirement that all electrically operated traffic signals shall be made to conform with provisions of said act and the regulations of the Secretary of Highways.

Which was committed to the Committee on State Government.

MOTION TO READ BILLS THE FIRST TIME

Mr. GELTZ. Mr. President, I move that the Senate do now proceed to the first reading of all bills reported from committees for the first time at today's session.

Mr. MILLER. Mr. President, I second the motion.

The motion was agreed to.

BILL ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 39, (House Bill No. 10), entitled:

An Act to further amend section six hundred twenty-eight, and to amend section six hundred twenty-nine of the act approved the third day of June, one thousand nine hundred thirty-seven (P. L. 1333), entitled "An act concerning elections, including general, municipal, special and primary elections, the nomination of candidates, primary and election expenses and election contests; creating and defining membership of county boards of elections; imposing duties upon the Secretary of the Commonwealth, courts, county boards of elections; county commissioners; imposing penalties for violation of the act, and codifying, revising and consolidating the laws relating thereto; and repealing certain acts and parts of acts relating to elections," extending the time within which writs of election may issue for holding special elections to fill vacancies occurring in either house of the General Assembly, and the time within which nominations therefor may be filed.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

RECESS

Mr. GELTZ. Mr. President, I move that the Senate do now take a recess until 4:00 o'clock p. m.

Mr. WALKER. Mr. President, I second the motion.

The motion was agreed to.

AFTER RECESS

The PRESIDENT PRO TEMPORE (Charles H. Ealy). The time of recess having elapsed the Senate will be in order.

HOUSE MESSAGES

HOUSE BILL FOR CONCURRENCE

The Clerk of the House of Representatives being introduced presented for concurrence a bill of the House, as follows:

House Bill No. 18, (Senate Bill No. 51), entitled:

An Act to further amend the act approved the fifth day of December, one thousand nine hundred thirty-six (1937, P. L. 2897), entitled "Unemployment Compensation Law," by changing the provisions thereof, and the rights, obligations and procedure thereunder.

Which was committed to the Committee on Labor and Industry.

SENATE BILL No. 28 RETURNED WITH AMENDMENTS

He also returned to the Senate, Senate Bill No. 28, entitled:

An Act to further amend Section 801 of the act, approved the fifth day of May, one thousand nine hundred and thirty-three (P. L. 457), entitled "An act relating to the business of building and loan associations, providing for the organization and voluntary dissolution of such associations; defining the rights, powers, duties, liabilities, and immunities of such associations, and of their officers, directors, shareholders, solicitors, and other employes; prohibiting the transaction of business in this Commonwealth by foreign building and loan associations; conferring powers and imposing duties upon the courts, recorders of deeds, and certain State departments, commissions, and officers; establishing limitations of actions; imposing penalties; and repealing certain acts and parts of acts", by authorizing building and loan associations to act as fiscal agents of the United States Government for the sale of United States Defense Bonds and Defense Stamps, and permitting such associations to pledge their assets for the faithful performance of their duties as such agents.

with the information that the House has passed the same with amendments, in which the concurrence of the Senate is requested.

Mr. SHAPIRO. Mr. President, Senate Bill No. 28 contains an amendment which I question, whether it has a proper place within the call and the purpose for which that bill was framed.

BILL LAID ON TABLE

Mr. SHAPIRO. I suggest therefore that the bill be laid on the table until Monday, until the matter can be considered further, and I so move, Mr. President.

It was agreed to.

Mr. EDMONDS. Is that a Senate Bill which was amended in the House?

Mr. SHAPIRO. That is correct.

ADJOURNMENT

Mr. GELTZ. Mr. President, I move that the Senate do now adjourn until Monday, March 16, 1942, at 4:00 o'clock p. m., Eastern War Time.

Mr. BECKER. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 4:18 o'clock p. m., Eastern War Time, until Monday, March 16, 1942, at 4:00 o'clock p. m., Eastern War Time.

HOUSE OF REPRESENTATIVES

WEDNESDAY, March 11, 1942

The House met at 1 p. m.

The SPEAKER (Elmer Kilroy) in the Chair.

PRAYER

The Chaplain, Rev. Donald McFall offered the following prayer:

Dear Father in Heaven, teach us the lesson of humility this day in order that we may love Thee more and serve Thee better. Yea, Lord, guard us from arrogance, lest we offend our fellow-neighbor and friend and imperil our own souls as we boast of our privilege of fellowship with Thee and of our greater loyalty to Thee.

May we honestly prove our hearts and discover our own faults, not only in the eyes of man, but before Thee, our God, and thereby come to follow Thy loving counsel unto the salvation of our own souls. We know in what authority Thou dost speak; help us to honor Thy authority in all that we say or do this day. For Thy name's sake we pray. Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of yesterday.

The Clerk proceeded to read the Journal of yesterday, when, on motion of Mr. MUNLEY, unanimously agreed to, the further reading was dispensed with and the Journal approved.

BILL INTRODUCED AND REFERRED

By Messrs. O'BRIEN and MELCHIORRE.

HOUSE BILL No. 50.

An Act to suspend during the continuation of the War the emergency state tax on liquor imposed by the act, approved the ninth day of June, one thousand nine hundred thirty-six (P. L. 13), entitled as amended "An act imposing an emergency State tax for a limited period of time on liquor, as herein defined, sold by the Pennsylvania Liquor Control Board; providing for the collection and payment of such tax; and imposing duties upon the Department of Revenue and the Pennsylvania Liquor Control Board."

Referred to the Select Committee on Special Session Legislation.

LEAVE OF ABSENCE

By unanimous consent leave of absence was granted as follows:

Mr. McFall for Mr. EARLY for the remainder of the week.

MR. FLEMING IN THE CHAIR

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 40, entitled:

An Act authorizing courts of common pleas to stay writs of execution against, and tax sales of, real property in certain cases; providing for the continuance of return days of writs of execution, and authorizing sales thereon without issuance of further writs.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 45, (Senate Bill No. 36), entitled:

An Act making an appropriation to the Committee appointed pursuant to Senate Concurrent Resolution number one hundred forty of the Regular Session of one thousand nine hundred forty-one, adopted July fifteenth, one thousand nine hundred and forty-one, to report recommendations for Congressional reapportionment.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 46, (Senate Bill No. 16), entitled:

An Act to provide relief in cases where fiduciaries are in military service; authorizing the court to appoint a substituted fiduciary pro tem in such cases or to allow the remaining fiduciaries to act; authorizing security to be entered by and compensation paid to such substituted fiduciaries pro tem; and regulating the powers and liabilities of the fiduciary in military service and of the substituted fiduciary pro tem.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 27, entitled:

An Act authorizing the Department of Highways to construct, repair or rebuild certain bridges in cities of the third class which are deemed necessary for national defense and where Federal or city funds are available for such purposes; defining the powers and duties of said department; and making an appropriation.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

THE SPEAKER (Elmer Kilroy) IN THE CHAIR

The SPEAKER. The Chair thanks the gentleman from Allegheny, Mr. Fleming, for presiding.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 8, entitled:

An Act to further amend section two of the act, approved the seventh day of June, one thousand nine hundred seventeen (P. L. 600), entitled "An act providing that appointive officers and employes, employed by the Commonwealth of Pennsylvania in its civil service, or by any department, bureau, commission, or office thereof, or by any county, municipality, township, or school district, shall not be deemed or held to have resigned or abandoned their offices or employments by reason of enlistment, enrollment, or draft in the military or naval service of the United States or any branch or unit thereof, in time of war or contemplated war; prohibiting the removal from their offices or employments of such officers and employes during the period of their service in the Army or Navy; directing that one-half of the salaries or wages of such officers or employes as have dependent wives, children, or parents, and not exceeding two thousand dollars per annum, be paid during the term of their service in the Army or Navy to such dependents; authorizing the employment during said term of substitutes to perform the duties theretofore performed by such officers or employes, respectively, and providing for the compensation of such substitutes," by more fully defining amounts payable.

The first section was read.

On the question,

Will the House agree to the section?

Mr. READINGER offered the following amendments:

Amend Section 1 (Sec. 2), page 3, line 21, by inserting after the word "his" the word "dependent".

Amend Section 1 (Sec. 2), page 3, line 22, by inserting light face brackets before and after the word "dependent".

Amend Section 1 (Sec. 2), page 4, line 5, by inserting after the word "a" the word: "dependent".

Amend Section 1 (Sec. 2), page 4, line 6, by inserting at the end of the line after the word "have" the word: "dependent".

Amend Section 1 (Sec. 2), page 4, line 13, by inserting after the word "no" the word: "dependent".

Amend Section 1 (Sec. 2), page 4, lines 14 and 17 inclusive, by inserting a light face bracket before the word "the" in line 14 and after the word "have" in line 17.

Amend Section 1 (Sec. 2), page 4, line 17, by inserting after the word "have" the following: "such sum as he has heretofore been accustomed to contribute to his dependent parent or parents to be paid to such parent or parents and no more".

Amend Section 1 (Sec. 2), page 4, line 24, by inserting after the word "the" the word: "aggregate".

Amend Section 1 (Sec. 2), page 4, line 26, by striking out the words "not including commutation and other allowances", and inserting in lieu thereof the following: "dependency allowances, if any, and when such officer or employe is quartered with the aforesaid dependents, allowances for rentals and subsistence, provided in money or facilities".

They were agreed to.

The section was agreed to as amended.

Mr. READINGER. Mr. Speaker, I offer the following amendment:

Amend the bill, page 5, by inserting between lines 6 and 7, the following: "Section 2. Said act is hereby amended by adding thereto immediately after Section 3, two new sections, to read as follows:

Section 4. The amounts payable under this act shall cease to be payable to the dependent or dependents of any such officer or employe who voluntarily continues in the military or naval service or any branch or unit thereof after the termination of the period of war or contemplated war during which he entered the service.

Section 5. No such officer or employe who is separated from the service by undesirable, bad conduct, or dishonorable discharge shall be permitted to resume his said office or employment after separation from the service in such manner".

It was agreed to.

The second section was read.

On the question,

Will the House agree to the section?

Mr. READINGER offered the following amendment:

Amend Section 2, page 5, line 7, by striking out the figure "2" and inserting in lieu thereof the figure "3".

It was agreed to.

The section was agreed to as amended.

The title was read.

On the question,

Will the House agree to the title?

Mr. READINGER offered the following amendments:

Amend page 1, line 1, of the title, by inserting after the word "of" the following: "and to add Sections four and five to".

Amend page 2, line 9, of the title, by adding at the end of the line, after the word "payable", the following: "limiting the time such amounts are payable and limiting the conditions of resumption of office or employment".

They were agreed to.

The title was agreed to as amended.

And said bill having been read at length the second time and agreed to as amended,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 12, entitled:

An Act prescribing the rights of persons enlisting or being drafted into the military or naval service of the United States during the war under licenses issued by the Department of Revenue to operate any motor vehicle, and providing for the renewals after discharge from such service.

The first section was read.

On the question,

Will the House agree to the section?

Mr. READINGER offered the following amendment:

Amend Sec. 1, page 1, line 7, by inserting after the word "license" the following: "If such license was valid and in force at the time he or she entered such service, it shall not lapse at the expiration of the license period prescribed by law, but shall continue in effect, subject to suspension or revocation as in other cases, until six months after the conclusion of the hostilities of such war, or the termination of such emergency, without further application or payment of any license fee".

It was agreed to.

The section was agreed to as amended.

The second and third sections were separately read and agreed to.

The title was read.

On the question,

Will the House agree to the title?

Mr. READINGER offered the following amendments:

Amend title, page 1, line 1 of title, by inserting after the word "being" the following: "inducted or".

Amend title, page 1, line 3 of title, by striking out the following "during the war" and inserting in lieu thereof: "in time of war or preparation for national defense during a national emergency".

They were agreed to.

The title was agreed to as amended.

And said bill having been read at length the second time and agreed to as amended,

Ordered, To be transcribed for a third reading.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 29, entitled:

An Act relating to air raid precautions and the prevention of sabotage in cities of the first class creating a Board of Inspection in the Department of Public Works in such cities imposing powers and duties on such boards and any lessee of water and gas mains owned by such cities and repealing inconsistent legislation

Whereas The probability of serious damage to gas and water facilities in cities of the first class by reason of sabotage and air raids creates a menace to the health morals and welfare of the people of said cities and

Whereas Constant inspection replacement and repair of said facilities will minimize the danger and the damage that may be caused thereby it is therefore declared to be the policy of this General Assembly that in its considered judgment the public good and general welfare of the citizens of cities of the first class require legislation relating to the prevention of such damage by sabotage and air raids therefore

On the question,
Will the House agree to the bill on third reading?

BILL POSTPONED

Mr. MELCHIORRE. Mr. Speaker, I move that this bill be placed on the postponed calendar.

The motion was agreed to.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 25, entitled:

An Act to further amend section twenty-one of the act, approved the seventh day of June, one thousand nine hundred fifteen (P. L. 900), entitled "An act to provide for the immediate registration of all births and deaths throughout the Commonwealth of Pennsylvania, by means of certificates of births and deaths, and burial or removal permits; requiring prompt returns to the Central Bureau of Vital Statistics as required to be established by the State Department of Health; and, in order to secure prompt and faithful registration of births, marriages, deaths, and diseases, of practitioners of medicine and surgery, of midwives, nurses, and undertakers, and of all persons whose occupation is deemed to be of importance in obtaining complete registration of births, deaths, marriages, and diseases throughout the State, as provided in section ten of an act, entitled 'An act creating the Department of Health and defining its powers and duties,' approved the twenty-seventh day of April, nineteen hundred and five, and providing penalties for violations of this act," by directing the Department of Health to maintain branch offices in certain cities of the third class for the filing of birth and death certificates; authorizing such offices to issue certified copies of said certificates and make searches of their files; providing that such offices be supplied with duplicates of certain birth and death records now on file in Harrisburg; imposing additional duties upon local registrars in such cities and prescribing fees.

On the question,
Will the House agree to the bill on third reading?

It was agreed to.

On the question,
Shall the bill pass finally?

Mr. McMILLEN. Mr. Speaker, I should like to interrogate the sponsor of this bill.

The SPEAKER. Will the gentleman from Erie, Mr. Polaski, permit himself to be interrogated?

Mr. POLASKI. I will, Mr. Speaker.

Mr. McMILLEN. Mr. Speaker, I understand this bill was introduced to correct what the gentleman considers a defect in the method of issuing birth certificates. Is that correct?

Mr. POLASKI. Mr. Speaker, I do not think there is any defect in the method of issuing birth certificates. My only idea is that the process now in effect is very slow, and I introduced this bill merely to expedite it.

Mr. McMILLEN. Another question, Mr. Speaker. Will the gentleman please explain to this Assembly why he writes in on page five of the bill, section twenty-one the words "in all cities of the third class located more than two hundred eighty-five miles by highway."

Mr. POLASKI. Yes, Mr. Speaker, I will try to explain that. In the first place we in Erie have felt we are perhaps more in need of such a branch than any other third class city in the Commonwealth. Erie has perhaps at this moment twenty-thousand workers employed on purely defense projects. Erie, as you know, has the second largest General Electric plant in the world, and this plant alone is going to employ by the end of this summer fifteen thousand employes on defense. That is only the G. E. plant.

Besides the G. E. plant we have the National Erie, the Erie Forge & Steel and the Bucyrus Erie and also fifteen or twenty plants of large size which will all be engaged on purely defense work as soon as they are able to turn over for that work. Most of them are partially operating on defense work now, and we felt for this reason that the need was greater in our territory than any other third class city.

Just to bring this fact out more clearly, I believe Mr. Dalrymple, myself, Mr. Cook, Mr. Ziesenheim and Mr. Van Allsburg from Erie have brought perhaps more applications for birth certificates to Harrisburg, to Mrs. Cohen and others than all the other third class cities combined. I think the facts will bear that out.

Mr. McMILLEN. Mr. Speaker, would the gentleman mind telling this Assembly how many he has brought?

Mr. POLASKI. How many I have brought?

Mr. McMILLEN. Yes.

Mr. POLASKI. I have a list here in my pocket, or rather I have lists, Mr. Speaker. I would say that I have from four to five hundred names on these lists, all coming from the city of Erie, and this is my work alone and this does not include the other Representatives from Erie.

Mr. McMILLEN. Mr. Speaker, I have a list of nine hundred in my files, merely from a little rural county.

Mr. POLASKI. Mr. Speaker, this does not affect rural counties. This affects only Erie, a third class city.

Mr. McMILLEN. Mr. Speaker, one more question. Will the gentleman try to justify his position on this thing as to why he should not include all of the cities of the third class if we are going to pass a bill? Why not give all the third class cities of the state of Pennsylvania the same rights that the people of Erie are asking for?

Mr. POLASKI. Mr. Speaker, as I said, we felt that we have more applications by far than all the other third class cities combined, and in addition we do not want to create additional work, because we felt that the work coming probably from the other third class cities can be attended to here in Harrisburg.

Also, if such a request had been made in the Special House Committee I think that House Committee would not have allowed this bill to come out, but it somehow must have pleased all the members of the committee.

Mr. McMILLEN. Mr. Speaker, that will be all.

Mr. Speaker, this particular bill does not look justifiable to me personally. I may be wrong. It seems to me that if we are going to extend this privilege to one third class city, we should give that same privilege to every other city of the third class. I am absolutely opposed to any type of legislation that is so centered on one particular point and does not take into consideration the rest of the state. It seems to be that we have gone along here for a period of four weeks now, and this particular type of legislation is about the only thing that has gotten on the floor. It seems to me that we ought to disband and go home. That would be much better

than passing this type of legislation. Personally I feel the bill should be defeated.

Mr. TURNER. Mr. Speaker, I do not arise to speak directly against the bill. I merely want to point out to the House this, that there is undoubtedly a great opportunity to assist this whole question of the tie-up in Vital Statistics because of the unprecedented load, by some decentralization. I do not believe this bill is the right way to go about it.

A plan has been suggested,—I believe I can reveal this to you,—a bill has been suggested or a plan has been suggested by my colleague from Erie, Mr. VanAllsburg, which, if it is possible to work out will accomplish what the gentleman from Erie, Mr. Polaski, seeks under his bill, and it, I think will be of greater benefit to the state as a whole. This of course may take care of one particular community, but in the plan which has been suggested, I think tremendous help will be given to the whole question of delay in Vital Statistics. I believe it will help the people to get their birth certificates more quickly, more easily than any other way.

Mr. ACHTERMAN. Mr. Speaker, in reply to the remarks of the gentleman from Delaware, Mr. Turner, I might say that the resolution,—it was only a resolution that was introduced by Mr. VanAllsburg, would place any possibility of taking care of the third class cities at the tender mercy of the Bureau of Vital Statistics. Of course I think every member of this House has had his experiences with that Bureau, and I doubt that what Mr. VanAllsburg proposes is going to solve the problem.

Perhaps decentralization may be needed, but we are certainly not going to accomplish it by resolution or wishful thinking hoping that somebody is going to come to the rescue.

The manner in which Mr. Polaski has approached the problem is a definite and positive method in which to approach it. If the other third class cities need it, I am surprised that some effort was not made to include them when the bill was on second reading. It just seems to me that they are doing a little shadow boxing and not making a real effort to do anything.

Erie has a pressing problem, and as a result Mr. Polaski has endeavored to solve that problem. If other cities have it, it is surprising that the members were not aware of it before this time. The bill was on first reading and then on second reading, one would have thought at least the matter would have crept out on second reading. I think someone has been dilatory, coming at this late time and saying "What about the other cities? We have an answer to the problem" when under that proposal, the third class cities will be at the mercy of the Bureau. I think positive action should be taken. If Mr. VanAllsburg has a solution to the problem, let him write it into a bill and let us see it.

Mr. TURNER. Mr. Speaker, I simply rise to reply to the challenge that somebody has been dilatory. Mr. VanAllsburg has studied the matter and he will answer that, but perhaps I can just say something for him that he can not say for himself. Mr. VanAllsburg has been diligently at work and has been making the necessary inquiries and seeking the necessary information upon which to base a program, and it is a question in our minds whether it is necessary to do it by legislation or not.

Mr. VanAllsburg has consulted the Attorney General's department. A committee was at work on this question this morning, and I am certain that before another 24 hours goes by we will have something very definite for you on that line. That has nothing to do with the question of whether they were dilatory or whether there should be amends. The pure question is still whether we should try to set up a program for one city when we are working on an over-all program.

On the question recurring,

Shall the bill pass finally?

BILL POSTPONED

Mr. POLASKI. Mr. Speaker, I move that this bill be placed on the postponed calendar.

The motion was agreed to.

BILL PASSED OVER

There being no objection House Bill No. 18, Printer's No. 5, was passed over at the request of Mr. TURNER.

REQUEST FOR RECESS

Mr. TURNER. Mr. Speaker, I asked that House Bill No. 18 go over for the present to give me an opportunity to call a brief caucus of the Republican members of the House.

If it is not convenient for you, Mr. Speaker, I will not make the motion at this time, but if it is convenient I would like to ask for a fifteen minute recess to give the Republican members of the House an opportunity to meet in the House Caucus room immediately.

The SPEAKER. The Chair would ask the indulgence of the gentleman from Delaware, Mr. Turner until we have finished the calendar. The Chair thanks the gentleman from Delaware.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 28, as follows:

An Act to further amend clause (g) as added to section one thousand one hundred and ten of the act approved the first day of May one thousand nine hundred and twenty-nine (P. L. 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penal-

ties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" suspending during the period of present hostilities and for one year thereafter the requirement that all electrically operated traffic signals shall be made to conform with provisions of said act and the regulations of the Secretary of Highways

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Clause (g) of section one thousand one hundred and ten of the act approved the first day of May one thousand nine hundred and twenty-nine (P. L. 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" as added by section fourteen of the act approved the fifth day of June one thousand nine hundred and thirty-seven (P. L. 1718) and as amended by the act approved the ninth day of June one thousand nine hundred and thirty-nine (P. L. 317) and by section thirty of the act approved the twenty-seventh day of June one thousand nine hundred and thirty-nine (P. L. 1135) is hereby further amended to read as follows

Section 1110

* * * *

(g) Traffic signals electrically operated that have been erected prior to the passage of this act whenever reconstructed or the controllers or wiring are replaced shall be made to conform with the provisions of this act and the regulations of the Secretary of Highways but in any event all such signals shall be made to so conform not later than January first one thousand nine hundred and forty-two unless extension of time shall be granted by the Secretary of Highways in each specified case Provided That the provisions of this subsection are hereby suspended during the continuance of the war in which the United States is now engaged and for a further period of one year after the end of hostilities thereof

And said bill having been read at length the third time, considered and agreed to.

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—188

Achterman,	Fletcher,	Malloy,	Rose, S.,
Auker,	Flynn,	Marks,	Rose, W. E.,
Baker,	Foor,	Maxwell,	Rosenfeld,
Balthaser,	Gallagher,	McClester,	Royer,
Baugher,	Gerard,	McDermott,	Rush,
Bentley,	Gillan,	McDowell,	Sarge,
Bentzel,	Goodwin,	McFall,	Sarraf,
Boies,	Greenwood,	McGrath	Scanlon,
Boney,	Gross,	McIntosh,	Schwab,
Boorse,	Gryskewicz,	McKinney,	Serrill,
Bower,	Gyger,	McLanahan,	Shaffer,
Bradley,	Habbyshaw,	McLane,	Shaw,
Breth,	Haberlen,	McMillen,	Shepard,
Bretherick,	Haines,	McSurdy,	Simons,
Brown,	Hamilton,	Melchiorre,	Skale,
Brunner, C. H.,	Harmuth,	Mihm,	Snyder,
Brunner, P. A.,	Harris,	Modell,	Sollenberger,
Burns,	Heatherington,	Monks,	Sorg,
Burris,	Helm,	Mooney,	Stambaugh,
Cadwalader,	Hering,	Moran,	Stank,
Chervenak,	Herman,	Moul,	Stine,
Chudoff,	Hersch,	Muir,	Stockham,
Cochran,	Hewitt,	Munley,	Tarr,
Cohen, M. M.,	Hirsch,	Nagel,	Tate,
Cohen, R. E.,	Holland,	Nunemacher,	Taylor,
Cook,	Huntley,	O'Brien,	Thompson, R. L.,
Cooper,	Imbrie,	O'Connor,	Trout,
Cordier,	James,	O'Dare,	Turner,
Corrigan,	Jefferson,	O'Mullen,	VanAllsburg,
Croop,	Jones, G. E.,	O'Neill,	Vincent,
Cullen,	Keenan,	Owens,	Voldow,
Dalrymple,	Kenehan,	Petrosky,	Wagner,
Dennison,	Kline,	Pettit,	Watkins,
DiGenova,	Knoble,	Polaski,	Weiss,
Dix,	Kolankiewicz,	Polen,	Welsh, E. B.,
Dolon,	Komorofski,	Powers,	Welsh, M. J.,
D'Ortona,	Krise,	Prosen,	Wilkinson,
Duffy,	Lee, E. A.,	Rausch,	Williams,
Eckels,	Lee, T. H.,	Readinger,	Winner,
Elder,	Leisey,	Reagan,	Wood, L. H.,
Elliott,	Leonard,	Reese, D. P.,	Wood, N.,
Ely,	Lesko,	Reese, R. E.,	Woodring,
Falkenstein,	Leydic,	Regan,	Wright,
Finestone,	Lichtenwalter,	Reynolds,	Yeakel,
Finnerty,	Longo,	Rhea,	Yester,
Fiss,	Lovett,	Riley,	Young,
Fleming,	Lyons,	Rooney,	Kilroy, Speaker

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 21, (Senate Bill No. 28), as follows:

An Act to further amend Section 801 of the act approved the fifth day of May one thousand nine hundred and thirty-three (P. L. 457) entitled "An act relating to the business of building and loan associations providing for the organization and voluntary dissolution of such associations defining the rights powers duties liabilities and immunities of such associations and of their officers directors shareholders solicitors and other employes prohibiting the transaction of business in this Commonwealth by foreign building and loan asociations conferring powers and imposing duties upon the courts recorders of deeds and certain State departments commissions and officers establishing limitations of action imposing penalties and repealing certain acts and parts of acts" by authorizing building and loan associations to act as fiscal agents of the United States Government for the sale of United States Defense Bonds and Defense Stamps and permitting such associations to pledge their assets for the faithful performance of their duties as such agents.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows.

Section 1 Section 801 of the act approved the fifth day of May one thousand nine hundred and thirty-three (P. L. 457) entitled "An act relating to the business of building and loan associations providing for the organization and voluntary dissolution of such associations defining the rights powers duties liabilities and immunities of such associations and of their officers directors shareholders solicitors and other employes prohibiting the transaction of business in this Commonwealth by foreign building and loan associations conferring powers and impos-

ing duties upon the courts recorders of deeds and certain State departments commissions and officers establishing limitations of actions imposing penalties and repealing certain acts and parts of acts" as last amended by the act approved the fifteenth day of March one thousand nine hundred thirty-seven (P. L. 63) is hereby further amended to read as follows

Section 801 Powers of Associations In addition to the general corporate powers granted by this act and in addition to any powers specifically granted to an association elsewhere in this act an association shall have the following powers subject to the limitations and restrictions imposed by this act.

(1) To issue full-paid prepaid optional payment direct reduction loan and installment shares

(2) To borrow money and in the case of the Federal Home Loan Bank or any other agency or instrumentality of the United States Government other than a national bank to pledge collateral therefor

(3) To grant loans to its shareholders

(4) To make investments

(5) To become a member of the Federal Home Loan Bank or of any other corporation or agency established under the authority of the United State Government and to comply with any of the provisions required for membership in the Federal Home Loan Bank or in such other corporation or agency provided the association is authorized to do so by resolution of its board of its board of directors

(6) To become a member of a league or leagues organized to protect and promote the interests of building and loan associations and to pay dues to or a proportionate share of the expenses of such league or leagues

(7) To purchase improve or lease real property for its accommodation

(8) To make application for and obtain insurance of mortgages and of shares or accounts as provided by the National Housing Act of one thousand nine hundred and thirty-four approved the twenty-seventh day of June one thousand nine hundred and thirty-four its amendments and supplements

(9) To act as fiscal agent of the United States Government for the sale of United States Defense Bonds and Defense Stamps and to pledge its assets for the faithful performance of its duties as such an agent

And said bill having been read at length the third time, considered and agreed to.

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—188

Achterman,	Fletcher,	Malloy,	Rose, S.,
Auker,	Flynn,	Marks,	Rose, W. E.,
Baker,	Foor,	Maxwell,	Rosenfeld,
Balthaser,	Gallagher,	McClester	Royer,
Baugher,	Gerard,	McDermott	Rush,
Bentley,	Gillan,	McDowell	Sarge,
Bentzel,	Goodwin,	McFall	Sarraf,
Boles,	Greenwood,	McGrath	Scanlon,
Boney,	Gross,	McIntosh	Schwab,
Boorse,	Gryskewicz,	McKinney	Serrill,
Bower,	Gyger,	McLanahan	Shaffer,
Bradley,	Habbyshaw,	McLane,	Shaw,
Breth,	Haberlen,	McMillen,	Shepard,
Bretherick,	Haines,	McSurdy,	Simons,
Brown,	Hamilton,	Melchiorre,	Skale,
Brunner, C. H.,	Harmuth,	Mihm,	Snyder,
Brunner, P. A.,	Harris,	Modell,	Sollenberger,
Burns,	Heatherington,	Monks,	Sorg,
Burris,	Helm,	Mooney,	Stambaugh,
Cadwalader,	Hering,	Moran,	Stank,
Chervenak,	Herman,	Moul,	Stine,
Chudoff,	Hersch,	Muir,	Stockham,
Cochran,	Hewitt,	Munley	Tarr,
Cohen, M. M.,	Hirsch,	Nagel	Tate,
Cohen, R. E.,	Holland,	Nunemacher	Taylor,
Cook,	Huntley,	O'Brien,	Thompson, R. L.,
Cooper,	Imbrie,	O'Connor,	Trout,
Cordier,	James,	O'Dare,	Turner,
Corrigan,	Jefferson,	O'Mullen,	VanAllsburg,
Croop,	Jones, G. E.,	O'Neill,	Vincent,
Cullen,	Keenan,	Owens,	Voldow,
Dalrymple,	Kenehan,	Petrosky,	Wagner,
Dennison,	Kline,	Pettit,	Watkins,
DiGenova,	Knoble,	Polaski,	Weiss,
Dix,	Kolankiewicz,	Polen,	Welsh, E. B.,
Dolon,	Komorofski,	Powers,	Welsh, M. J.,
D'Ortona,	Krise,	Prosen,	Wilkinson,
Duffy,	Lee, E. A.,	Rausch,	Williams,
Eckels,	Lee, T. H.,	Readinger,	Winner,
Elder,	Leisey,	Reagan,	Wood, L. H.,
Elliott,	Leonard,	Reese, D. P.,	Wood, N.,
Ely,	Lesko,	Reese, R. E.,	Woodring,
Falkenstein,	Leydic,	Regan,	Wright,
Finestone,	Lichtenwalter,	Reynolds,	Yeakel,
Finnerty,	Longo,	Rhea,	Yester,
Fiss,	Lovett,	Riley,	Young,
Fleming,	Lyons,	Rooney,	Kilroy, Speaker

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL PASSED OVER

There being no objection House Bill No. 24, Printer's No. 14, was passed over at the request of the SPEAKER.

RECESS

The SPEAKER. If there is no objection the Chair will declare a recess until 2:45 p. m. Is there objection? The Chair hears none and a recess is declared.

AFTER RECESS

The House reconvened at 2:45 p. m.
The SPEAKER (Elmer Kilroy) in the Chair.

BILLS INTRODUCED AND REFERRED

By Mr. RUSSELL E. REESE. HOUSE BILL No. 51.

An Act to establish a Pennsylvania War Emergency Rent Commission and County War Emergency Rent Boards; to prescribe the powers, duties and functions of such commission and of such boards; to fix the rentals of business properties at the figures prevailing on January first, one thousand nine hundred forty-two; to provide for the allowance of additional rentals over and above such prevailing figures in certain cases; to provide for the regulation of certain incidents of the landlord tenant relationship with respect to business properties; to provide penalties and other means of enforcement; to suspend certain statutory and common law rules; and to make an appropriation.

Referred to the Select Committee on Special Session Legislation.

By Mr. BAUGHER. House Bill No. 52.

An Act to further amend section twenty-one of the act, approved the seventh day of June, one thousand nine hundred fifteen (P. L. 900), entitled "An act to provide for the immediate registration of all births and deaths throughout the Commonwealth of Pennsylvania, by means of certificates of births and deaths, and burial

or removal permits; requiring prompt returns to the Central Bureau of Vital Statistics, as required to be established by the State Department of Health; and, in order to secure prompt and faithful registration of births, marriages, deaths, and diseases, of practitioners of medicine and surgery, of midwives, nurses, and undertakers, and of all persons whose occupation is deemed to be of importance in obtaining complete registration of births, deaths, marriages, and diseases throughout the State, as provided in section ten of an act, entitled 'An act creating the Department of Health and defining its powers and duties,' approved the twenty-seventh day of April, nineteen hundred and five, and providing penalties for violations of this act," by providing for the issuance of short form birth certificates by the Department of Health of the Commonwealth of Pennsylvania during the continuance of the present war emergency and for six months thereafter.

Referred to the Select Committee on Special Session Legislation.

RESOLUTION INTRODUCED AND REFERRED

By Mr. TARR. RESOLUTION No. 24.

In the House of Representatives, March 10, 1942.

It has been a custom in the United States and in other countries throughout the world to observe the first day of May as May Day, and to mark such observances by various kinds of celebrations.

A decade ago the American Legion organization in Fayette County inaugurated a new and more appropriate observance of the first day of May, by staging a parade and celebration in the name of Americanism.

The first day of May has since been annually observed and celebrated as Americanism Day by patriotic societies, veterans' organizations and other groups, both in Fayette County and throughout the Commonwealth, and it has been the custom of the Governor of the Commonwealth to issue his proclamation signifying the observance of Americanism Day.

The present world crisis constitutes a serious threat to those American principles of life and government, which were established with such great sacrifice and which have since been maintained and protected so valiantly, thus making particularly significant and appropriate the observance of May first as Americanism Day in the year of 1942; now therefore be it

Resolved, That the Governor of the Commonwealth is hereby urged to issue his proclamation signifying May 1, 1942, as Americanism Day, and calling upon all patriotic, veteran, fraternal and civic organizations to hold celebrations of this day in such a manner as will bring to the people of the Commonwealth the full realization of the benefits, privileges and blessings that come to them through the continuance of our American form of government; and be it further

Resolved, That the House of Representatives of the General Assembly of the Commonwealth of Pennsylvania further urges all persons in the Commonwealth of Pennsylvania to join in a real American celebration of May 1, 1942, as Americanism Day.

Referred to the Select Committee on Special Session Legislation.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 18, as follows:

An Act to further amend the act approved the fifth day of December one thousand nine hundred thirty-six (1937 P. L. 2897) entitled "An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry and its existing and newly created agencies with personnel (with certain exceptions) selected on a civil service basis requiring employers to keep records and make reports and certain employers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons providing procedure and administrative details for the determination payment and collection of such contributions and the payment of such compensation providing for cooperation with the Federal Government and its agencies creating certain special funds in the custody of the State Treasurer and prescribing penalties" by changing the provisions thereof and the rights obligations and procedure thereunder

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1. Clause (b) of section four of the act approved the fifth day of December one thousand nine hundrel thirty-six (1937, P. L. 2897) entitled "An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry and its existing and newly created agencies with personnel (with certain exceptions) selected on a civil service basis requiring employers to keep records and make reports and certain employers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons providing procedure and administrative details for the determination payment and collection of such contributions and the payment of such compensation providing for cooperation with the Federal Government and its agencies creating certain special funds in the custody of the State Treasurer and prescribing penalties" is hereby amended to read as follows

Section 4. Definitions The following words and phrases as used in this act shall have the following meanings unless the context clearly requires otherwise

* * * *

(b) "Benefit year" with respect to any indiyidual means the fifty-two consecutive weeks beginning with the first [week] effective day occurring after January first one thousand nine hundred thirty-eight with respect to which compensation is payable to him for which the individual files a valid original claim and thereafter the fifty-two consecutive weeks beginning with the first [week] effective day with respect to which compensation is properly claimed by or next payable to him for which the individual next files a valid original claim after the termination of his last preceding benefit year

Section 2. Section four of said act is hereby amended by adding thereto immediately after clause (b) the following two new clauses to read as follows

Section 4. Definitions The following words and phrases as used in this act shall have the following meanings unless the context clearly requires otherwise

* * * *

(b-1) "Valid original claim" means the initial claim which is filed by an individual in accordance with the rules and regulations of the department and solely for the purpose of beginning and establishing an original or subsequent benefit year, and which claim is determined by the department to be valid and the claimant eligible to receive benefits for a week of total unemployment in accord with the provisions of the law except however that for the purposes of this subsection the waiting period of at least one week required by the law shall not be required to occur within the benefit year

(b-2) A "compensable claim" means a claim filed by an individual with the department in accord with its rules and regulations in which the individual claims payment of benefits to him for a specific week of total unemployment

Section 3. Clause (i) of section four of said act as amended by the act approved the eighteenth day of May

one thousand nine hundred thirty-seven (P. L. 658) is hereby further amended to read as follows

Section 4. Definitions The following words and phrases as used in this act shall have the following meanings unless the context clearly requires otherwise

* * * * *

(i) "Employer" means every (1) individual (2) copartnership (3) association (4) corporation (domestic or foreign) (5) the legal representative trustee in bankruptcy receiver or trustee of any individual copartnership association or corporation or (6) the legal representative of a deceased person (I) who or which employed or employs any employe (whether or not the same employe) in employment subject to this act for some portion of each of some [twenty (20)] two (2) days during the calendar year one thousand nine hundred thirty-six or any calendar year thereafter each day being in a different week in covered employment or (II) who or which has elected to become fully subject to this act and whose election remains in force

Whenever any employer contracts with or has under him any contractor or subcontractor for any work which is part of his usual trade occupation profession or business unless such employer as well as each such contractor or subcontractor is an employer (as defined in the first paragraph of this subsection) the employer shall for all the purposes of this act be deemed to employ each individual in the employ of each such contractor or subcontractor for each day during which said individual is engaged in performing such work except that each such contractor or subcontractor who is an employer (as defined in the first paragraph of this subsection) shall alone be liable for the employer's contributions measured by the wages payable to individuals in his employ and except that any employer who shall become liable for and pay contributions with respect to individuals in the employ of any such contractor or subcontractor who is not an employer (as defined in the first paragraph of this subsection) may recover the same from such contractor or subcontractor Each individual employed to perform or to assist in performing work of any agent or employe of an employer shall be deemed to be employed by such employer for all the purposes of this act whether such individual was hired or paid directly by such employer or by such agent or employe provided the employer had actual or constructive knowledge of the work

Wherever a change of ownership of the assets or substantially all the assets of an organization trade or business occurs within a calendar year the successor in interest is deemed to be an employer within the meaning of this section if and when the addition of the employment record of the successor in interest to that of the predecessor within the same calendar year reveals that they together employed one or more employes (whether or not the same employe) for some part of two (2) different weeks in employment subject to this act

Where an employer maintains more than one place of employment within this Commonwealth all of the employes at the several places of employment shall be treated for the purposes of this act as if employed by a single employer

Any individual copartnership association or corporation who or which is not subject to this act may elect to become subject thereto by filing with the department his or its written application and if such application is approved by the department the election shall become binding for not less than two calendar years

An employer subject to this act may elect to include within the term "employment" subject to this act services performed b yhis or its employes [entirely without this Commonwealth] with respect to which no contributions are required and paid under an unemployment compensation law of any other state (1) if the employe or employes included in such election maintain a domicile within this Commonwealth and whose services are performed entirely without this Commonwealth or (2) if the employe or employes included in the election maintain no domicile within this Commonwealth but whose services though performed without this Commonwealth are directed from this Commonwealth

Such election shall be subject to the approval of the department and if such election is approved by the department the election shall become binding for not less than two calendar years or until the department on its own motion cancels the election

An employer subject to this act may elect to include within the term "employment" subject to this act services performed by his or its employes which are exempt under the provisions of subsection (j) of section four of this act Such election shall be subject to the approval of the department and if such election is approved by the department the election shall become binding for not less than two calendar years

Any services performed for an employer covered by an election pursuant to this subsection shall during the effective period of such election be deemed to be employment for all the purposes of this act Any election approved by the department pursuant to this subsection shall cease to be effective only as of January first of any calendar year subsequent to the initial two calendar years thereof and only if at least thirty (30) days prior to such first day of January the employer has filed with the department a notice of termination of his election

Section 4. Clause (j) of section four of said act as last amended by the act approved the twentieth day of June one thousand nine hundred thirty-nine (P. L. 458) is hereby further amended to read as follows

Section 4. Definitions The following words and phrases as used in this act shall have the following meanings unless the context clearly requires otherwise

* * * *

(j) "Employment" means all service performed prior to the effective date of this act which was employment as defined in this section prior to such date and subject to the other provisions of this section service performed after the effective date of this act for [remuneration] wages or under any contract of hire express or implied written or oral (1) which is localized within this Commonwealth or (2) which is not localized in any state but some of the service is performed within this Commonwealth and (a) the base for operations or place from which such service is directed or controlled is in this Commonwealth or (b) the base for operations or place from which such service is directed or controlled is not in any state in which some part of the service is performed but the individual's residence is in this Commonwealth Service shall be deemed to be localized within this Commonwealth if (a) the service is performed entirely within this Commonwealth or (b) the service is performed both within and without this Commonwealth but the service performed without this Commonwealth is incidental to the individual's service within this Commonwealth as for example where it is temporary or transitory in nature or consists of isolated transactions Services performed without this Commonwealth shall not be included within the term "employment" if contributions are required and paid with respect to such services under an unemployment compensation law of any other state

An individual performing services for remuneration in an employment subject to this act shall be deemed to be performing such services for wages unless and until it is shown to the satisfaction of the department that (a) such individual has been and will continue to be free from control or direction over the performance of such services both under his contract of service and in fact and (b) that such service is either outside the usual course of the business for which such service is performed or that such service is performed outside of all the places of business of the enterprise for which such service is performed and (c) that such individual is customarily engaged in an independently established trade occupation profession or business

The word "employment" shall not include

(1) Agricultural labor

(2) Domestic service in a private home

(3) Service performed as an officer or member of the crew of a vessel on the navigable waters of the United States

(4) Service performed by an individual in the employ of his son daughter or spouse and service performed by a child under the age of twenty-one (21) in the employ of his father or mother

(5) Service performed in the employ United States Government or of an instrumentality of the United States exempt under the Constitution of the United States from the contributions imposed by this act except that to the extent that the Congress of the United States shall permit states to require any instrumentalities of the United States to make payments into an unemployment fund under a state unemployment compensation law all of the provisions of this act shall be applicable to such instrumentalities and to services performed for such instrumentalities in the same manner to the same extent on the same terms as to all other employers In the event that this State shall not be certified for any year by the Social Security Board under section one thousand six hundred three (c) of the Federal Internal Revenue Code the payments required of such instrumentalities with respect to such year shall be refunded by the department from the fund in the same manner and within the same period as is provided in section three hundred eleven of this act with respect to contributions erroneously collected

(6) Service performed in the employ of a state a political subdivision thereof or an instrumentality of one or more states or political subdivisions

(7) Service performed in the employ of a corporation community chest fund or foundation organized and operated exclusively for religious charitable scientific literary or educational purposes or for the prevention of cruelty to children or animals no part of the net earnings of which inures to the benefit of any private shareholder or individual

(8) Service performed after June thirtieth one thousand nine hundred and thirty-nine either as an employe representative or service performed in the employ of an employer when such employe representative or employer is determined to be subject to the Act of Congress known as the Railroad Unemployment Insurance Act (52 U. S. Stat. 1094) or to an Act of Congress establishing an unemployment compensation system for maritime employes by the agency or agencies empowered to make such determinations

Section 5 Clauses (1) (s) and (v) of section four of said act are hereby amended to read as follows

Section 4 Definitions The following words and phrases as used in this act shall have the following meanings unless the context clearly requires otherwise

* * * *

(1) "Full-time Weekly Wage" means the weekly wages that any individual would receive if he were employed at his most recent wage rate from employers during his base year and for the customary scheduled full-time week prevailing for his occupation in the enterprise in which he last earned wages from employers during his base year

If the department finds that the full-time weekly wage as above defined would be unreasonable or arbitrary or not readily determinable with respect to any individual the full-time weekly wage of such individual shall be deemed to be [one-thirteenth] one-tenth of his total wages from employers in that quarter in which such total wages from employers were highest during the first eight out of the last nine completed calendar quarters (excluding however any completed calendar quarter which occurs prior to January first one thousand nine hundred thirty-seven) immediately preceding the first day of his benefit year

* * * *

(s) "Total Unemployment" means [that an employe during a particular week has had no work for which wages are payable to him] the total lack of any employment or wages payable on any day including employment not subject to this act

* * * *

(v) "Week" means any calendar week ending at midnight Saturday or [the equivalent thereof as determined in accordance with general rules adopted by the department] any seven consecutive calendar days or each accumulation of five effective days which need not be consecutive

Section 6 Section four of said act is hereby amended by adding thereto immediately after clause (v) the following new clause to read as follows

Section 4 Definitions The following words and phrases as used in this act shall have the following meanings unless the context clearly requires otherwise

* * * *

(w) "Effective day" means a full day of total unemployment provided such day falls within a period of seven consecutive calendar days in which an employe had three or more days of total unemployment and provided further that those days of total unemployment in excess of two days within such period shall be deemed "effective days" An employe who is employed on a shift continuing through midnight shall be deemed to have been employed only on the day beginning after midnight with respect to such shift

Section 7 Section two hundred four of said act is hereby amended to read as follows

Section 204 Advisory Councils [The department shall have power to create and appoint members of Statewide and local advisory councils composed in each case of an equal number of employer and employe representatives who may fairly be regarded as representative because of their vocation employment or affiliations On each such council there shall also be members representing the general public

Such councils shall aid the department in formulating policies in discussing problems related to the administration of this act in assuring impartiality and freedom from political influence in the administration of this act in taking steps to reduce and prevent unemployment and in making studies relating to partial and seasonal unemployment

The members of such advisory councils shall serve without compensation but shall be entitled to be reimbursed out of the Administration Fund for all necessary expenses incurred in the discharge of their duties] There is hereby created a State Advisory Council to be composed of an equal number of employers employe and public representatives who may fairly be representative because of their vocation employment or affiliations The members of such council shall be appointed by the Governor within thirty days of the passage of these amendments Such council shall consider and advise the department upon all matters related to the administration of this act including the formulation of policies assuring impartiality and freedom from political influence in its administration taking steps to reduce and prevent unemployment and making studies relating to unemployment and unemployment compensation payments Such council may recommend upon its own initiative such changes in the administration of this act is it deems necessary and shall make periodic reports to the Governor regarding the performance of its duties and functions Such council shall have full access to information relating to the purpose of this act

The Governor shall have the power to create such local advisory councils as the State Advisory Council may deem necessary for the efficient performance of its functions Such councils shall be composed of an equal number of members representing employers employes and the public and shall be appointed by the Governor

The members of such advisory councils shall serve without compensation but shall be entitled to be reimbursed out of the Administration Fund for all necessary expenses incurred in the discharge of their duties

The State Advisory Council may appoint an executive

secretary and a research assistant to aid the council in the performance of its functions They may be appointed in the exempt class of the civil service and may be removed and replaced at the discretion of the council Such employes shall receive such compensation as may be fixed by the council and approved by the executive board and shall be allowed actual and necessary traveling and other incidental expenses incurred while engaged in the performance of their duties The compensation of such employes and the amounts allowed them for traveling and other incidental expenses shall be deemed part of the expenses incurred in connection with the administration of this section and shall be disbursed from the Unemployment Administration Fund

The department in cooperation with the advisory council shall make a study of the effect of experience rating on employers in Pennsylvania and shall first report its findings and recommendations in writing to the Governor and thereafter to the General Assembly at its regular session in one thousand nine hundred forty-three

Section 8 Said act is hereby amended by adding thereto immediately after section two hundred eight the following new section to read as follows

Section 209 Obsolete Files Records Etc The provisions of section five hundred twenty-four of the Administrative Code of 1929 to the contrary notwithstanding the department may with the approval of the Executive Board discard such files of correspondence reports records or other papers compiled or accumulated in the administration of this act as it shall deem to be obsolete retaining always such records as may be required for proper auditing and retaining also for a period of at least two years all contribution reports of employers Summaries or photographs of obsolete records and reports that are discarded shall be permanently kept by the department All discarded records and papers shall be disposed of by the Department of Property and Supplies in the manner provided by law

Section 9 Sections three hundred one three hundred two three hundred three three hundred four and three hundred eight of said act are hereby amended to read as follows

Section 301 Contributions by Employers [of Eight or more Employes Each employer who has employed eight or more employes (whether or not the same employes) in employment for some portion of each of some twenty days (whether or not at the same moment of time) during a calendar year each day being in a different week shall pay for each such calendar year beginning with the calendar year one thousand nine hundred thirty-six contributions into the Unemployment Compensation Fund which shall be equal to but not more than the amount of the maximum credit allowable to such employer for such calendar year by section nine hundred two of the Social Security Act against the Federal excise tax imposed by section nine hundred one of the Social Security] [Act with respect to employment Such payments shall be made at such times and in such manner as the department shall prescribe Such contributions in order to be no more and no less than the maximum credit allowable under the Social Security Act against such Federal excise tax shall be equal to the following percentages of total wages paid or payable by the employer for such calendar year

(1) Nine-tenths of one per centum for the calendar year one thousand nine hundred thirty-six

(2) One and eight-tenths per centum for the calendar year one thousand nine hundred thirty-seven and

(3) Two and seven-tenths per centum for the calendar year one thousand nine hundred thirty-eight and each calendar year thereafter

Section 302 Contributions by Employers not Subject to Section 301 Each employer (as defined in this act), other than employers subject to section three hundred one of this act shall pay for each calendar year beginning with the calendar year one thousand nine hundred thirty-six contributions into the Unemployment Compensation Fund which shall be equal to but not more than the following percentages of total wages paid or payable by the employer for such calendar year

(1) Nine-tenths of one per centum for the calendar year one thousand nine hundred thirty-six

(2) One and eight-tenths per centum for the calendar year one thousand nine hundred thirty-seven and]

[(3) Two and seven-tenths per centum for the calendar year one thousand nine hundred thirty-eight and each calendar year thereafter

In the event that Title IX of the Social Security Act shall be amended or repealed by the Congress or held unconstitutional by the Supreme Court of the United States and for such reason the provisions of Section 301 of this act cannot be administered and the contributions imposed by said section cannot be collected from employers under said section then such employers shall become subject to the payment of contributions under the provisions of this section at the rates herein specified] Every employer as defined in this act shall pay for the calendar year one thousand nine hundred forty-two and for each calendar year thereafter contributions into the Unemployment Compensation Fund equal to two and seven-tenths per centum of the total wages as defined in this act paid or payable for employment as defined in this act by the employer for such calendar year Such payments shall be made at such times and in such manner as the department shall prescribe

Section 303 Period and Termination of Contributions (a) Any employer who or which becomes subject to this act during any calendar year shall be subject to and shall pay the contributions required by this act during the whole of such calendar year

(b) Any employer subject to this act shall cease to be so subject [and shall be relieved of the payment of contributions] only upon written application to the department and finding by the department that he has not during the pervious calendar year employed any employe (whether or not the same employe) in employment subject to this act for some portion of each of some [twenty] two (2) days each day being in a different week [during the previous or current calendar year] whether or not such weeks are consecutive and that he has not during the part of the current calendar year preceding the filing of his application employed any employe (whether or not the same employe) in employment subject to this act for some portion of each of some two (2) days each day being in a different week whether or not such weeks are consecutive An employer shall be relieved of the payment of contributions for any calendar year in which the department upon application by such employer or upon its own motion shall find that such employer has failed to employ any employe (whether or not the same employe) in employment subject to this act for some portion of each of some two (2) days each day being in a different week whether or not such weeks are consecutive

Section 304 Reports by Employers Assessments Each employer shall file with the department such reports at such times and containing such information as the department shall require for the purpose of ascertaining and paying the contributions required by this act

(a) If any employer fails within the time prescribed by the department to file any report necessary to enable the department to determine the amount of any contribution owing by such employer the department may make an assessment of contributions against such employer of such amount of contributions for which the department believes such employer to be liable together with interest thereon as provided in this act

Within fifteen (15) days after making such assessment the department shall give notice thereof by registered mail to such employer If such employer is dissatisfied with the assessment so made he may petition the department for a reassessment in the manner hereinafter prescribed

(b) Any employer against whom an assessment is made

may within fifteen days after receipt of notice thereof petition the department for a reassessment which petition shall be under oath and shall set forth therein specifically and in detail the grounds and reasons upon which it is claimed that the assessment is erroneous Hearing or hearings on said petition shall be held by the department at such places and at such times as may be determined by rules and regulations of the department and due notice of the time and place of such hearing given by registered mail to each petitioner

(c) Any petitioner dissatisfied with the action of the department on his petition for reassessment may appeal therefrom to the Court of Common Pleas of Dauphin County within thirty days after being notified of the action of the department Such appeal to the court shall be by petition verified by oath and shall specify all the objections to such assessment or reassessment and any objections not specified in the petition shall not be considered by the court

(d) As to any employer who fails to petition for reassessment or having petitioned after due notice of hearing fails to appear and be heard or in case of a reassessment to appeal to the Court of Common Pleas within the time and in the manner herein provided such assessment or reassessment of the department shall then become final and the contributions and interest assessed or reassessed by the department become forthwith due and payable and no defense which might have been determined by the department or in the event of appeal from reassessment by the court shall be available to any employer in any suit or proceeding brought by the Commonwealth in the name of the fund for the recovery of such contribution based on such assessment or reassessment

(e) In any hearings held by the department in pursuance of the provisions of this section the department is hereby authorized and empowered to examine any person or persons under oath concerning any matters pertaining to the determination of the liability of the employer for contributions under the provisions of this act and to this end may compel the production of books papers and records and compel the attendance of all persons whether as parties or witnesses whom and which the department believes to have or contain knowledge or information material to such determination The conduct of hearings and appeals before the department shall be in accordance with rules of procedure prescribed by the department whether or not such rules conform to common law or rules of evidence or other technical rules of procedure but shall be under supervision of the Attorney General of the Commonwealth

(f) Witness fees and expenses of proceedings involving such assessments or reassessments and the determination thereof shall be deemed part of the expenses of administering this act and shall be paid from the Administration Fund Testimony at any hearing before the department held in pursuance of the provisions of this section shall be taken by a reporter but need not be transcribed unless an appeal be taken from a reassessment made thereon

Section 308 Interest on Past Due Contributions Contributions unpaid on the date on which they are due and payable as prescribed by the department shall bear interest at the rate of one per centum per month or major fraction of a month from the date they become due until paid

Section 10 Said act is hereby amended by adding thereto immediately after section three hundred eight the following new section to read as follows

Section 308.1 Contributions to be Liens Entry Thereof All contributions and the interest and penalties thereon due and payable by an employer under the provisions of this act shall be a lien upon the franchises and property both real and personal of the employer liable therefor from the date a lien for such contributions interest and penalties is entered of record in the manner hereinafter provided Whenever the franchises or property of an employer is sold at a judicial sale all contributions and the interest and penalties thereon thus entered of record shall first be allowed and paid out of the proceeds of such sale in the same manner and to the same extent that state taxes are paid subject nevertheless to the order of distribution prescribed in Section 310 hereof The Department shall transmit to the prothonotaries of the respective counties of the Commonwealth to be by them entered of record certified copies of all liens for unpaid contributions interest and penalties which may now exist or hereafter arise upon which record it shall be lawful for writs of scire facias to issue and be prosecuted to judgment and execution in the same manner as such writs are ordinarily employed.

Section 11 Section three hundred nine of said act as amended by the act approved the eighteenth day of May one thousand nine hundred thirty-seven (P. L. 658) is hereby further amended to read as follows

Section 309 Collection of Contributions and Interests If after notice by the department any employer fails neglects or refuses to pay any contributions due or the interest or penalties due thereon the amount due [shall] may be collected by civil action in the name of the Commonwealth Civil actions brought under this section to collect contributions or interest thereon from any employer shall be heard by the court at the earliest possible date and shall be entitled to preference upon the calendar of the court over all other actions except petitions for judicial review under this act and cases arising under the Workmen's Compensation Act of one thousand nine hundred fifteen and its amendments and supplements No court costs shall be imposed on the Commonwealth in any such civil actions Judgments obtained in such civil actions to collect any of the contributions aforesaid shall include interest and penalties as provided in this act

Section 12 Said act is hereby amended by adding thereto immediately after section three hundred nine the following new section to read as follows

Section 309.1 Compromises Where the department is satisfied (1) that the employer is unable to make payment in full of contributions interest and penalties imposed upon him by the law and (2) that the employer has acted in good faith the secretary is hereby authorized with the approval of the Attorney General and under rules and regulations adopted therefor to compromise delinquent interest and penalties due on any contribution and in the case of any employer that has been adjudged a bankrupt or for whom a receiver has been appointed to compromise the principal of any delinquent contribution as well as interest and penalties thereon

Section 13 Section three hundred ten of said act is hereby amended to read as follows

Section 310 Priorities Under Legal Dissolutions and Distributions In the event of any distribution of an employer's assets pursuant to an order of any court under the laws of this Commonwealth including any receivership assignment for benefit of creditors adjudicated insolvency composition or similar proceeding contributions or installments thereof or interest thereon then or thereafter due shall be paid in full prior to all other claims except taxes claims arising under the Workmen's Compensation Act of one thousand nine hundred fifteen and its amendments and supplements and claims for wages of not more than two hundred and fifty dollars to each claimant earned within six months of the commencement of the proceeding In the event of an employer's adjudication in bankruptcy judicially confirmed extension proposal or composition under the Federal Bankruptcy Act of one thousand eight hundred ninety-eight as amended contributions and interest then or thereafter due shall be entitled to such priority as [is provided in section sixty-four (b) of that act (United States Code Annotated Title XI Section one hundred four (b) as amended)] are now or may hereafter be granted to taxes due a state under the said Federal Bankruptcy Act or its amendments

Section 14 Said act is hereby amended by adding thereto immediately after section three hundred eleven the following new section to read as follows

Section 312 Interstate Adjustments The department is hereby authorized to enter into reciprocal arrangements with appropriate and duly authorized agencies of other states or of the Federal Government or both whereby

(a) Services performed by an individual for a single employer for which services are customarily performed in more than one state shall be deemed to be services performed entirely within any one of the states (i) in which any part of such individuals services is performed or (ii) in which such individual has his residence or (iii) in which the employer maintains a place of business provided there is in effect as to such services an election approved by the agency charged with the administration of such state's unemployment compensation law pursuant to which all the services performed by such individual for such employer are deemed to be performed entirely within such state

(b) Potential rights to benefits accumulated under the unemployment compensation laws of one or more states or under one or more such laws of the Federal Government or both may constitute the basis for the payment of benefits through a single appropriate agency under terms which the department finds will be fair and reasonable as to all affected interests and will not result in any substantial loss to the fund

(c) Wages or services upon the basis of which an individual may become entitled to benefits under an unemployment compensation law of another state or of the Federal Government shall be deemed to be wages for employment for the purpose of determining his rights to benefits under this act and wages for employment as defined in this act on the basis of which an individual may become entitled to benefits under this act shall be deemed to be wages or services on the basis of which unemployment compensation under such law of another state or of the Federal Government is payable but no such arrangement shall be entered into unless it contains provisions for reimbursements to the fund for such of the benefits paid under this act upon the basis of such wages or services and provisions for reimbursements from the fund for such of the compensation paid under such other law upon the basis of wages for employment as defined in this act as the department finds will be fair and reasonable as to all affected interests and

(d) Contributions due under this act with respect to wages for employment shall for the purpose of section three hundred one of this act be deemed to have been paid to the fund as of the date payment was made as contributions therefor under another state or Federal unemployment compensation law but no such arrangement shall be entered into unless it contains provisions for such reimbursement to the fund of such contributions and the actual earnings thereon as the department finds will be fair and reasonable as to all affected interests

Reimbursements paid from the fund pursuant to paragraph (c) of this section shall be deemed to be benefits for all the purposes of this act The department is authorized to make to other state or Federal agencies and to receive from such other state or Federal agencies reimbursements from or to the fund in accordance with arrangements entered into purusant to this section

The administration of this act and of other state and Federal unemployment compensation and public employment service laws will be promoted by cooperation between this State and such other states and the appropriate Federal agencies in exchanging services and making available facilities and information The department is therefore authorized to make such investigations secure and transmit such information make available such services and facilities and exercise such of the other powers provided herein with respect to the administration of this act as it deems necessary or appropriate to facilitate the administration of any such unemployment compensation or public employment service law and in like manner to accept and utilize information services and facilities made available to this State by the agency charged with the administration of any such other unemployment compensation or public employment service law

To the extent permissible under the laws and Constitution of the United States the department is authorized to enter into or cooperate in arrangements whereby facilities and services provided under this act and facilities and services provided under the unemployment compensation law of any foreign government may be utilized for the taking of claims and the payment of benefits under the employment security law of this State or under a similar law of such government

Section 15 Section four hundred one of said act is hereby amended to read as follows

Section 401 Qualifications Required to Secure Compensation Compensation shall be payable to any employe who is or becomes totally unemployed on or after January first one thousand nine hundred thirty-eight and who—

(a) Has within his base year earned wages in employment as defined in this act from employers of not less than [thirteen times his weekly compensation amount] one hundred dollars ($100) except for casual labor

(b) Has registered for work at a designated employment office at such times and in such manner as the department may prescribe

(c) Has made a claim for compensation in the proper manner prescribed by the department

(d) Is able to work and available for work and

(e) Has been totally unemployed for a waiting period of at least [three weeks] five effective days which need not be consecutive (except as otherwise hereinafter provided in this clause) prior to [any] the first week for which he claims compensation provided that such [three weeks] five effective days of total unemployment shall occur after compensation first becomes payable under this act Such [three weeks] five effective days shall not include any [week] day in which the employe was ineligible for compensation under section four hundred two of this act or was ineligible for compensation under any provision of this section excepting however paragraphs (a) and (c) of this section The [three weeks] five effective days of total unemployment need not be consecutive but may be accumulated over the period of fifty-two consecutive weeks preceding any week for which he claims compensation Provided That this requirement shall not interrupt the payment of compensation for consecutive weeks of unemployment If the employe's total unemployment is due to a voluntary suspension of work resulting from an industrial dispute then he shall be ineligible for compensation for a further waiting period of three weeks or fifteen effective days in addition to the waiting period hereinbefore prescribed in this clause

(f) In claiming benefits hereunder an employe shall correctly report any days of employment including employment not subject to this act and the days on which he was totally unemployed and shall make such reports in accordance with such regulations as the department shall prescribe

Section 16 Section four hundred two of said act as amended by the act approved the twentieth day of June one thousand nine hundred thirty-nine (P. L. 458) is hereby further amended to read as follows

Section 402 Ineligibility for Compensation An employe shall be ineligible for compensation for any [week] period under the provisions of section four hundred one of this act

(a) In which his unemployment is due to failure without good cause either to apply for suitable work when so directed by the employment office or to accept suitable work when offered to him by the employment office In determining whether or not any work is suitable for an individual the department shall consider the degree of risk involved to his health safety and morals his physical fitness and prior training and experience and the distance of the available work from his residence

(b) In which his unemployment is due to voluntarily leaving work except where as a condition of continuing in employment the employe would be required to join or remain a member of a company union or to resign from or refrain from joining any bona fide labor organization or to accept wages hours or conditions of employment not desired by a majority of the employes in the establishment or the occupation or would be denied the right of collective bargaining under generally prevailing conditions or without other good cause

(c) With respect to which or a part of which he has received or is seeking unemployment benefits under an unemployment compensation law of any other state or of the United States Provided That if the appropriate agency of such other state or of the United States finally determines that he is not entitled to such unemployment benefits the disqualification shall not apply

(d) Any employe ineligible for compensation under section four hundred one of this act because of the provisions of subsections (a) and (b) of this section shall become eligible for unemployment compensation in accordance with his earnings if such employe has not secured any employment for a period of four weeks or twenty effective days after he has become unemployed

Section 17 Sections four hundred three and four hundred four of said act are hereby amended to read as follows

Section 403 Rate and Payment of Weekly Compensation Compensation shall be paid only for each accumulation of five effective days which need not be consecutive and shall be payable at the rate of [fifty] sixty-six and two-thirds per centum of the employe's full-time weekly wage but the amount shall not be more than [fifteen] twenty dollars nor less than [seven dollars and fifty cents] ten dollars a week An employe's weekly compensation amount as determined for the first week of his benefit year shall constitute his weekly compensation amount throughout such benefit year Compensation shall be computed to the nearest multiple of [five] fifty cents Compensation shall be paid through employment offices at such times and in such manner as the department may prescribe All accrued benefits due any deceased employe may in the discretion of the department be paid to the surviving spouse children or parents of the deceased without letters testamentary or of administration

Any claimant who begins a benefit year after the effective date of these amendments shall have his benefit and compensation rights determined in accordance with such amendments Provided That any claimant who may have accumulated one or more weeks of waiting within fifty-two weeks of the effective date of these amendments without having begun a benefit year may have one week of such accumulated time credited to him at the beginning of and for use in the benefit year beginning subsequent to the effective date of these amendments

Section 404 Amount of Compensation The maximum total amount of compensation payable to any eligible employe during any benefit year shall not exceed [one-eighth] one-fifth of his total wages from employers during the first eight out of the last nine completed calendar quarters immediately preceding each week with respect to which compensation is payable (excluding however any completed calendar quarter which occurs prior to January first one thousand nine hundred thirty-seven) or [thirteen] sixteen times his weekly compensation amount whichever is the lesser

The department may maintain a separate account for each employe and in such event shall credit his account with all wages earned by him from employers subsequent to January first one thousand nine hundred thirty-seven Compensation paid to an eligible employe shall be charged against amounts credited to such account in the chronological order in which the wages of such individual were earned from employers

Section 18 Said act is hereby amended by adding thereto immediately after section four hundred six the following new section to read as follows

Section 407 Status Preserved During and After Military or Naval Service Notwithstanding any provision of this act to the contrary the compensation rights of any employe who enters the military or naval service of the United States during any period of war or preparation for defense and is honorably discharged from such service shall become fixed as of the time he enters such service and shall remain in statsu quo for and during the period of such service and upon being honorably discharged from such service such employe shall be entitled to the same benefits under the act to which this is an amendment as he was at the time he entered the Service In calculating the base year the base period the benefit year or any period of time under said act all time so spent in the military or naval service of the United States shall be excluded from computation therein

The legislature hereby declares the intent of this section to be that the benefit rights of an employe entering the military or naval service herein described and subsequently receiving an honorable discharge therefrom shall during the period of such service be and remain as they were at the time of entry into service and that upon the termination of such service by honorable discharge the benefit rights of such employe shall be and continue as though uninterrupted by the period of such service

Section 19 Sections five hundred one five hundred two five hundred four five hundred five five hundred nine and eight hundred four of said act are hereby amended to read as follows

Section 501 [Initial] Determination [of Compensation] Revised Determinations Notices Appeals The department shall promptly examine any original or compensable claim filed and on the basis of the facts found by it shall determine (1) if an original claim whether or not [the] such claim [for compensation] is valid and if valid [the week with respect to which compensation shall commence] the first week of the benefit year, the weekly compensation payable and the maximum [duration thereof The claimant and other affected parties shall be promptly notified of the decision and the reasons therefor Unless the claimant or other affected parties file an appeal from such decision with the board within ten calendar days after such notification was mailed to his last known post office address and applies for a hearing such decision of the department shall be final and compensation shall be paid or denied in accordance therewith In the event that an appeal is filed with the board the payment of compensation shall be withheld pending determination of the claim but when a referee or the board affirms a decision of the department allowing compensation such compensation shall be paid notwithstanding any further appeal which may thereafter be taken] number of accumulated weeks of compensation to which the claimant may become eligible during the benefit year or (2) If a compensable claim whether and in what amount claimant is entitled to benefits for the week with respect to which the determination is made and in event of denial the reasons therefor The department in accord with its rules and regulations consistent with the provisions of this act may provide that a single determination be made to all original or compensable claims arising out of and depending upon the same facts and circumstances and more especially as to those claims involving an industrial dispute Provided nevertheless That the department shall state in such single determination the individual claims to which such single determination shall apply And provided further That the right of any claimant affected thereby shall not be prejudiced as regards his right of appeal therefrom.

The department may reconsider a determination whenever it finds that on error in computation or identity has occurred in connection therewith or that wages of a claimant pertinent to such determination but not considered in connection therewith have been newly discovered or that benefits have been allowed or denied or the amount of benefits fixed on the basis of the nondisclosure or misrepresentation of material facts irrespective of whether such nondisclosure or misrepresentation was known or fraudulent and to revise or amend its determination upon the basis of such after-discovered evidence However the department shall have no authority to revise or amend a determination later than one year after the date of the original determination Notice of any such revised determination shall be promptly given to the parties entitled to notice of the original determination in the manner prescribed in this section with respect to notice of an original determination

The claimant person designated by him or any party affected thereby may appeal from such revised determination in the manner as herein provided for appeals pro-

vided that when an appeal is taken from such a revised determination of the department increasing or decreasing the amount of compensation previously allowed the review thereof by a referee or the board shall be limited solely to matters affecting such increase or decrease

Subject to the same limitations and for the same reasons the department may reconsider the determination in any case in which the final decision has been rendered by the board of review or a court and may apply to such board or court which rendered such final decision to issue a revised decision In the event that an appeal involving an original determination is pending as of the date a revised determination thereof is issued such appeal unless withdrawn shall be treated as an appeal from such revised determination

Written notice of a determination or revised determination as the case may be shall be promptly given to the claimant person designated by him and to the affected parties by delivery thereof to him personally or by mailing such notice to the last known post office address Unless the claimant person designated by him or other affected parties files an appeal from such determination or revised determination as the case may be with the board within ten calendar days after such notification was delivered to him personally or was mailed to his last known post office address and applies for a hearing such determination or revised determination as the case may be made by the department shall be final and compensation shall be paid or denied in accordance therewith In the event that an appeal is filed with the board the amount of compensation allowed by the department shall be paid pending the decision of the claim before the board or any further appeal which may thereafter be taken

Section 502 Decision of Referee Further Appeals and Reviews Where an appeal from the [decision] determination or revised determination as the case may be of the department is taken a referee shall after affording the parties reasonable opportunity for a fair hearing affirm modify or reverse such findings of fact and the [decision] determination or revised determination as the case may be of the department as to him shall appear just and proper The parties shall be duly notified of the referee's decision and the reasons therefor which shall be deemed the final decision of the board unless within ten days after the date of such decision the board acts on its own motion or upon application permits any of the parties to institute a further appeal before the board A memorandum of testimony of any hearing before any referee shall be made and be preserved for a period of two years

Section 504 Powers of Board Over Claims The board shall have power on its own motion or on appeal to remove transfer or review any claim pending before or decided by a referee and in any such case and in cases where a further appeal is allowed by the board from the decision of a referee may affirm modify or reverse the decision of the department or referee on the basis of the evidence previously submitted in the case or direct the taking of additional evidence When any claim pending before a referee is removed or transferred to the board the board shall afford the claimant person designated by him and all other affected parties reasonable opportunity for a fair hearing The parties shall be duly notified of the board's final decision and the reasons therefor A complete record shall be kept of each case heard before the board All testimony at any hearing before the board whether on appeal or otherwise shall be taken by a reporter but need not be transcribed unless the disputed claim is further appealed

Section 505 Rules of Procedure The manner in which appeals shall be taken the reports thereon required from the department the claimant and employers and the conduct of hearings and appeals shall be in accordance with rules of procedure prescribed by the board whether or not such rules conform to common law or statutory rules of evidence and other technical rules of procedure Provided however That the board shall afford the claimant person designated by him and all other parties a reasonable opportunity for a fair hearing which shall be public and wherein all evidence shall be taken under oath or affirmation

Section 509 Finality of Decision [Any decision] Except in so far as reconsideration and revision of any determination is had under the provisions of section five hundred one any determination or revised determination made by the department or any referee or the board shall become final ten days after the date thereof unless appealed from as hereinbefore provided but any decision of the board or of a referee where an appeal has been disallowed by the board shall nevertheless be subject to appeal to the Superior Court after the same has become final

Section 804 Liability to Repay Compensation Unlawfully Received Any person who by reason of the nondisclosure or misrepresentation by him or by another of a material fact (irrespective of whether such nondisclosure or disrepresentation was known or fraudulent) has received any sum as compensation under this act while any conditions for the receipt of compensation imposed by this act were not fulfilled in his case or while he was disqualified from receiving compensation shall be liable to repay to the Unemployment Compensation Fund to the credit of the Employers' Contribution Account a sum equal to the amount so received by him and such sum shall be collectible in the manner provided in this act for the collection of past due contributions

Any person who for any reason has received any sum as compensation under this act in excess of that to which he is legally entitled shall be liable to repay to the Unemployment Compensation Fund to the credit of the Employers' Contribution Account a sum equal to the amount of such overpayment which may be set off against any compensation due such person at any time thereafter or may be recovered by action at law

In every case where back wages are awarded to any employe by the National Labor Relations Board or other competent tribunal and such employe shall have been paid compensation under the provisions of this act for the whole or any part of the period covered by such award the department shall be subrogated to the rights of the employe to the extent of the compensation paid and shall first be paid such amount by the employer before any payment is made to the employe The receipt of the department for any such amount shall be a full discharge of the employer for the payment of so much of the award of the National Labor Relations Board or other tribunal

Section 20 Said act is hereby amended by adding thereto immediately after section eight hundred four the following new section to read as follows

Section 805 Checks and Investigations by Department For the enforcement of this act or any rule and regulation issued under the authority thereof the department is hereby empowered and it shall be its duty to conduct such periodic spot checks and investigations as will disclose with reasonable certainty whether or not compensation benefits have been paid to persons not legally entitled thereto or as will disclose violations of this act and to take such steps and adopt such means as may reasonably be necessary to enforce the provisions of this act The conduct of such spot checks and investigations and all legal proceedings arising therefrom shall be under the supervision and direction of the Attorney General of the Commonwealth and the expenses thereof and in connection therewith are hereby declared to be administrative expenses to be paid from the Administration Fund

Section 21 The provisions of this act shall become effective on the first day of July one thousand nine hundred forty-two except the amendments to clause (j) of section four and section three hundred one which shall be effective for the calendar year one thousand nine hundred forty-two and thereafter Provided nevertheless That nothing herein contained shall be taken or construed to relieve any employer from the payment of any contributions penalties and interest imposed by the provisions of the act or parts of act to which this act is an amendment or the rules and regulations issued thereunder in force at the time this act becomes effective or to affect or terminate

any petitions investigations prosecutions or otherwise or other proceedings pending under the provisions of any act or parts of act in force at the time this act becomes effective or amended by this act or to prevent the commencement or further prosecution of any legal proceedings by the proper authorities of the Commonwealth for violations of any act or parts of act in force at the time this act becomes effective or for the collection or recovery or contributions penalties and interest due or owing under the provisions of any act or parts of acts or rules and regulations issued thereunder in force at the time this act becomes effective

On the question,
Will the House agree to the bill on third reading?
It was agreed to.
On the question,
Shall the bill pass finally?

Mr. WALTER E. ROSE. Mr. Speaker, this is one of the most important subjects upon which we are called to act at this session of the Assembly, and while I have read and studied the bill and formulated my own impressions of the effects it would have, I can not be so sure from reading or study of the bill what the intent of the sponsors was in setting forth certain provisions, and I would therefore like to interrogate the sponsor of the bill, the gentleman from Philadelphia, Mr. Cohen.

The SPEAKER. Will the gentleman from Philadelphia permit himself to be interrogated?

Mr. REUBEN E. COHEN. I will, Mr. Speaker.

Mr. WALTER E. ROSE. Mr. Speaker, I should like to ask whether there are a number of provisions in this bill which were in Senate Bill No. 80, which was considered at the last regular session and which were cut out by the present sponsor of the this bill.

Mr. REUBEN E. COHEN. There are, Mr. Speaker.

Mr. WALTER E. ROSE. I should like to ask, Mr. Speaker, whether it is not a fact that the clause relating to the succession of interest of the employers was in Senate Bill No. 80 and was subsequently dropped in the regular session, and is now reinserted in this bill?

Mr. REUBEN E. COHEN. Mr. Speaker, the section was deleted from Senate Bill No. 80, and frankly its insertion in this bill was only done to satisfy those persons who insist on legal phraseology. We have another section of the Act which from a practical standpoint covers all the possible aims that that clause could possibly cover without having to go to a lawyer to find out what it means.

Mr. WALTER E. ROSE. Mr. Speaker, is it not a fact that the clauses covering Military and Naval Service were in Senate Bill No. 80?

Mr. REUBEN E. COHEN. That is right, Mr. Speaker, they were inserted by the Senate. There were two or three bills submitted by Members of this House at the last session, independent of the House's Unemployment Compensation Bill, and there seems to be unanimous feeling throughout the membership in the House that such provision should be included in the bill and it should stay. There was no disagreement between the Senate and House on that score.

Mr. WALTER E. ROSE. Mr. Speaker, in looking over the bill I find some twenty-six sections copied word for word from Senate Bill No. 80 which were dropped from the bill in the last session and which are now reinserted. Would the gentleman say I was wrong in my count?

Mr. REUBEN E. COHEN. Mr. Speaker, I didn't think it was twenty-six. My recollection was that Senate Bill No. 80 had twenty-two sections and that we deleted most of them, and then of course, if you knew the history of the bill after the passage in the conference committee, we felt that a great number of those matters could be cared for because they only provided for certain administrative changes that made the bill more easily workable. We felt that by some of the provisions of this bill we could try to cut down some of this confusion in the administration of the bill. I don't remember whether twenty-six was the correct number or not. It may be.

Mr. WALTER E. ROSE. Mr. Speaker, that number is so high in proportion to the number of the provisions in the bill that I would like, if the gentleman will, for the benefit of the House, to explain in what respects the bill is different from last year's Senate Bill No. 80?

Mr. REUBEN E. COHEN. Mr. Speaker, the present bill on its controversial subjects is the same as Senate Bill No. 80, as amended by the committee on Unemployment Compensation of this House. I am talking about the real controversial subjects, partial payments and the liberalization of benefit payments.

As to most of the administrative changes, the little things, they are practically the same, and the intent of the authors of the bill this session was to put those things into the act because we knew that the Senate would insist on having them anyway, and we frankly say that many of them can work and are decent.

Mr. WALTER E. ROSE. Mr. Speaker, I still would like to have an explicit explanation of what the differences are, the controversial differences.

Mr. REUBEN E. COHEN. Mr. Speaker, by controversial differences does the gentleman mean real fight?

Mr. WALTER E. ROSE. That's what it is, Mr. Speaker.

Mr. REUBEN E. COHEN. Well, Mr. Speaker, the real fight is contained in the speech that I made on the floor of this House at 3 o'clock one morning in the last session. To recap very briefly, I said at that time the Governor insisted at the opening of this Assembly that he wanted to liberalize the Unemployment Compensation Law. So his Senators, I assume with his approval or knowledge, tried to liberalize the benefit payments by taking the minimum of seven dollars and fifty cents and making it eight dollars, and leaving the maximum at fifteen dollars, where it was.

He also, I think generously, agreed to increase the amount of benefits per week from thirteen dollars to fourteen dollars, and I believe, to reduce the waiting period from three weeks to two.

Our idea of liberalization was that the minimum payment should be ten dollars a week, the maximum payment should be twenty dollars a week, that the waiting period should be one week and the maximum period of weeks should be sixteen, and the interim percentage of payments should be sixty-six and two-thirds and not fifty per cent.

At that time I said there were approximately one hundred fifty million dollars in the unemployment compensation fund. The cry was raised that we were going to wreck the fund by spending all the money. I said

then the fund was going to get greater and greater and become topheavy. What I said was going to happen did happen. As of three weeks ago the Unemployment Compensation Fund had two hundred thirty million dollars, and the unemployment claims for the week, three weeks ago, were paid entirely out of interest on the fund, and the principal of the fund was not touched. So it seems to me I was not too liberal when I proposed ten dollars and twenty dollars rather than eight dollars and fifteen dollars, and that that change could not possibly have harmed the fund.

I further pointed out that by spending that money we were going to keep many people from going on relief, people who would have to apply for relief on account of the waiting period of three weeks plus two weeks for administrative handling, and sending the first check to the unemployed person at home. So that all the liberalized payments which we fought for on this side and which were rejected on the other side, form a basis of severe controversy.

The Governor said on the rostrum at the beginning of the session that he wanted a liberalization of unemployment compensation,—that is what he said when he was here,—so I tried to find out really what he meant by it. If you really want to know, if you will indulge me a moment, I will get a copy of the Senate bill and I will explain what he means by it.

In Senate Bill No. 41, Printer's No. 30, they talk about rate and amount of compensation in Section 404, and going on further and reading on Page 44:

> "Compensation shall be paid with respect to each eligible employe whose benefit year began prior to July first one thousand nine hundred forty-two in accordance with the provisions of this act prior to that date and with respect to each eligible employe whose benefit year begins subsequent to June thirtieth one thousand nine hundred forty-two and who is totally unemployed and is not disqualified under any provisions of this act at a weekly rate and for a number of weeks to be determined in accordance with the following provisions by reference to Table I if the balance in the Unemployment Compensation Fund is in excess of one hundred million dollars or to Table II if the balance in said fund is one hundred million dollars or less as set forth in the tables in this section.
>
> "(a) Where an employe has a full time weekly wage his weekly benefit rate shall be that rate which appears in "PART C" and which is on the same horizontal line as the interval in "PART A" which includes such full time weekly wage except as otherwise provided in subsection (b)
>
> "(b) Where an employe has a 'full time weekly wage' but (i) the total wages earned by such employe during the first eight out of the last nine completed calendar quarters immediately preceding his benefit year are less than the minimum amount in "PART B" which appears on the same horizontal line with the interval which includes such "full time weekly wage" or (ii) in the opinion of the department the application of such "full time weekly wage" would be arbitrary or would operate to adversely affect the amount of compensation otherwise payable to such employe his weekly benefit rate shall be that rate which appears in "PART C" and which is on the same horizontal line as the interval in "PART B" which includes his 'highest quarterly wage"
>
> (c) Where an individual has no "full time weekly wage" his weekly benefit rate shall be that rate which appears in "PART C" and which is on the same horizontal line in "PART B" as the interval which includes his "highest quarterly wages"

Mr. WALTER E. ROSE. Mr. Speaker, I was going to interrupt the gentleman to say that that part of the answer was not in response to my question.

Mr. REUBEN E. COHEN. Mr. Speaker, I think that the question was that the gentleman wanted to know what the controversy was, and I was trying to give the gentleman my simple mathematical formula by saying that it should be a ten dollar minimum and a twenty dollar maximum.

Mr. WALTER E. ROSE. Mr. Speaker, my question was only to bring out what were the controversial features in this present bill. In addition to those which have been mentioned I notice two others. One is that it decreases the minimum eligibility requirement.

Mr. REUBEN E. COHEN. Mr. Speaker, to a flat one hundred dollars.

Mr. WALTER E. ROSE. Mr. Speaker, and another one is the partial plan.

Mr. REUBEN E. COHEN. That is right, Mr. Speaker.

Mr. WALTER E. ROSE. Mr. Speaker, may I ask the gentleman, was that in his bill in the 1941 session?

Mr. REUBEN E. COHEN. It was, Mr. Speaker.

Mr. WALTER E. ROSE. In other words, Mr. Speaker, the bill as far as the controversial features were concerned, is the same bill as the gentleman had introduced last year, House Bill No. 868?

Mr. REUBEN E. COHEN. Mr. Speaker, plus some of the material features in Senate Bill No. 80.

Mr. WALTER E. ROSE. But the controversial features, Mr. Speaker, are the same in House Bill No. 868?

Mr. REUBEN E. COHEN. That is right, Mr. Speaker.

Mr. WALTER E. ROSE. I should like to ask the gentleman, Mr. Speaker, if he has the copy of the letter from the Unemployment Compensation Bureau to Mr. Loomaw which was written to him April 14th, 1941, showing the additional cost which the gentleman's plan would place upon the Unemployment Compensation Fund?

Mr. REUBEN E. COHEN. Mr. Speaker, I have the letter, but not here. I have a rather extensive file on that subject, and that letter is in that file, but I do not have it here.

Mr. WALTER E. ROSE. Mr. Speaker, does the gentleman remember enough from it to say that I am quoting correctly when I say that in the total the increase of cost of the gentleman's House Bill No. 868 which is

substantially the same in these features as the present bill, would have cost the fund over and above what it already did cost, in 1938 the sum of seventy-two million dollars?

Mr. REUBEN E. COHEN. That is right, Mr. Speaker.

Mr. WALTER E. ROSE. In 1939, fifty-two million dollars?

Mr. REUBEN E. COHEN. That is right.

Mr. WALTER E. ROSE. And in 1940, thirty-seven million dollars?

Mr. REUBEN E. COHEN. Mr. Speaker, I believe those figures are right. I am just wondering if that was in addition to what was spent or in total.

Mr. WALTER E. ROSE. Mr. Speaker, that would have to be in addition.

Mr. REUBEN E. COHEN. Because I remember in 1937 the collections were seventy-five million dollars and we could hardly spend all of that.

Mr. WALTER E. ROSE. Mr. Speaker, in 1938 we paid out more than the contributions of the employers amounted to.

Mr. REUBEN E. COHEN. That is right, Mr. Speaker. I think the actuary was so far off he could have spent twice as much for liberalizing, and I think the figures are right. My impression was that they would be total amounts rather than additionals.

Mr. WALTER E. ROSE. It couldn't be, Mr. Speaker, the amount was less.

Mr. REUBEN E. COHEN. Well, then, Mr. Speaker, I am not certain about it; the gentleman is probably right.

Mr. WALTER E. ROSE. And then, Mr. Speaker, that shows that during those three years we would have spent an additional one hundred fifty million dollars out of the fund, and that does not include the partial payment plan which the gentleman has in his bill.

Mr. REUBEN E. COHEN. That is right, Mr. Speaker.

Mr. WALTER E. ROSE. Mr. Speaker, does the gentleman have any figures to show what the drain on the fund would be as a result of this partial plan?

Mr. REUBEN E. COHEN. I do not have them here, I am sorry, Mr. Speaker.

Mr. WALTER E. ROSE. Did the gentleman get the figures from some other source, Mr. Speaker?

Mr. REUBEN E. COHEN. As a matter, Mr. Speaker, I did make a request of the Department to furnish the figures, but they were not able to furnish them to me. I am not sure I have those figures.

Mr. WALTER E. ROSE. Mr. Speaker, did the gentleman get the figures from any other State or authority that has compensation?

Mr. REUBEN E. COHEN. I did have figures at one time, Mr. Speaker, that the impact on the fund would not be terrific. What they are now I do not know. I would be happy to submit them to the gentleman on Monday.

Mr. WALTER E. ROSE. Mr. Speaker, I have some figures which I will give later. This day plan that the gentleman has in his bill and which we have been discussing, is a partial plan. Does the gentleman know whether that is in effect in any other State or territory?

Mr. REUBEN E. COHEN. I do not believe it is, Mr. Speaker. I think it is an improvement over what is used elsewhere but I do not believe it is in effect in any other State or territory. As a matter of fact they tell me over at the Bureau that the effective day plan as outlined in this bill would be the simplest possible formula that could be used to apply a partial plan system.

Mr. WALTER E. ROSE. I am inclined to think, Mr. Speaker, it would be the simplest in a different meaning of the word. I would like to ask the gentleman a question under this partial plan, for my own information. Is it possible under that plan that a man can work four days a week every week in the year and in addition to receiving his weekly wage, receive because of that additional day that he did not work, ten additional weeks from the Unemployment Compensation Fund?

Mr. REUBEN E. COHEN. No, Mr. Speaker. To receive compensation eligibility a person must accumulate five effective days, and five effective days does not count unless he has less than three total days of employment. So it would be utterly impossible for anybody to work more than three days and still have compensation.

Mr. WALTER E. ROSE. My question, Mr. Speaker, was that a man worked four days.

Mr. REUBEN E. COHEN. Mr. Speaker, the gentleman then is using seven days a week?

Mr. WALTER E. ROSE. No, Mr. Speaker, I said a man working four days a week could get one effective day for unemployment compensation.

Mr. REUBEN E. COHEN. Mr. Speaker, if the gentleman wants to take four from seven, yes, but that is not the intent of the act.

Mr. WALTER E. ROSE. It is the result of the act, Mr. Speaker.

Mr. REUBEN E. COHEN. Mr. Speaker, it could be stretched to mean that.

Mr. WALTER E. ROSE. That is not stretching, Mr. Speaker. Under that act a man could still have one effective day, which would result in eligibility for ten additional weeks in the year of unemployment compensation.

Mr. REUBEN E. COHEN. Except, Mr. Speaker, that he limited it in the whole as the amount of compensation which he can receive.

Mr. WALTER E. ROSE. That is correct, Mr. Speaker. I have one last question to ask the gentleman, if he will. Will the gentleman admit that if Senate Bill 80 had not been dropped in the last session, that the employes in the state of Pennsylvania would have received in the past year, unemployment compensation in an amount estimated to be from seven to ten million dollars?

Mr. REUBEN E. COHEN. I will admit that, Mr. Speaker, if the gentleman will admit that I did not drop it, and the Senate did.

Mr. WALTER E. ROSE. I cannot admit that, Mr. Speaker. We voted non-concurrence here.

Mr. REUBEN E. COHEN. Neither can I, Mr. Speaker. It was shot there, was buried here.

Mr. WALTER E. ROSE. That is all, Mr. Speaker. To pick up where the interrogation left off, I might say,—

The SPEAKER. Was that interrogation?

Mr. WALTER E. ROSE. I was in doubt myself, Mr.

Speaker, sometimes along there. I would like to say that the answer I received last is certainly an evasion of the facts. The House could just as well have gained the provisions of Senate Bill 80 rather than get nothing if they had been so disposed. I say it was a result of their attitude of not being willing to take half a loaf rather than none that produced the result that the people of this State lost an estimated eight to ten million dollars during the last year.

I want to go on just a little further in that same illustration, Mr. Speaker. The gentleman from Philadelphia, Mr. Cohen, referred to the day three weeks ago when the Governor was in here and said that the Republican party had made efforts to liberalize unemployment compensation in the regular session. I recall that that was met by some whistles and jeers on the other side. The statement is undoubtedly correct, and makes me wonder if those who jeered and who whistled realize that we could at least have had the benefits of Senate Bill 80 without throwing the entire program out the window.

We made an effort then to liberalize unemployment compensation, and we are making a further effort this year to do so. This bill demonstrates by including most of Senate Bill 80 that they could have been wrong.

In discussing this question of unemployment compensation, the amendments fell into one of three groups. Either they are the clauses that make our laws conform to the Federal requirements and the Social Security Law. These are unopposed and are non-controversial. There is a second series of clauses that are non-controversial and in clarification of the law. Nobody on either side of the House could oppose any of those provisions.

Certainly the features of those two classes should have passed the Legislature last year whether we passed the controversial features or not. Certainly we feel that they should be passed at this time regardless of what happens to the controversial features.

In regard to the controversial features, when you attempt to liberalize any plan, it is my feeling that you must compare it with other plans, and when you make that comparison let us look at the entire plan, not isolated features of it. I am willing to state that this bill meets my entire approval as to the conformative clauses and in regard to the non-controversial clarification and defense. However, it is not good in its controversial features, and I lay particular stress on this partial payment or the five day cumulative week. The gentleman from Philadelphia has admitteтd that according to his own information the drain on the Unemployment Compensation Fund over the period of 1938, 1939 and 1940 amounted to one hundred fifty million dollars.

According to information I can get as regards this additional factor of the five day partial plan there will be a drain, an estimated figure running from eighty to one hundred million dollars a year. In other words, if this feature was adopted along with all the other legislation we would wipe out the entire fund in one year.

They have partial plans in other states, but, in every one of them if you will examine the records you will find that there is some other feature made to offset that feature of partial payment. In thirty-nine out of the forty-eight states that have the partial payments they have a merit system which stabilizes employment and helps to make up this lack in this partial payment plan. Out of those thirty-nine states, most of them have raised the minimum requirements, so that almost everybody would be excluded who would be included in this act. In some instances they must have earned fifty-two times their minimum weekly compensation rate, in other words they must have earned three hundred dollars in other states. Ours is down to one hundred dollars.

In every case there is some compensating factor to wipe out the differences between them and this partial payment plan.

In that connection I think that there should be a partial payment plan in Pennsylvania. I am not opposing it just because it is a partial payment plan, but I say there is not sufficient background to put into this bill to prevent it from being a drain which would ruin the fund completely.

This Unemployment Compensation Fund is large, two hundred thirty million dollars, but the Members of the Legislature are trustees of this fund for the benefit of the workers of this state. We all would like to be liberal and take care of everybody that comes under it, but we dare not take a chance of making provisions that are such that the worker in the future, who may in two or three years find themselves out of a job and apply to the fund for compensation and find that the cupboard is bare. We cannot let that happen, and any question of doubt must be resolved in favor of those who in the future will have need of it; we must not disturb it without rhyme or reason for anyone who happens to have use for it. We all have some use for it.

This feature alone in my opinion is so destructive to the fund that it offsets all of the good features, and if this bill were up now for final enactment I would be compelled by my conscience to vote "no" on it in order to protect the future. However, we all know that this bill is going into conference; we are not guessing that it will go into conference, because in the Senate it is up for final passage now. So therefore I say that I am going to vote in the affirmative, and I am going to ask every other Member on this side of the House to vote in the affirmative, but only on the condition that this record shows that by this affirmative vote we are not approving the plan in its present form.

The partial payment plan, as I say, is so serious that it would destroy the entire fund, and we only are voting in the affirmative on this side in order to move this along on the path of legislation so that we can finally arrive at a safe and sound liberalization which will at the same time protect the future workers.

Mr. REUBEN E. COHEN. Mr. Speaker, I should like to interrogate the gentleman from Cambria, Mr. Rose.

The SPEAKER. Will the gentleman from Cambria permit himself to be interrogated?

Mr. WALTER E. ROSE. I shall, Mr. Speaker. May I give answers like the gentleman did, Mr. Speaker?

Mr. REUBEN E. COHEN. Mr. Speaker, can the gentleman tell me if he has read the Senate version which is being acted upon today; what the minimum and what the maximum payments will be under the Senate Bill?

Mr. WALTER E. ROSE. I can give my recollection of those, Mr. Speaker. I will say to the gentleman, that I

studiously avoided referring to the two bills in order not to confuse the present one, and if the gentleman intends later to state what they are, I would rather have him do that.

Mr. REUBEN E. COHEN. I do not know what they are, Mr. Speaker.

Mr. WALTER E. ROSE. In my recollection, Mr. Speaker, the minimum is increased from seven dollars and fifty cents to eight dollars, the maximum is not changed, but the period is extended to eighteen weeks, and the waiting period is cut down to one week.

Mr. REUBEN E. COHEN. That is enough, Mr. Speaker. I wish to thank the gentleman from Cambria, Mr. Rose.

Mr. Speaker, I quite agree with Mr. Rose that if this liberalization of payments were to wreck the fund, we should not pass the bill and I would be the last one to propose that we do pass any bill that would wreck the fund. I think this fund is very important to us for very selfish reasons, because some of us may desire to return at some future session, and should there be another recession economically a terrific load would be cast on the State for the purpose of providing funds to pay for relief again.

I always like to feel that we should not have to do this in a week, but we should have sufficient time to take up the slack and give us a chance to move around to evolve and pass a proper and a fair tax program. I am satisfied that this will not wreck the fund. I am sorry I do not have my file with me, but I did not think there was going to be any debate on the subject today. May I point out, however, that the Governor said once he wanted a liberalization; he said twice he wanted liberalization. I don't know if the Members on the other side of the House really know what the Governor wants, because if he means by liberalization one half dollar increase in the minimum, with the addition of a few more weeks, then the Governor is giving us the same old gold brick that he tried to palm off at the last Session.

Liberalization means liberalization of the law to the extent it can be liberalized under present conditions. After all we passed this act originally in 1936. At that time the minimum payment was seven dollars a week and the maximum payment fifteen dollars. Almost six years and a half ago, that may have been a minimum amount of money for someone to live on temporarily. Everyone must admit that the price of cost of food, clothing and everything else which a person is required to have has gone up considerably during that time, to the extent of possibly twenty-five percent or more higher than it was in 1936 when we passed the act originally. So that to give someone an additional two dollars and a half of a minimum and an additional five dollars of a maximum is certainly not being so liberal with the needs of the people that we have to worry about it and have to wonder whether our consciences can stand the shock of so meeting the needs of the people.

After all, we are trustees of the people's money. I think any person who is the recipient of a trust fund has a right to come to the court or come to this Legislature and say, "I need more money to live on." I read in the papers a short time ago about an heiress in New York who was receiving the sum of fifty thousand dollas a year and who was going to petition the court for seventy-five thousand dollas in order that she might properly live. It seems to me that the people should have the right to come to the Legislature, if not to the courts, for an additional two dollars and fifty cents a week or five dollars a week. I do not think we are being very liberal. I had my personal feeling on the matter as to what to do, but after a discussion with various members on my side of the House, I came to a figure which I thought reflected a fairly level basis of opinion.

When the gentleman from Cambria talks about clarification and simplification, he is not talking about liberalization. You cannot buy groceries with clarification, and if you try it the answer would be simple; it is simplification in itself. You cannot pay for it with clarification; you have to pay for it with liberalized payments. We want to get a little more money in the hands of people who unfortunately must have it if they are thrown out of work. In these days in a good many of our industries no one knows how long his job is going to last.

The gentleman talked abut the merit system. Whether or not the merit system is in effect in many of our states and may be working, I don't know, but I do know in those states where it is working that the industrial and economic complexities are not in any degree near what they are in Pennsylvania. There is no such diversification of industry; there is no such diversification of commerce. My own personal feeling is that the merit rating will come in the future, but that the plan requires some further time for proper study and an ample study to make it an equitable and fair rating system. We do provide in the bill that the Bureau shall have the duty of studying the merit system. Today if we were to put in effect a merit system plan, the effect would be that industry would be a house divided, Your great industries on the one hand, your utilities, your insurance companies and banks would be yelling for some sort of a rating system because their employment is stable, while on the other hand the construction industry and coal mining industry would not want a merit rating system because normally their employment is not stable.

I think we can get to it some day but right now the partial payment plan is workable. You members of the House will recall the fight and battle we had in the House and Senate last year for a bill. You remember we got nowhere. The House and Senate closed up shop and went home. A few days later there appeared charges, sensational charges, in the Evening Bulletin in Philadelphia to the effect that the unemployment compensation fund had been defrauded of millions of dollars. These charges were contained in a letter sent by the Deputy Attorney General in charge of the legal affairs in connection with the distribution of that fund. This letter was written to his superior and copies of the letter were sent to Mr. Hines and to the Governor's Office. The letter complained that there were millions of dollars stolen by fraudulent claimants, employes in Pennsylvania. His letter was dated April 1st while we were still in session, and not a word to this Legislature about preparing a sufficiently accurate bill or law. The Joint State Government Commission decided it was going to look into the matter and see if it could not make some sort of a suggestion for an accurate law. I said then I did not think they should tell us that this must be the law, that if I were a member of the commission I would not have the

effrontery to do so and say what we found to be so must be so. We conducted an investigation. We had numerous hearings in Harrisburg; we listened to experts from all sides; we listened to the large industries; we listened to small industries; we listened to the executive director—ex and also listened to the executive director—present. We listened to the federal authorities, several employes in the acturial department. We were getting along very nicely except that every once in a while somebody called somebody else something that related to the personal problem.

During all that battling I was worried about one thing, "Could we cure that fraud?" That was the primary purpose of our investigation. Then came Singapore, and the Governor stood on the rostrum here and said, "Singapore is here." The Joint State Government Commission, now being in session decided they wouldn't continue any hearings, at least not for the present.

One thing we developed was that this gigantic fraud, this so called fraud, eighty percent of it might not have occurred if the partial payment plan had been in effect in Pennsylvania.

The department supplied the figure of approximately eighteen thousand cases in this so called fraud, and we discovered that about thirteen thousand of those cases of so called fraud were committed by a claimant or by a person who had only partial employment. When a man loses his job he at least gets unemployment compensation, he gets fifteen dollars a week, but if he gets a job the next day for only one day, for three dollars or for four dollars or for five dollars, or whatever he might receive, he then loses that fifteen dollars a week. It was therefore natural for a lot of them to think and to get the idea, because of lack of prosecution, when they needed the money, they would borrow if from the State, and if they got caught they could make restitution voluntarily when they took them to court. It was only natural for these people, when they felt desperate and had to get money which they thought belonged to them, to come to the State and borrow the money. This has been always referred to as a so called fraud, but I think that is a misnomer, because I do not think anyone would willingly, intentionally and maliciously steal money from the State. They were poor people and because they were compelled by economic necessity, they did as they did, and they did so because if they got a job for five dollars they would lose fifteen dollars, not through any fault of their own. Now they come not to the courts but to the Legislature for relief. They felt if they could get a job for a day or two, maybe their employer would like their work, and might give a steady job to him. Maybe lots of times the employers could not get any other fellow to do this work at five dollars a day. So these men would take the five dollars a day and in addition would get their unemployment compensation money. This is insurance money, it is not a charity fund, and if we had that plan really it would be impossible for millions of dollars to be stolen from the State.

This was quite a large statement to make. In the first case there was no prosecution of employers who did not do things they were supposed to do under the law. There was some prosecution but not very much. We intend to do some things at the next regular session. We intend to do some things that will probably place a burden on the worker, and also some thing which will probably place a burden on the employer, in order to eliminate fraud entirely. In this connection let me state that under the partial payment plan the increasing of the benefits from ten to twenty dollars is a good lift but it should be more.

Let us take a case which happened a short time ago. There was an automobile salesman who was making fifty dollars a week. He lost his job. He was still able to sell cars but could get no cars to sell. He comes in under the unemployment compensation plan and gets fifteen dollars a week. He had been living fairly decently with his former salary of fifty dollars a week, and was forced upon losing his job to try to make both ends meet on fifteen dollars a week. If you gentlemen think it is easy to do so, just try it. This man naturally thought by waiting on a table in a restaurant or by tending bar or doing some janitor work or any other kind of decent work, he might be able to get a little more money and in that way live somewhat like he had been accustomed to live when he was making fifty dollars a week. That is what I am trying to drive at. We can stop fraud. But I hope I do not get the answer I got last year in a conference committee. After two weeks of wrangling with one of the Senate members, I finally said, "Can't we get anywhere on this thing?" One of my brother members on the committee looked up at me with his clear blue eyes and said, "Rube, you are too social minded." I hope that is not the attitude here today because in our study and in our investigation in the Joint State Government Commission, everyone agreed that the question of unemployment compensation should not become political because anyone who uses politics in the unemployment compensation problem eventually will tie the noose around his own neck. I was trying to find something out about the fraud and it was almost the unanimous opinion and there was no denial that if we had a partial payment plan, we would have less fraud by a considerable degree. That is the reason I am saying I am so stuck on the partial payment plan.

I have not dwelt upon any of the points involved in the merit system but I do think we should study it and wait until we have a proper experience in Pennsylvania. I think that no one should apologize for voting for this bill. I think it should be sent over to the Senate and possibly the lightning might strike them and they will listen to reason. They might pass the bill, at least I hope so.

Mr. WALTER E. ROSE. Mr. Speaker, I recognize that we are a little off the subject, but I would like to come back for just a moment and point out that a hasty examination of the Senate Bill discloses that I did not give all the liberalization features and that there are others that neither of us have mentioned. However, my hope is to close my side of this debate with this statement; I have been given to understand since noon today that the gentleman from Philadelphia has indicated a willingness to sit down with Members on this side of the house and go over the matters and see what we can work out by way of liberalization and compromise if necessary.

Unemployment Compensation certainly, as I have said, should not be partisan, and the offer of the gentleman is an indication that he agrees. I say, therefore, if we can maintain our differences of opinion without getting into partisanship over them, which we may very well do,

that through him and through other members on this side of the House we may reach a new plan without partisanship. I certainly pledge my efforts, all out to that end.

Mr. TARR. Mr. Speaker, I would like to interrogate the gentleman from Cambria, Mr. Rose.

The SPEAKER. Will the gentleman from Cambria permit himself to be interrogated?

Mr. TARR. Mr. Speaker, the gentleman's statement, from what I get, he is against the act, but he is going to vote for the act, and the reason he gives is that it will be financially impossible to carry out the provisions of the act. Is that true?

Mr. WALTER E. ROSE. I am sorry, Mr. Speaker, the gentleman went back and forth a couple of times in his statement. I will summarize it by saying that I feel that this one feature in its present form would be ruinous, but nevertheless I am going to vote to move it along in its legislative path hoping that the combined study and combined efforts on both sides will enable us to reach a better plan.

Mr. TARR. Mr. Speaker, the gentleman seems to say, though, that it will be ruinous to the fund.

Mr. WALTER E. ROSE. Oh no, Mr. Speaker, I say this plan would be ruinous to the fund on the basis of estimates which I can get on the effect of draining the fund. I have one idea in mind now that might be a solution that I hope will be a solution, but this is not the time to present it.

Mr. TARR. Mr. Speaker, is the gentleman conversant with the railroad unemployment act?

Mr. WALTER E. ROSE. Conversant, yes, Mr. Speaker.

Mr. TARR. I believe, Mr. Speaker, that most of the members know of the fact that the unemployment act which is now federal and which has been since 1937, pays partial payments, and the benefits are much higher than those proposed in this case. They are much more liberal. We know that out of a fourteen day period they consider a ten day work period, and if a man works nine days, he can get unemployment compensation for one day. That fund is not only solvent but it is healthy after four years. How can the gentleman reconcile that fact with the federal fund that operates in forty-eight states.

Mr. WALTER E. ROSE. Mr. Speaker, in reply to that question I would say that I believe the statements of the gentleman are correct that it is more liberal, but there is a tremendous difference between a railroad unemployment act covering only one industry, controlled by experts who have made studies and who have been working this thing out slowly to a point where they now have some degree of perfection and our situation. That degree of perfection is something we are striving for and we are nowhere near it. We are dealing with all types of industry, with no control of one industry over another industry. I say we can reach that point, but not in one fell swoop.

Mr. TARR. Mr. Speaker, the gentleman is from an industrial county and he is undoubtedly acquainted with the fraud charges that were made last year. Does the gentleman not think that if we were to pass this bill in its present form it would eliminate almost one hundred percent of these fraud cases?

Mr. WALTER E. ROSE. Mr. Speaker, I will not go so far as to say one hundred percent. It is not the only way that it can be done. Any partial payment plan will eliminate a large percentage of them, but I think other plans can be worked out that will not wipe out the fund as I believe this one will.

Mr. TARR. Mr. Speaker, there has been much debate on the question and I am just going to close by saying that I believe it is a good bill. I believe that the authors of the bill have spent much time and study on it. I believe that it will correct the evils that now exist. I sincerely believe and sincerely hope that when the bill reaches the Senate it will be given as much consideration and as much time as has been given it by the authors. We of the industrial sections in the State need an unemployment compensation law which will solve the problem, and after all these years I believe I can safely say that on the Democratic side we are going to vote for the bill, not because it is election year or not because of other things, but because we are sincerely convinced and we believe this is the best bill for Pennsylvania.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—192

Achterman,	Flynn,	Marks,	Rose, W. E.,
Auker,	Foor,	Maxwell,	Rosenfeld,
Baker,	French,	McClanaghan,	Royer,
Balthaser,	Gallagher,	McClester,	Rush,
Baugher,	Gerard,	McDermott,	Sarge,
Bentley,	Gillan,	McDowell,	Sarraf,
Bentzel,	Goodwin,	McFall,	Scanlon,
Boles,	Greenwood,	McGrath,	Schwab,
Boney,	Gross,	McIntosh,	Serrill,
Boorse,	Gryskewicz,	McLanahan,	Shaffer,
Bower,	Gyger,	McLane,	Shaw,
Bradley,	Habbyshaw,	McMillen,	Shepard,
Breth,	Haberlen,	McSurdy,	Simons,
Bretherick,	Haines,	Melchiorre,	Skale,
Brown,	Hamilton,	Mihm,	Snyder,
Brunner, C. H.,	Harmuth,	Modell,	Sollenberger,
Brunner, P. A.,	Harris,	Monks,	Sorg,
Burns,	Heatherington,	Mooney,	Stambaugh,
Burris,	Helm,	Moran,	Stank,
Cadwalader,	Hering,	Moul,	Stine,
Chervenak,	Herman,	Muir,	Stockham,
Chudoff,	Hersch,	Munley,	Tarr,
Cochran,	Hewitt,	Nagel,	Tate,
Cohen, M. M.,	Hirsch,	Nunemacher,	Taylor,
Cohen, R. E.,	Holland,	O'Brien,	Thompson, R. L.,
Cook,	Huntley,	O'Connor	Trout,
Cooper,	Imbrie,	O'Dare,	Turner,
Cordier,	James,	O'Mullen,	VanAllsburg,
Corrigan,	Jefferson,	O'Neill,	Verona,
Croop,	Keenan,	Owens,	Vincent,
Cullen,	Kenehan,	Petrosky,	Vogt,
Dalrymple,	Kline,	Pettit,	Voldow,
Dennison,	Knoble,	Polaski,	Wagner,
DiGenova,	Kolankiewicz,	Polen,	Watkins,
Dix,	Komorofski,	Powers,	Weiss,
Dolon,	Krise,	Prosen,	Welsh, E. B.,
D'Ortona,	Lee, E. A.,	Rank,	Welsh, M. J.,
Duffy,	Lee, T. H.,	Rausch,	Wilkinson,
Eckels,	Leisey,	Readinger,	Williams,
Elder,	Leonard,	Reagan,	Winner,
Elliott,	Lesko,	Reese, D. P.,	Wood, L. H.,
Ely,	Levy,	Reese, R. E.,	Wood, N.,
Falkenstein,	Leydic,	Regan,	Woodring,
Finestone,	Lichtenwalter,	Reynolds,	Wright,
Finnerty,	Longo,	Rhea,	Yeakel,
Fiss,	Lovett,	Riley,	Yester,
Fleming,	Lyons,	Rooney,	Young,
Fletcher,	Malloy,	Rose, S.,	Kilroy, Speaker

NAYS—1

McKinney,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

SENATE MESSAGE

RESOLUTION FOR CONCURRENCE

In the Senate, March 11, 1942.

Resolved (if the House of Representatives concur) That in the event the General Assembly shall recess at any time during the present special session for a period of more than one week, the respective Houses shall take appropriate action to discharge all per diem employes during such weeks as the General Assembly shall not be sitting, except such per diem employes as at the adjournment of this special session would be transferred to the regular payroll of the Commonwealth.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

Referred to the Select Committee on Special Session Legislation.

PERMISSION TO ADDRESS HOUSE

Mr. ACHTERMAN asked and obtained unanimous consent to address the House.

Mr. Speaker, commenting on the resolution that was just read, that has been adopted by the Senate, may I state that I am convinced that it is a bit of window dressing or perhaps some shadow boxing.

I learned that the Senate was about to consider this particular resolution, and I was in conference with some of the Senate leaders and inquired of them their reason, or their desire to pass such a resolution at this time. I contend that if we had decided or if we do decide to recess that necessarily it would be satisfactory, but I was desirious of learning why at the present moment they wish to consider or pass such a resolution, and I then learned that they were writing policy. Can you imagine, Mr. Speaker, writing policy? Certainly we have never thought of operating this House or the Legislature with excessive expenditures, and if we are to recess we certainly do not intend to burden the Commonwealth with unnecessary expenditures. Such a policy as they endeavor to write, the people of the Commonwealth have a right to assume that we are conducting ourselves in accordance with, but Mr. Speaker, I say if the Senate does wish to write a policy, then let them write a policy of work; let them write a policy by which they decide we have a job to do here and let us get down to work and do it.

Many of the subjects included in the Governor's special call are receiving attention and action. One subject alone will perhaps retain us for some length of time, that is the first subject included in paragraph one of the supplemental call. That is the subject relating to the suspension or the modification of certain laws of this Commonwealth that may prove a hindrance or an interference with the war efforts.

The Governor, I am assuming,—I have every right to assume—tried to pick out only the subjects he felt needed the immediate attention of the legislature, and here is a subject that certainly does need attention. It needs our studied attention, and the Governor made his call sufficiently broad that the legislature was not interefered with or hampered in its approach to the problem.

Very true, the Governor has his own ideas as to how the subjects should be approached. He felt that it should be handled by a special body, the State Council of Defense, who after hearings on the various laws would recommend to him the suspension or the modification of particular statutes.

Now, that was his theory of approaching the problem, but it did not mean for one long second that was the only method in which you could approach the problem. You could do your own studying if you wished. You could approach the problem as you saw fit, that is, as the Legislature saw fit.

It is regrettable of course, Mr. Speaker, we were not furnished with a list of the laws right up to the present time, because of the importance of which we were finding difficulty in the prosecution of our war efforts. It would have been much better had we received that at the beginning.

What has the Senate done in relation to that particular problem? The Governor's thoughts were expressed, I believe, in Senate Bill 14 introduced by Senator Homsher. I inquired of these same Senate leaders "How are you going to approach that problem, or are you going to run away from it, because I am serving notice on you that this House will not run away from its problems. We have been called here by the Governor to consider serious problems and we propose considering every one of them before we leave, or before we recess." The people of Pennsylvania have every right to expect that we are going to give attention to those problems, but we are not going to put out feelers to see what they think without studing and without endeavoring or attacking the problems.

We know what will follow immediately after the adoption of this resolution; it will be followed by a recess resolution. The Senate if it wishes may run away from the problem, but this House proposes to stay and to act on the problems.

I asked these Senate leaders "What is going to happen to Senate Bill 14?" And in their language they told me it was a dead duck. In other words they mean it will never see the light of day, and I do not mean to say, Mr. Speaker, that I am here championing or espousing Senate Bill 14. On the contrary I am opposing it, but that does not mean, Mr. Speaker, that because I am opposing Senate Bill 14 I do not believe that the Governor did not lay before us important subjects, particularly paragraph 1 of his supplemental call.

I am convinced that there is a real need for legislation on that subject, and I am also convinced that the House and Senate should act and should determine what is needed.

If the Senate, Mr. Speaker, had spent more time at working and less at wondering when, where and how they were going to quit, we would be farther on our way toward accomplishing what is needed in this state.

Then, Mr. Speaker, since of course from the beginning I was opposed to the measure that was proposed by

Senator Homsher, and because I have not received any intimation as to what particular laws might need change or modification, and since nothing was forthcoming from the Governor's office to further elaborate or throw light upon this particular message, I felt that it was essential and necessary that we do ascertain what laws needed modification or suspension. To that end, Mr. Speaker, I wrote to the Secretaries of the various Departments as well as the Commissions that administer our laws.

Mr. Speaker, this entire discourse may take some time, but I do feel that the Members of this House have every right to the information which I possess. They have every right to know what the departments have to say on the subject, because, Mr. Speaker, we are not going to recess at this time. We are going to perform our duty, we are going to proceed to legislate where legislation is needed under the call.

This, Mr. Speaker, is the letter I referred to:

> "The Governor, in his supplemental proclamation convening the extraordinary session of the General Assembly, included among other subjects "Legislation authorizing the suspension or modification of existing laws that interfere with the prosecution of any war in which this Nation is, or may become engaged.
>
> "I am writing for the purpose of ascertaining from you what laws pertaining to your department, or what laws administered by your department, in your opinion, need modification or suspension. Where modification is necessary I would appreciate your indicating to what extent the said law should be modified.
>
> "Due to the fact that it is our intention to expedite this legislative session your prompt attention will be greately appreciated."

May I say, Mr. Speaker, that all of my letters were answered with the exception of one, and the particular department that did not reply I am convinced from my knowledge of it very likely has no law that it administers that is in any manner interfering with the successful prosecution of the war, and I presume that is the reason I received no answer in that instance.

I do wish, however, Mr. Speaker, to read into the record the replies from the various departments, for it will throw light on the subjects which we must consider. True, we may not agree with the Department heads after we have considered them, and may refuse to modify or suspend, but at least, Mr. Speaker, we should take positive action; we should not run away. We should stay here and complete our job. We can say "no" where we feel "no" is the answer, and where the answer is "yes", we should use our judgment and modify or suspend according to the dictates of that judgment, but I repeat, Mr. Speaker, we should not run away, we should not engage in window dressing and shadow boxing. We should have courage at this time. The Governor has requested courage; I think he has shown courage in his call, and we should meet it with the same kind of courage.

In relation to the letters, the first was from the Department of Justice and is to this effect:

> "In view of the Attorney General's absence from the office because of illness, I am replying to your letter to him of February 25, 1942, in which you request a list of the laws pertaining to, or administered by this department which need modification or suspension, in view of the present war emergency.
>
> "In view of the fact that this department is charged with the legal work of the Commonwealth there are few laws which are directly administered by it. I am unaware of any present need for modification or suspension of such laws.
>
> "On the other hand this department is fully aware of the fact that there are many laws administered by the other departments, boards and commissions of the State government which may need modification or suspension during the present war. Before the current session of the General Assembly convened, Attorney General Reno endeavored to ascertain from the various departments, boards and commissions, just what laws administered by such agencies required suspension or modification. It soon became apparent that it was impossible to foretell just which laws might need such suspension or modification in view of the war effort. Experience up to that time had revealed that the need for suspension or modification was developing day by day.
>
> "Accordingly, it became apparent that it would be possible to submit to the Special Session of the Legislature a few bills calling for suspension or modification of certain laws but that such a procedure would be far from adequate to meet the ever present emergency, in view of the fact that the need for suspension or modification of of other laws would consantly occur from day to day.
>
> "Under these circumstances it was determined that the most adequate way to meet the entire situation would be for the Legislature to authorize the State Council of Defense and the Governor to suspend or modify any law which might hinder, impede, delay or interfere with the successful prosecution of the war by the Government of the United States. It was felt that this authority was absolutely essential in order to enable this Commonwealth to meet any emergency which might arise until the General Assembly convened in 1943. This plan is now embodied in Senate Bill No. 14."
>
> Very truly yours,
>
> (S) "E. RUSSELL SHOCKLEY,"
>
> Deputy Attorney General.

May I state that I regret that in his letter he did not see fit to disclose to me those acts which they have already learned need modification. However, I have written requesting such information and asking for a report of the study of the Attorney General insofar as it was developed.

Then from the Auditor General:

> "In reply to your letter of February 25, 1942, in which you ask if, in my opinion, certain laws pertaining to this Department should be modified or suspended, there is no change that I would wish to suggest at this time.

"Thanking you for your kind interest in this matter."

(S) "F. CLAIR ROSS"

From the Department of Commerce:

"This will acknowledge receipt of your letter of February 25th inquiring what laws pertaining to the Department of Commerce, or what laws administered by this Department, need modification or suspension.

"At the present time, there does not appear to be any laws which need modification or suspension."

(S) "MARK S. JAMES"

From the Department of Labor and Industry, and Mr. Speaker, this is very interesting:

"This will acknowledge receipt of your letter of February 25 in which you inquire what laws pertaining to our department, or, what laws administered by our Department, in our opinion, need modification or suspension inasmuch as the Governor, in his supplemental proclamation convening the session of the General Assembly, included among other subjects 'Legislation authorizing the suspension or modification of existing laws that interfere with the prosecution of any war in which this Nation is, or may become, engaged.'

"I have no recommendations to make along this line as none of the laws administered by this department, in my opinion, need modification or suspension at this time."

(S) "LEWIS G. HINES"

Mr. Speaker, he has been modifying and suspending for some time, I think on the basis of an opinion given to him by the Attorney General, an opinion with which perhaps not too many attorneys would be in accord. I am not criticizing, for instance, the women's forty hour law. Certainly essential work in defense industry has been increased to forty-eight hours, and he should have suspended or modified it or however you approach it. If it was needed, it was proper, but certainly this House should take time out to see that things are done within the conformity of the act and the law. I do believe that we were entitled to a fairer statement than the one I received in this matter, because I know of other problems that are facing his Department now needing modification or suspension of the law. He unfortunately says he knows of none.

From Military Affairs:

"This is to acknowledge with thanks your letter of February 25th."

"At this precise moment I know of no laws pertaining to the Department of Military Affairs, or laws administered by the Department of Military Affairs which need modification or suspension in connection with the successful prosecution of the war."

"However, with the Nation at war and with the enemy bringing the conflict to our very shores I am unable to say how long the situation described in the paragraph above may obtain. It is altogether possible that at a moment's notice the necessity for such modification or suspension might arise."

"Therefore, I respectfully urge your serious consideration of the Governor's proposal with the view to meeting unforseen emergencies which may arise at any moment in the future."

Very sincerely,

(S) "R. M. VAIL,"
Acting Adjutant General.

From the Pennsylvania Motor Police, and this is interesting.

"This is in answer to your letter of the twenty-fifth concerning proposed legislation."

"While I can visualize possible situations that could occur during Wartime that might make it expedient to temporarily suspend or alter the condition of laws and regulations, I can not at this time think of any special case."

Department of Public Assistance.

"In reply to your inquiry of February 25, I do not know of any laws affecting the Department of Public Assistance, or any parts of the Assistance Law itself, that currently need modification or suspension because of the prosecution of the war."

"It is impossible, of course, to predict what particular phase of our activity might subsequently be in conflict with essentials of the war program. It would appear extremely sensible to me that some provision be made whereby any legislative requirements binding on this Department could be modified or suspended if subsequently found to be in direct conflict with the successful prosecution of essential war activity."

You will note all these letters from the Department heads say in affect "Oh, we agree with the Governor."

From the Liquor Control Board:

"Your letter of February 25 is at hand, asking what laws pertaining to the Liquor Control Board need modification or suspension insofar as the prosecution of any war in which this Nation is, or may become, engaged is concerned."

"We know of no present necessity for any changes in these laws. We cannot, of course, forsee the future."

From the Department of Health.

"I have before me your communication of February 25th, making inquiry relative to any "Legislation authorizing the suspension or modification of existing laws that interfere with the prosecution of any war in which this Nation is, or may become, engaged."

"After a careful survey of the laws now on our statute books and the Advisory Health Board Rules and Regulations governing the administration of the Pennsylvania State Department of Health, I have arrived at the conclusion that we need no suspension or modification of existing

laws and that the bassic law creating the Pennsylvania State Department of Health gives the Department broad powers and same were effectively carried out during the last World War. Of course, we cannot foresee all emergencies which may arise in the near future. However, I am willing to stand on the present Legislation governing this Department."

And then a group of letters, Mr. Speaker, that are in the category where they try to visualize what might happen, and after all saying in effect, "We see no need of changes at the present time."

From the Department of Banking.

"I have your letter of February 25, 1942, in which you request my opinion as to the law or laws administered by this Department which might require modification or suspension during the war emergency."

"As of today, I know of no laws administered by the Banking Department which need modification or suspension, but because of the rapidly changing circumstances it is difficult to predict what relief will become necessary from time to time."

Some difficulties which may arise are as follows:

1. The Department of Banking is now required under various laws to examine banking institutions, building and loan associations, small loan companies and credit unions at least once in each year. Because of war service and other possible shortage of manpower, sufficient personnel to make examinations in accordance with the laws may be unavailable. It might therefore become necessary to establish longer intervals between examinations until personnel is again obtainable."

2. Banking institutions and building and loan associations must operate under carefully proscribed laws in making mortgage loans. Under some circumstances in defense areas it might become necessary to modify some of the existing restrictions in order to facilitate the erection of vitally needed defense homes or plants. Such a possibility does not seem real at this time but it is a possibility.

3. Loans to one person or one corporation may not exceed 10% of the unimpaired capital and surplus of the banking institution (except an additional 15% may be loaned if such additional 15% is secured by collateral having a value at least 20% more than the liability so secured). Loans to directors, officers or employes are limited to $1,000.00 except that additional amounts may be loaned if secured by readily marketable collateral of at least 120% of the excess loan. Although there is no indication of the necessity of modifying these provisions at this time, the necessity of financing defense or war activities may make such modification advisable or necessary in the future.

4. The legal reserves which banking institutions are reguired to maintain might have to be modified so that more funds may be invested in government securities, should the need arise.

5. The establishment of branches by banking institutions is now carefully controlled by law. It might be necessary to modify limitations upon location of branches insofar as banking services might become necessary temporarily in defense or related war activity areas.

6. Existing law severely restricts and in most cases prohibits the disclosure of information in the files of the Department of Banking unless ordered to be disclosed by a subpoena of a court of record or under other sharply limited circumstances. It might be necessary in order to facilitate the activities of the various intelligence services and other investigating services of the government to make information available without subpoena."

"To summarize, there is, in my opinion, no immediate necessity for a modification of any of the above mentioned laws or any other laws pertaining to banking. However, it is impossible to foretell whether circumstance may arise in the near future which will make a modification of any of the aforesaid laws wise or necessary."

Then from the General State Authority

"In reply to your letter of February 25, 1942, requesting to know if any of the present laws under which The General State Authority is operating need modification due to the National Emergency, I might state that the powers granted to The General State Authority are quite broad, and, in my opinion, are sufficient."

"I will say, however, that certain regulations by other Departments, and whose approval we must receive for all plans and specifications before advertising for bids, are quite stringent and increase the cost of construction and also require materials which are practically impossible to secure at this time."

"I refer particularly to the regulations of the Department of Property and Supplies as to their Electrical Code. The General State Authority has always taken exception to these regulations. A number of prominent Engineers in the State have gone on record to this effect and if some way could be found that the standards of the Insurance Underwriters Association could be followed instead of the more expensive and elaborate standards of the Department of Property and Supplies, I am sure it would expedite or enable construction work to proceed which would possibly otherwise have to be deferred until after the passing of the present National Emergency."

From the Insurance Department

"Due to the absence from the City of Commissioner Taggart, I am acknowledging your letter of February 25, 1942. You will realize my ideas are my own and not those of the Commissioner with whom I have had no chance to consult."

"I doubt if our insurance laws will interfere with the prosecution of the law but already the restrictive conditions of a war time economy are interfering with our prosecution of the strict statutes and regulations which have seemed very reasonable during peace times."

"The insurance code includes very exact procedure by all those corporations and individuals supervised thereunder. Curtailment of materials, particularly paper, and the loss of the armed forces of trained personnel by insurers, by agents, by accounting firms which make reports for such insurers, and even, perhaps, by the Department itself may produce situations which will make it difficult or impossible for the Department to adhere strictly to our peace time law enforcement."

"I cite just one example: there are others and there will be many:

"The statute imposes a fine of $100 per day for annual statements filed after March 1st. One fraternal body which has always had its work done by an accounting firm advises us the report will not be ready by March 1st due to the personnel situation. You can imagine our position if we have to fine such fraternal bodies."

"You ask us to suggest 'to what extent the said law should be modified.' To modify the law might destroy it. Moreover, I know that Commissioner Taggart has endeavored to administer and not to legislate so I know he would prefer to accept and not to suggest legislation."

(S) RALPH H. ALEXANDER,
Deputy Insurance Commissioner.

Letter from the Milk Control Commission,

"Your letter of February 25 was received today. The Milk Control Commission fixes the price of milk to producers, to consumers and necessarily the handling margin of the milk dealers and thereby effects the interests of the largest farm industry of the State, the dairy farmers and some 4,000 milk distributors and their employes and upwards of 10,000,000 consumers in Pennsylvania."

"It is inevitable that the different activities of the Federal Government, particularly in relation to war measures, will affect the work of the Milk Control Commission through the activities of Federal agencies, particularly the Office of Price Control, the Office of Production Management and the Surplus Marketing Administration. The work of these branches of the Federal Government is just getting under way. In many cases it has not been developed sufficiently for us to be able to determine what complications may arise and what adjustments need to be made that would require "Legislation authorizing the suspension or modification of existing laws that interfere with the prosecution of any war in which this Nation is, or may become, engaged."

"We wish to be in position to extend the fullest cooperation to the Federal Government in the carrying out of measures that will aid in the prosecution of the war."

From the State Treasurer,

"In reply to your letter of the 25th, may I state that at this itme I can not conceive of any statute relating to the administration of the Treasury Department that needs modification or suspension to the end that we may more efficiently prosecute the war that we are now engaged in."

"However, I feel that I should call your attention to the fact that no provision was made during the 1941 session of the General Assembly for the payment of dependent benefits under the Act of June 7, 1917, P. L. 600, as amended, other than from its general appropriations to the various departments. Because of the increasing number of such employes entering the armed forces of the United States, it seems to me that provision should be made for the payment of these benefits out of a separate appropriation, or from an additional appropriation to the Department of Military Affairs."

From the Department of Internal Affairs,

"In reply to your communication of February 25th permit me to say that in view of the present emergency and the uncertainty as to the future course of events, I am unable to tell you specifically what laws administered by this Department may be likely to impede the defense effort."

"The Bureau of Geological Survey, presently engaged in important research work relative to the production of Pennsylvania crude oil so badly needed for our war machine, the Bureau of Standard Weights and Measures, and the Bureau of Statistics, are the three Bureaus in this Department where we might reasonably expect to find some conflict between present laws and the speeding up of work that will accelerate the National Defense program."

From the Department of Forests and Waters,

"Reference is made to yours of February 25 and March 4, inquiring as to what laws administered by this department need suspension or modification. I understand, of course, that you refer only to such enforcement as interferes with the prosecution of the war."

"At the moment I have no recommendations to make with respect to specific laws. None appear to be obstacles in the path of the war effort as yet."

"However, the Water and Power Resources Board has found it necessary in some instances to relax in the enforcement of its rules and regulations with respect to stream encroachments and stream crossings, the modification consisting of permitting certain things to be done during the emergency, but with a condition attached to the permit requiring removal of physical structures and materials when the emergency ceases."

"Thus far only certain rules and regulations must be modified. However, with the increasing number of such cases I can forsee the almost

certain possibility of the need for suspension or modification of the laws of this department."

"Having no knowledge of what new conditions may arise, it is quite impossible to predict now what law or laws may stand in the way of an all-out prosecution of the war.'"

"Unless the Legislature chooses to remain in session "for the duration," it would seem to be wise to create some such machinery as the Governor has suggested, to cope with emergencies as they arise."

"To my way of thinking, the objective is more important than the method. We have but one objective: To prosecute and win the war. If a law stands in the war of contributing to this objective surely the Legislature can clothe some agency with authority to clear the national highway of effort of that obstruction. Should we fail, Hitler will have proven to be right. He said "democracies cannot function in time. I conquer them while they debate and are under the yoke of inflexible laws."

However, I point out in his letter, they have apparently been able to operate without any difficulty.

The next group of letters, contain more concrete suggestions and indicate the problems that we will have to reach.

First from the Department of Agriculture:

Replying to your letter of February 25 regarding "Legislation authorizing the suspension or modification of existing laws that interfere with the prosecution of any war in which this Nation is, or may become, engaged", I wish to state that I do not favor any change in the fundamental law of the Commonwealth of Pennsylvania.

As you well know, the Department of Agriculture is the enforcement agency for may laws enacted by the General Assembly. In several of the Bureaus of the Department of Agriculture, we already encounter difficulty because small businessmen cannot secure materials to enable them to comply with strict requirements of law.

I would favor sufficient modification of our regulations, to be controlled by some designated authority of the Legislature, specifying a limited time of effectiveness in particular cases, but only as a war measure.

Sincerely yours,

(S) "JOHN H. LIGHT,"
Secretary of Agriculture.

I have written to him asking the instance and the subject and once we are informed by the Secretary that subject can certainly be attacked.

From the Public Utility Commission:

I acknowledge receipt of your letter of February 25th, advising me that, "The Governor, in his supplemental proclamation convening the extraordinary session of the General Assembly, included among other subjects "Legislation authorizing the suspension or modification of existing laws that interfere with the prosecution of any war in which this Nation is, or may become engaged," and inquiring as to what laws pertaining to this Commission, or what laws administered by this Commission need modification or suspension.

I would not care to state at this time any particular laws needing modification or suspension now, as it would be difficult to suggest to what extent they should be modified or suspended. I desire, however, to call to your specific attention certain specific matters which might cause us some concern in the near future.

1. The War Production Board has recently issued a circular designated L-31, relative to the use and extension of the use of natural gas and natural gas mixed with manufactured gas. This applies to all utilities in the State of Pennsylvania furnishing natural gas and natural gas mixed with artificial gas. Under the laws of the Commonwealth, this Commission is charged with the regulation of a great many of the matters set forth in Order L-31. I understand that an Order similar to Order L-31 has been prepared, but not released, relative to the extension of the use of telephones. The regulation of telephones is also a part of the duties with which this Commission is charged by law.

2. A Tire Rationing Board recently refused to issue a new tire to a trucker authorized to haul steel, unless he would agree to haul a return load from the point of destination to the locality from which he started. This he could not do, even though the hauling of the steel was important, as he had no return rights on his trucker's certificate. It is my understanding that under the law the regulation of truckers, the commodities hauled, etc., are within the jurisdiction of this Commission, and we could not modify a right granted without a hearing which would take some time.

3. Demands are being made by military authorities upon our truckers to immediately haul commodities for which they are not authorized by their certificates.

4. Should defense of our Country require longer runways at airports, or the construction of new airports, the immediate removal of high tension and other wires might be necessary, and we may not have jurisdiction to effectuate that purpose.

5. Demands already have occurred for bus service for the transportation of workers, occassioned by the inability of the workers to use their own cars for lack of tires, where no bus carriers operate whom we could order to render the service. As a consequence, our laws and regulations relative to the transportation of persons and property for hire might be thrown into some confusion.

6. Federal authorities have requested our assistance in investigating utilities outside of our Commonwealth, and we may not have the authority and jurisdiction to render such assistance, by reason of the fact that the investigations will be made for Federal purposes, rather than to regulate the affairs of any utility within the limits of Pennsylvania.

Very truly yours,

(S) JOHN SIGGINS, JR.,
Chairman.

From the Department of Revenue:

In answer to your letter of February 25, asking what laws pertaining to this department or what laws administered by this department, in my opinion, need modification or suspension in view of the war situation, I do not feel I can give you any comprehensive information along this line citing special laws. I would, in all likelihood, omit some subject which might become most important.

It seems to me the situations which might arise

and directly affect this department would be brought about by blackouts and other precautions surrounding air raids or air raid alarms; priorities in ordering materials such as for motor license tags or supplements or substitutes therefor; regulations whch might further effect safety on the highways or protection from Fifth Column activities or sabotage. You will notice these suggestions cover the Bureau of Motor Vehicles and the Bureau of Highway Safety for the most part, but there may be unexpected conditions which would demand immediate change or suspension of laws having to do with these bureaus which I cannot now anticipate or which may demand modification or suspension of the laws affecting some of our other bureaus including the Bureau of Aeronautics, Bureau of Liquid Fuels Tax, Athletic Commission or any of the tax bureaus under our jurisdiction. Therefore, it would be impossible to itemize all the conditions which might present themselves on any of these subjects.

It is my opinion the safest procedure would be to allow the State Council of Defense some general authority by which it could promptly and effectively meet any set of circumstances or conditions which might suddenly arise. This would be in the best interests of National Defense and the protection of the Commonwealth of Pennsylvania, its citizens and their property.

Sincerely yours,

(S) WALTER J. KRESS,
Acting Secretary of Revenue.

From the Department of Mines:

Your letter of February 25, requesting to be informed with respect to any laws administered by this Department that may interfere with the prosecution of war efforts, and which should be modified or suspended, has been received.

No doubt, because of the war and the many restriction placed upon different materials, obstacles will be encountered by the mining industry that could easily be overcome provided legislation authorizing the suspension or modification of existing laws is enacted.

For example, the bituminous mining law requires the operator of a mine in which more than four workmen are employed to engage the services of a certified mine foreman. Because of this requirement, hundreds of small operators purposely keep their working force below five. If, during the duration of the war, this requirement could be modified to permit the operator of a mine employing as many as ten workmen to operate without the services of a certified mine foreman, it would provide jobs for many men in several hundred small mines throughout the bituminous region of Pennsylvania and, at the same time, substantially increase the production of coal. A law to correct this condition was introduced during the last session of the legislature. It passed the Senate but failed in the House.

Other laws, such as those requiring the certification of transportation employes, machine runners, electricians, etc. may become obstacles in the path of production. Men filling these positions are mostly in the draft age, and with the present laws standing rigidly in the way a serious situation is very apt to develop.

There is another law which limits to one the number of apprentices a certified miner may have working with him for the purpose of learning the business of mining. It also specifies that an apprentice shall have two years of mining experience before he is entitled to a miner's certificate. These and other such requirements will, I am sure, interfere with the production of coal during the present emergency.

We are passing through a period of our national history when men are constantly confronted by a choice between the deadly letter of the law or its life-giving spirit. In times such as these, with all the stress and strain of a great national emergency, the public welfare may be seriously affected in the absence of legislative action to protect the public interest in the complexities of modern industrial operations.

Our choice, during these times, should not be confined to the rigid enforcement of statutory rules that will work hardship in many cases. A flexible administration of legislative policies that can be far more effective and just should be permitted during this emergency.

Yours very truly,

(S) RICHARD MAIZE,
Secretary of Mines.

From the Department of Highways, and this is interesting because the subject I understood they were mostly interested in apparently was not considered of great importance by the Secretary, that is in relation to the mileage of trucks. He states:

In reply to your letter of February 25, 1942, asking us to indicate what laws administered by this Department need modification or suspension due to the present emergency, we respectfully call your attention to the fact that the Federal Authorities have already asked us to take certain steps which we could not take because of statutory provisions defining the powers vested in the Department of Highways.

The Department of Highways has been asked to vacate certain roads and highways within areas taken over for military or naval purposes and to close certain roads and streets in areas where industries were being constructed or operated to provide urgent needs for our Army and Navy. The military or naval authorities have also requested this Department to build or repair certain highways which are not on the State highway system under a plan for reimbursement and although all of these matters may require some additional legislation, it is further felt that no present statutory requirements should interfere with our desire to fully co-operate in the present war effort.

The highways and bridges of Pennsylvania are a vulnerable part of the facilities which are vital to our national defense. Invasion, bombings, or acts of sabotage may require that immediate action be taken to construct or rebuild highways and bridges. The movement of troops, supplies or implements of war may require immediate activity by this Department and although no one can foresee what the future may be, it is very seriously felt that the Department of Highways should not fail to meet an emergency because of laws which provide a mode of procedure which may prove costly and disastrous. Statutory requirements for advertising, purchase of materials, labor regulations, condemnation of property and other requirements, the effect of which cannot be foreseen at this time, may prove to be an aid to the enemy.

This Department does not favor the abandonment of laws which have been enacted to establish an adequate system of State Highways and to safeguard the expenditure of the Motor License

Fund, but it does appear that the Legislature should take effective steps to authorize the temporary suspension of any law which interferes with an all-out effort for defense. We trust such a result will be achieved by the present special session.

Very truly yours,

(S) I. LAMONT HUGHES,
Secretary of Highways.

May I state that bills are being prepared to cover that instance.

From the Fish Commission:

This will acknowledge your letter of February 25th.

An Act of the Legislature passed at the last session prohibits all fishing in trout streams from 5 p. m. April 14th to 5 a. m. April 15, E. S. T., and I have written the Attorney General's Office asking for an opinion as to how we should interpret this with the War Time now in effect.

An Act of the Legislature passed in 1937 gives the Fish Commission authority to set up rules and regulations governing size, season and number. I talked the matter over with our representative in the Attorney General's Office, and if an emergency should arise requiring the closing of any body of water, I don't believe our present law would cover except to set it aside as a nursery area.

Sincerely yours,

(S) C. A. FRENCH,
Commissioner of Fisheries.

From the Game Commission:

In response to your inquiry of February 25, at the moment we know of only one problem which confronts the Game Commission that will interfere with the prosecution of the war because it involves the maintenance of public morale. The details of this problem have been laid before the Governor and the Department of Justice.

We are not certain that all the problems which may arise with reference to the functions of this Commission as related to the prosecution of the war can be visualized or anticipated at the moment, and if some machinery, for example such a plan as suggested by the Governor, could be set up to handle problems as they arise from time to time, it would be advantageous to all concerned.

If we can be of further assistance, please advise.

Cordially yours,

(S) SETH GORDON,
Executive Director.

With further reference to our letter to you of yesterday relative to suspension or modification of existing laws that interfere with the prosecution of the war, please be advised that just this morning the representative of one of the largest steel trap manufacturing concerns in the country came to our office with another unforseen problem.

Under the provisions of the Game Law all traps or deadfalls used to catch fur-bearing animals and predators must be marked "with a metallic plate or tag" bearing in plain English the name and address of the owner. The concern in question has been manufacturing the required tags in large quantities for its own customers, as well as those of numerous other concerns. He now tells us that because of the war demands it seems impossible to obtain the required metal for tags, and that some non-metallic substitute must be used for the duration of the war.

Just how the problem can be adjusted we are unable to determine at the moment. We are bringing it to your attention merely as another example of the unforeseen questions which arise from day to day, and the need for delegating proper authority to some agency to handle them.

Cordially yours,

(S) SETH GORDON,
Executive Director.

From the Department of Welfare:

In reply to your letter of February 25 in which you request our opinion as to the need for Legislation authorizing the suspension or modification of existing laws that interfere with the prosecution of any war in which this Nation is, or may become, engaged," I would make the following suggestions:

Act No. 230, P. L. 1935 requiring that all hospitals having "100 beds or more receiving any appropriation from the State shall at all times have in attendance at such hospitals at least one licensed physician or resident interne who shall have graduated from an approved medical college or approved osteopathic college if such hospital be an osteopathic hospital," should, for the emergency, be modified to such an extent that no hospital receiving State aid be denied same because of its inability to meet the requirements of this act.

This is the only act of Assembly administered by this Department which affects our hospitals. However, in the amended medical practice act—Act No. 345, 1941—it is the opinion of this Department that certain provisions affecting our State-owned general and mental hospitals, as well as State-aided hospitals, should be relaxed in several ways:

1. Under the existing law only licensed physicians are permitted to sign death certificates. Occasion may arise where otherwise qualified medical school graduates who, because of the emergency have not been able to complete their interneship, would be the only ones who could make a death certificate.

2. I can visualize a situation in which the demands of certain hospitals could be met by the employment of medical school graduates who would neither have had the opportunity of taking the State Board examinations or of completing their interneship, by modification of the requirements of Act No. 345 or the setting aside of rulings by the State Board of Medical Licensure.

3. I would further suggest that reciprocity between the States regarding employment of physicians and/or nurses be given a wider latitude compatible with safety.

I trust the above suggestions may be helpful.

Very truly yours,

(S) E. ARTHUR SWEENY,
Secretary-of-Welfare.

From the Department of Property and Supplies:

In reply to your letter of February 25th, the following is our opinion regarding "* * * suspension of modification of our present laws that interfere in the prosecution of any war of which this Nation is or may become engaged."

We are daily encountering difficulty in securing bids, as well as deliveries of material, due to restrictions placed upon manufacturers, by the Federal government, due to the exigency in obtain-

ing raw materials that enter into the manufacture of numerous products that we purchase, which are essential for the perpetuation of the present war.

In accordance with the present law, there are many instances in the lapse of time between the inquiry for bids and the awarding of contracts that material has been commandeered, and the contractor cannot be compelled to discharge his obligation. These conditions are daily developing into a serious situation, and unless some method of suspension or modification of existing laws be granted by the present Legislature, for the emergency period, we are apprehensive of the outcome of the State government's activities.

For your information and perusal, we quote from a letter received on February 19th from the War Production Board in Washington.

"It is suggested that State purchasing departments dispense with usual practice of asking for bids from suppliers for supplies for the institutions in the State.

"Rationing plans are now being made, and when complete, all users of sugar will be rationed, including State institutions."

We suggest only such deviation, from existing laws, as will eliminate interference in securing materials which are vitally and essentially necessary for the various Departments, Boards and Commissions, mental and health institutions, wherein life or death or the prosecution of crime and military activities or any other emergency are involved.

In view of the above, it is impossible for us to advise the exact manner in which the present laws should be modified, but we hope that the Legislature authorizes at this session a suspension or modification of existing laws which will permit us to secure materials promptly whenever we are confronted by problems of shortages.

We sincerely appreciate your request for our cooperation for the proposed Legislation, and hope that the above information will be of some assistance to you in your decision on same.

Sincerely yours,

(S) WALTER G. SCOTT,
Acting Secretary of Property and Supplies.

From the Department of Public Instruction:

This acknowledges your letter of February 25, 1942. At the present time it appears that the work of the Department of Public Instruction would be expedited by emergency legislation relating to the following topics:

1. General authorization to make temporary adjustments in length of school day, periods and number of days for schools to be in session, closing of schools in emergencies, promotion and graduation of pupils, payroll alterations under special plans of administration, assignment and reassignment of teachers, employment of noncitizens under certain conditions, standards and specifications of school buses, and liberalization of authority to grant farm and domestic work permits.

2. Authorization for examining boards to waive preliminary educational and training requirements when emergency conditions demand.

3. Authorization to make such state teachers colleges as may be desired available for trade, vocational and defense education.

4. Extend military service leave benefits of Act 282 of the 1941 session to cover employes who, because of transfer from one district to another, have served less than one year in the district when listed or inducted into service.

5. Adjust 1941 legislation regarding definition of rights and obligations of members of the School Employes' Retirement System who are State employes engaged in active military service.

6. Adjust 1941 legislation by providing for payment into the School Employes' Retirement Fund by the Commonwealth for State officers or employes who are members of the School Employes' Retirement System.

I am not sure that items four, five and six are included in the call of Governor James.

Sincerely yours,

(S) FRANCIS B. HAAS.

And now, Mr. Speaker, it to me is apparent from the reading of these letters that the membership of this House can ascertain with a reasonable degree of certainty laws that do need modification, and certainly we have no other duty than to proceed with our study, proceed to the introduction of measures that that study indicates should be introduced and the last thing we should be thinking of is recess.

After we have completed that work, then and only then need we think of a recess or an adjournment and the mechanics in relation to it. I repeat again, Mr. Speaker, that we do not propose running away from our problem; we propose staying here and doing the work, and we hope that the Senate will show the same spirit and activity.

PERMISSION TO ADDRESS HOUSE

Mr. TURNER asked and obtained unanimous consent to address the House.

Mr. Speaker, the gentleman from Monroe has very properly consumed a considerable amount of time in placing before us the answers to these letters, and I would hesitate to take the time of the House now for any extended remarks, but I do feel that in justice to my colleagues on this side I should say something in pursuance to the remarks made by the gentleman from Monroe.

The gentleman from Monroe spoke of the action which this House will take, and his thought is in accord with the action of the Members on this side of the House at the caucus today, and the unanimous feeling and opinion of the Republican Members of this House is that we have no desire to run away from the job, that we believe immediate steps should be taken to develop, what has seemed to me since the beginning of the session, a program that should not be a partisan program on the part of the Republican Members of the House, but it should be a program on the part of both sides in this emergency.

I think if I have stood for anything in this House at least from the time I have been here, I have continually fought for economy in government, and in what opportunity I have had to demonstrate my sincerity in the matter I did effect economy, but I have never felt that the people of Pennsylvania measured legislative results entirely by the amount of dollars and cents that were spent on a legislative session, and while I know that the taxpayers, burdened as they are by the great war taxes that they are paying and will have to pay, want every relief they can get and they want every economy

effected, I do not believe the taxpayers of Pennsylvania want us to quit and go home without having done the job as well as it is possible to be done. They would rather expend whatever is necessary than to have us short-change them by an unfinished or unintelligent approach to the problem.

Mr. Speaker, this question of emergency powers has agitated the legislature and the general public the last three weeks, since the legislature was convened. I have had some familiarity and some contact with the problem. I have seen it from the standpoint of other states. It is perfectly true that a large number of states have deemed it necessary to grant emergency powers to their Governors to suspend or revise laws, running all the way from general powers covering certain phases and activity in New Jersey to the whole gamut of practically all the subjects in Massachusetts, to a different approach to the problem in Rhode Island, where they have given emergency powers to the Governor with reference to health regulations and legislation in reference to the taking of property, and a great many other activities that may be necessary in the war emergency.

It has seemed to me as I have assimilated the subject that it is a subject which divides itself into two parts. The question of emergency powers pertains first to what you might call civilian protection. In New York state and several other states they are more concerned with emergency powers in the event of some catastrophe or the need of protection against some catastrophe which arises under what I call civilian protection. I am not so much concerned with that angle of it.

Our State Council of Defense has pretty wide powers. We have set up a lot of agencies to deal with emergencies, and if we were to have air raids or a series of them, or if we were to be actually invaded, the Governor already has the power under the Constitution, almost unlimited power in case of invasion or threat of invasion of our Commonwealth.

In the second place, our Army would more than likely take care of the situation and martial law would exist, and almost everything could be done that was necessary to be done in the protection of the people, so I have not been so much concerned with this problem as it concerns civilian protection.

I believe that inasmuch as we have investigated the situation, and certainly the replies of the Departments indicate that they too have not been able to conceive in a great many instances the things that may occur in the next few months, I have agreed with my colleagues in the Council of State Governments in their proposition that some place some emergency powers should be granted, but that it should be restricted to certain specific subjects, and then upon those subjects some broad powers should be given for suspension.

However, if my colleagues do not agree with me on that,—and I mean when I say my "colleagues" both in the Senate and in the House and on both sides,—if they should not agree with me, then the only thing I wish to say is that we should approach it from the standpoint which the gentleman from Monroe, Mr. Achterman has suggested today, in other words find out all the things which are deemed to be necessary to be revised or suspended, and deal with them specifically.

I am afraid, however, that sitting as we do now and knowing only the things as they arise, we are not seeing where the present laws restrict and where the rub comes, where the brakes should be put on the laws that now create bottlenecks or delays, where they may hamper this great question of national defense.

When I raised that question with some of the men from some of the other states, with which we are concerned here, that is, laws which pertain to the general activities, business, industrial and other activities of the people, they have simply taken the bull by the horns in those other states and suspended or revised the laws to suit themselves. In one instance by agreement on the part of the Governor and the legislative leaders feeling that it was all right to do it.

That of course is not a good precedent to set, and is not a proper way to operate a government. Therefore I think our way of approaching it is a far better way.

The gentleman from Monroe has forgotten another phase of this problem with which I have been much concerned. I might say when the gentleman from Monroe said there had not been study in certain quarters of some of these questions, that cannot be said of the Republican members, because almost the whole Republican group is divided into a number of committes that are studying the problem.

The result of one of the studies of those committees is evidenced, I think, by the remarks of the gentleman from Cambria, Mr. Rose, just made a short time since on the floor of this House. We have other committees that are studying these problems, and one of the most important groups is that dealing with problems of our counties, our townships, our boroughs and our cities.

In the conference which we had in New York a week ago, one of the difficulties I had with the men there discussing these problems was to get them to understand that there was a multiplicity of municipal problems which arise because of the war, and which in some instances are impeding the war and the defense efforts, and that in those instances we needed the consideration of legislative bodies as to whether we should place the power some place to suspend, or whether we should specifically deal with them.

As the solicitor of a municipality I find constantly, almost daily, that there are problems arising in the minds of the public officials that there are restrictions, such as restrictions on bidding or purchases over five hundred dollars, and I am certain in the next few months as we go more intensely into this war effort that we are going to find that there will be many problems that we connot conceive of today.

New York State, for instance, has found that one of the great problems is that of water supply, which would require municipalities to interchange water supply. Perhaps in the interior of Pennsylvania you haven't thought so much about it, but if you lived along the Delaware River where a bomb dropped almost anywhere would hit a war industry, it is a very vital problem at the present time, and the necessity arises to arrange for interchange of water supplies, so that if one be destroyed there may be the possibility of leading in another to keep defense industries going.

I have talked longer than I anticipated, but I have thought by doing so I could show that there are a multiplicity of problems which we could not conceive of before we leave this session, and as far as I am concerned I am staying as long as anybody is here, up until final adjournment and until we have given every possible angle of these problems proper study and determined how we can deal with them. You may find within a few months there may arise new problems that may make you feel sorry you did not perform your duty while you were here, and I will say that on this side of the House there will be no difficulty in keeping the Members here and at work. They are divided into committees and are now working on these problems, so that they will be able to act. They will be ready to meet the issue.

We have not felt that it was necessary for us to take any action on war powers until after we saw just exactly what was going to happen to the measure which was introduced in the Senate, and also as I said I think a week ago in this House, until we knew what was going to happen in the meeting in Washington last week in the bill drafting Council of State Government, which had expected to discuss this same subject. They laid down general principles, but as far as drafting anything on which we might act here, I do not think it was very much of a guide.

CONDOLENCE RESOLUTION

Mr. FISHER offered a resolution and asked and obtained unanimous consent for its immediate consideration.

The resolution was twice read, considered and adopted as follows:

In the House of Representatives, March 11, 1942.

The House of Representatives learned with sorrow of the death of Jack M. Willoughby, prominent citizen of Huntingdon, Pennsylvania, who died Thursday, March 5th, 1942, after a long illness.

Mr. Willoughby was born September 25th, 1885, the son of Frank and Sarah (Morrison) Willoughby. He was educated in the Huntingdon public schools, and spent his entire life in the vicinity of Huntingdon.

During his life he was interested and active in numerous civic and religious affairs. He was one of the county's ablest historians, being a charter member and secretary of the Huntingdon County Historical Society.

He long was interested in politics, and gave liberally of his time and organizing talent to the Republican Party. At the time of his death, he was Chairman of the Huntingdon County Republican Committee.

Mr. Willoughby was a member of the First Presbyterian Church of Huntingdon, Sons of the Revolution, and of Mt. Moriah Lodge, F. & A. M., therefore be it

Resolved, That the House of Representatives mourns the passing of a true gentleman and distinguished citizen; and be it further

Resolved, That a copy of this resolution be mailed by the Chief Clerk of the House to Mrs. Alvin Waite, Mrs. R. S. Allen, both of Huntingdon; Mrs. C. W. Bird of Detroit, Michigan; and Clair H. Willoughby of Huntingdon, sisters and brother of the deceased, as a token of the House of Representatives sympathy for them in their great bereavement.

CONDOLENCE RESOLUTION

Mr. GERARD offered a resolution and asked and obtained unanimous consent for its immediate consideration.

The resolution was twice read, considered and adopted as follows:

In the House of Representatives, March 11, 1942.

The House of Representatives has learned with sorrow of the passing of Matthew A. Dunn, of Allegheny County, who died on February 13, 1942, at the age of 56.

Mr. Dunn, born in Braddock, Pennsylvania, gained fame as the "blind legislator from the Twelfth district" and was elected to and served in this House for three terms from 1926 to 1932. In 1932 he was elected to Congress and was re-elected in 1934, 1936 and 1938.

He was known and will be long remembered as the champion of the weary and downcast and during his entire public career, he expended his talents and energy in prodigious fashion in behalf of legislation calculated to aleviate suffering and aid to the underprivileged.

His unceasing efforts in this regard, however, so undermined his health that he was obliged to retire from office without seeking reelection; therefore be it

Resolved, That the House of Representatives hereby acknowledges the lasting contribution to society of the late Hon. Matthew A. Dunn, who lived and died in the service of mankind; and be it further

Resolved, That copies of this resolution be transcribed and transmitted to his widow, Mrs. Minnie Rudolph Dunn.

RESOLUTION

Mr. MUNLEY offered a resolution which was laid over for printing under the Rules.

PUBLIC HEARING

There will be a public hearing on Senate Bill No. 19, known as the Anti-Sabotage Act, in the New House Caucus Room on Tuesday, March 17, at 10 A. M.

ANNOUNCEMENT

Testimonial Dinner to Hon. Ellwood J. Turner at 7 p. m., Tuesday, March 17 at Penn-Harris Hotel.

Members are urged to receive tickets for themselves and guests before 3 p. m. on Monday in order that accommodations may be completed. Tickets may be had from Committee Members or at the office of the Chief Clerk. Ladies are welcome.

Will the following members please report at Parlor D at the Penn-Harris Hotel at 6:30 p. m. to aid in receiving invited guests:—Messrs. Auker, R. Cohen, Bower, Gerard, Cooper, Leonard, Dennison, Lovett, Fiss, McFall, Hewitt and Shaw.

ADJOURNMENT

Mr. REYNOLDS. Mr. Speaker, I move that this House do now adjourn until Monday, March 16, 1942, at 9 p. m.

The motion was agreed to, and (at 4:54 p. m.) the House adjourned.

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal.

Extraordinary Session of 1942.

Vol. 26. HARRISBURG, PA., MONDAY, MARCH 16, 1942. No. 13.

SENATE

MONDAY, March 16, 1942

The Senate met at 4:00 o'clock p. m., Eastern War Time. The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the Chair.

PRAYER

The Chaplain, Rev. EDWIN S. WALLACE offered the following prayer:

O God, we see Thy majesty and Thy power in the universe for it is Thy creation; we know Thy love for it is all about us and within us. We pray Thee that we may stand in awe of Thy majesty and power and be sincerely grateful for Thy love. So impress us with a sense of obligation that gratitude may rise from every heart.

We thank Thee for this favored land to which Thou did'st direct our fathers and empowered them to possess. They bequeathed to us a goodly heritage, not a heritage of land only but the heritage of godly character. May we hold both as sacred trusts and transmit them to our children unimpaired.

We pray for all officers and men in every branch of our armed service. Comfort the sorrowing loved ones of those who have died; heal the wounded and alleviate their suffering. Hasten, we pray Thee, the coming of a righteous peace.

Strengthen the hands and encourage the hearts of the President and of all those in authority.

Make us a united and God-fearing people that we may magnify Thy great and holy name. For Jesus' sake. Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. THOMAS B. WILSON and Mr. GELTZ, the further reading was dispensed with, and the Journal was approved.

LEAVE OF ABSENCE

Mr. Farrell asked and obtained leave of absence for the Senator from Bucks, Mr. JAMES.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced presented communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows:

APPROVED AND SIGNED SENATE BILL No. 27
(PRINTER'S No. 19)

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 11, 1942

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed Senate Bill No. 27, Printer's No. 19, entitled, "An Act to provide for the expenses of the Extraordinary Session of the Legislature assembled February seventeenth one thousand nine hundred forty-two in pursuance of the proclamation of the Governor of the Commonwealth dated February tenth one thousand nine hundred forty-two and the supplement thereto."

ARTHUR H. JAMES.

NOMINATIONS BY THE GOVERNOR

NOTARIES PUBLIC

He also presented in writing from His Excellency, the Governor of the Commonwealth, nominations for appointment as Notaries Public.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 16, 1942.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

E. J. Baur, Pittsburgh, Gross Street and P. R. R.
Mrs. Mildred M. Bligh, Braddock.
Miss Virginia A. Kelly, Pittsburgh, 129 S. Highland Avenue.
Mrs. Helen N. Koontz, Pittsburgh, 1719 Brownsville Road.
Miss Loyola Moroney, Pittsburgh, 602 Frick Bldg.

BEAVER COUNTY

James A. Clark, Borough Twp., Beaver.
Harold C. Stahlman, Baden.

BLAIR COUNTY

Miss A. Rose Janker, Altoona.

CUMBERLAND COUNTY

Mrs. Edna Crumm, Carlisle.

DAUPHIN COUNTY

Mrs. Katherine P. Coup, Harrisburg.

ERIE COUNTY

James K. Brydon, Jr., Erie.
Miss Edith M. Lapp, Erie.
Elijah T. Salsbury, Albion.

INDIANA COUNTY

Miss M. Lucille Fulmer, Indiana.

LANCASTER COUNTY

Mrs. Mabel S. Lehman, Lancaster.

LAWRENCE COUNTY

Miss Elsie F. Grieder, New Wilmington.

LYCOMING COUNTY

Mrs. M. Helen Young, Williamsport.

McKEAN COUNTY

Max J. Rubin, Bradford.

MONTGOMERY COUNTY

Adam F. Mackiewicz, Plymouth Twp., 471 New Elm St., Conshohocken.

PHILADELPHIA COUNTY

Miss Hazel F. Balway, Philadelphia, 908 N. Broad Street.
T. G. Coleman, Philadelphia, 6400 State Road.
Henry Peltz, Philadelphia, "C" and Tioga Streets.
Harry W. Reed, Philadelphia, Terminal Hotel 2 North 12th Street.

SNYDER COUNTY

S. Richard Bulick, Selinsgrove.

WASHINGTON COUNTY

Samuel B. Chaney, Charleroi.

WESTMORELAND COUNTY

Miss Marjorie D. Hepler, Greensburg.

ARTHUR H. JAMES.

CONSIDERATION OF NOTARIES PUBLIC

Mr. GELTZ. Mr. President, I move that the Senate do now proceed to the consideration of nominations for appointment as Notaries Public, sent to the Senate, March 16, 1942, by His Excellency the Governor of the Commonwealth.

Mr. WALKER. Mr. President, I second the motion.

The motion was agreed to.

The nominations were read as follows:

NOMINATIONS FOR NOTARIES PUBLIC

A motion was made by Mr. GELTZ and Mr. WALKER,

That the Senate do advise and consent to said nominations.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—41

Barr,	**Ealy,**	**Lanius,**	**Stiefel,**
Bartlett,	**Edmonds,**	**Letzler,**	**Taylor,**
Becker,	**Farrell,**	**Mallery,**	**Thomas,**
Carr,	**Frey,**	**McCreesh,**	**Tyler,**
Cavalcante,	**Geltz,**	**McGinnis,**	**Wade,**
Cox,	**Haluska,**	**McQuiddy,**	**Walker,**
Crider,	**Heyburn,**	**Miller,**	**Watkins,**
Crowe,	**Homsher,**	**Reed,**	**Wilson, H. I.,**
Deitrick,	**Jaspan,**	**Scarlett,**	**Wilson, T. B.,**
Dent,	**Kephart,**	**Shapiro,**	**Woodward,**
DiSilvestro,			

NAYS—0

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

He also presented communcations in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Executive Nominations.

NOMINATION FOR APPOINTMENT AS SECRETARY OF PROPERTY AND SUPPLIES

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 16, 1942.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Hon. James F. Torrance, Export, Westmoreland County, for appointment as Secretary of Property and Supplies, to serve until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified, vice Roger W. Rowland, resigned.

ARTHUR H. JAMES.

JUSTICE OF THE PEACE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 16, 1942.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate William J. Twigg, Box No. 16, Lemont, Centre County, for appointment as Justice of the Peace in and for the Township of College, Centre County, until the first Monday in January 1944, to fill a vacancy.

ARTHUR H. JAMES.

NOMINATION FOR APPOINTMENT AS MEMBERS OF COUNTY BOARDS OF ASSISTANCE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 16, 1942.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for reappointment as members of County Boards of Assistance, for the terms set opposite their names:

BUTLER COUNTY

Albert H. Meeder, Zelienople, until December 31, 1943.

CARBON COUNTY

Charles D. Neast, 24 Walnut Street, Mauch Chunk, until December 31, 1944.

Emerson C. West, 226 Second Street, Weatherly, until December 31, 1944.

CHESTER COUNTY

Mrs. Virginia Thomas Galt, Glenmoore, until December 31, 1944.

Mrs. Bertha M. Whitaker, South Hill, Coatesville, until December 31, 1944.

ARTHUR H. JAMES.

PETITIONS

The PRESIDENT. The Chair clears the table and lays before the Senate communication addressed to Honorable Montgomery F. Crowe, State Senate, Harrisburg, Pa., from the Pennsylvania Federation of Sportsmen's Clubs, which if there is no objection, will be spread upon the Journal.

"PENNSYLVANIA FEDERATION OF SPORTSMEN'S CLUBS

March 12, 1942.

"Honorable Montgomery F. Crowe
State Senate, Harrisburg, Pa.

"Honorable Sir:

"The following resolution was unanimously adopted by the Pennsylvania Federation of Sportsmen's Clubs at their eleventh annual convention February 14, 1942, in the Forum, Harrisburg, Pa.

Resolved—Whereas Governor Arthur H. James has made various and wise appointments to the Board of Fish Commissioners, and in the past our State Federation has complimented him on these appointments and urged their confirmation by the Senate.

Be It Resolved—That because of the pressure of business and other matters the Senate Session of 1941 took no action on the confirmation of these appointments. We hereby again wish to express our appreciation to the Governor for appointing the Board members in question and also re-affirm our request that the Senate confirm all members appointed to the Board of Fish Commissioners and not confirmed up to the present time.

Respectfully yours,
Pennsylvania Federation of Sportsmen's Clubs
C. A. MORTIMER,
Secretary-Treasurer"

BILLS INTRODUCED

Mr. MALLERY read in his place and presented to the Chair Senate Bill No. 52, entitled:

An Act to aid in the prevention of sabotage by making the larceny of articles rationed by the Federal Government and necessary in national defense, a felony and prescribing penalties.

Which was committed to the Committee on Judiciary General.

Mr. SHAPIRO. Mr. President, in presenting this bill, I desire to make a few preliminary remarks in explanation, because I think this bill may help to solve a problem which has been vexing this session.

You will remember that the Governor has asked us to give blanket authority to a certain committee for the purpose of suspending or modifying certain laws which may interfere with the progress and with the defense of this country.

I discussed the question last week, and on the way home I thought that if someone could solve the problem by answering the objections of both sides, that we might get somewhere, and so I thought over the objections of both sides, and important amongst them was the fact that we did not want to set a precedent by delegating authority to modify or suspend laws to someone other than the Legislature. The thought then was to call special session, and the objection to that was the cost.

Mr. President, I think that what I suggest will at least answer both objections. I have no pride of authorship in the bill. I have drawn the bill myself, and having been hurriedly done, it is probably not in the best shape, and there may be some suggestions to amplify or reduce the bill, but I submit it to you for your consideration with this explanation:

It provides that this Legislature shall appoint a committee which shall be known as the Joint Emergency Legislative Council, that the committee shall consist of all of the members of the House and all of the members of the Senate, and that the committee of the Senate shall be presided over by the President Pro Tempore of the Senate, and the committee of the House shall be presided over by the Speaker of the House, that it shall meet only upon the call of the Governor, and that this committee, upon the passage of this bill, shall appoint an executive board of five members from the Senate and five members from the House, whose duty it shall be to confer with the Governor, department heads and such other persons as in the Governor's opinion may be necessary for the purpose of ascertaining what may be necessary and a program for carrying out the purpose of this act.

To meet the objection as to expense, this bill provides that the members of the committee shall receive no compensation except mileage and actual expenses in Harrisburg, limited to ten dollars per day. The bill also provides that the action of this committee shall be by a majority vote, and only those persons who are present shall be entitled to their expenses.

Mr. President, it strikes me that the Executive Committee can cover the objection which the Governor raised in his statement that most of us received last week, that there may be some matters that can not be discussed openly.

The bill also provides that the regular employes of the Senate and of the House shall be the employes of the committee, without extra pay. It authorizes this committee to adopt such rules as may be necessary to facilitate the conduct of its work, and it also provides that bills need only be printed once, that is, resolutions—the committee will operate by resolution. The committee may meet jointly or separately as the rules may provide.

Mr. SHAPIRO read in his place and presented to the Chair Senate Bill No. 53, entitled :

An Act authorizing the suspension or modification of the operation of laws either in whole or in part under certain circumstances during the existence of a war wherein the United States is engaged; creating a Joint Emergency Legislative Council and an Executive Board; imposing duties and conferring powers upon the Governor of the Commonwealth the Council and the Executive Board; and making an appropriation.

Which was committed to the Committee on State Government.

TIME OF NEXT MEETING

Mr. WALKER offered the following resolution which was twice read, considered and agreed to:

In the Senate, March 16, 1942.

Resolved (if the House of Representatives concur), That when the Senate adjourns this week, it reconvene on Monday, March 23, 1942, at four o'clock p. m. and when the House of Representatives adjourns this week, it reconvene on Monday, March 23, 1942, at nine o'clock p. m.

Ordered, That the Clerk present the same to the House of Representatives for concurrence.

MEMORIALIZING THE GOVERNOR TO SUMMON NON-PARTISAN COMMITTEE TO STUDY PROBLEM OF ST. LAWRENCE WATERWAY

Mr. MALLERY offered the following resolution which was twice read:

In the Senate, March 16, 1942.

The threat to Pennsylvania in the St. Lawrence Waterway is a war as well as a peace time danger and is so real to the State's welfare and to its basic industries that the full extent of it should be ascertained by expert investigation.

The consummation of this dream would inflict double punishment on the Commonwealth. Not only are the taxes of Pennsylvania used to build such projects, but later, through competition with water power the dollars of investment, capital, wages and railroad rates are impaired.

The coal mines of the Commonwealth would be crippled and the loss of coal tonnage would seriously affect the railroads.

No comprehensive study has been made of the paralyzing effects on the mining industry and on the railroads that would result from the operation of the proposed waterway, and it is now time that such study should be made in order to obtain definite facts upon which to base intelligent opposition to the construction of the project, therefore be it

Resolved, By the Senate of the Commonwealth of Pennsylvania that His Excellency the Governor is hereby requested to summon a non-partisan conference of capable Pennsylvanians, who could plan the raising of sufficient funds to employ experts and engineers to study the paralyzing effects not only on the mining industry but the railroads of this State, once the generation of power on the St. Lawrence starts competing with power generated by steam from Pennsylvania coal as suggested by a Harrisburg newspaper, and that the results of any such study shall be reported to the Governor before the next session of the Legislature, and be it further

Resolved, That a copy of this resolution shall be immediately transmitted to the Governor by the Secretary of Senate.

MOTION TO SUSPEND RULE 39

Mr. MALLERY. Mr. President, I ask unanimous consent that Rule 39, which requires resolutions be referred to an appropriate committee, be dispensed with and the Senate proceed to the consideration of the foregoing resolution.

The PRESIDENT. Is there objection?

Mr. SHAPIRO. Mr. President, I object.

The PRESIDENT. The resolution is referred to the Committee on State Government.

BILL POSTPONED

Mr. GELTZ. Mr. President, I move that further consideration of Senate Bill No. 12, on third reading, entitled:

An Act to amend the act approved the sixth day of August, one thousand nine hundred and forty-one (1941 Appropriation Acts, page 98), entitled "A supplement to the act approved the sixteenth day of June, one thousand nine hundred forty-one (Appropriation Act Number 12-A), entitled 'An act to provide for the ordinary expenses of the Executive, Legislative and Judicial Departments of the Commonwealth, interest on the public debt, and the support of the public schools for two years beginning June first, one thousand nine hundred and forty-one, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first, one thousand nine hundred and forty-one,'" by increasing the appropriation to the Department of Justice for the parole work of the Board of Pardons.

be postponed for the present.

Mr. BECKER. Mr. President, I second the motion.

The motion was agreed to.

BILL OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 13, on third reading, entitled:

An Act to amend Section 36 and to repeal Section 37 of the act approved the sixth day of August, one thousand nine hundred and forty-one (P. L. 861), entitled "An act to create a uniform and exclusive system for the administration of parole in this Commonwealth; establishing the 'Pennsylvania Board of Parole'; conferring and defining its jurisdiction, duties, powers and functions, including the supervision of person placed upon probation in certain designated cases; providing for the method of appointment of its members; regulating the appointment, removal and discharge of its officers, clerks and employes; dividing the Commonwealth into administrative districts for purposes of parole; fixing the salaries of members of the board and of certain officers and employes thereof; making violations of certain provisions of this act misdemeanors; providing penalties therefor; and for other cognate purposes, and making an appropriation, by postponing the operation and effective date of the act and repealing the appropriation made by said act.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 40, (House Bill No. 11), as follows:

An Act to further amend section eight hundred twenty-eight of the act approved the first day of May one thousand nine hundred twenty-nine (P. L. 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garag

keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" authorizing the Secretary of Revenue during the period of national emergency to suspend the operation of certain provisions of this act relating to school buses when such provisions conflict with priority claims for material

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section eight hundred twenty-eight of the act approved the first day of May one thousand nine hundred twenty-nine (P. L. 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" as last amended by the act approved the twenty-seventh day of June one thousand nine hundred thirty-nine (P. L. 1135) is hereby further amended to read as follows

Section 828 School Buses Safety Requirements (a) "School Bus" for the purpose of this section is any vehicle registered as a commercial vehicle motor bus or motor omnibus or any vehicle having a lineal seating space including the space for the operator of more than one hundred (100) inches and owned by or used under contract with any school or school district for the transportation of school children Provided That said school bus shall not include motor buses operated by common carriers holding a certificate of the Public Utility Commission who also operate such motor buses over routes approved by such commission And provided further That such buses comply with the safety regulations of that commission and the State Council of Education of Pennsylvania

(b) No person shall own or operate a school bus carrying school children on the highways of this Commonwealth in a school bus that in addition to the other requirements of this act does not conform with the following

(1) The body of the vehicle shall be of all metal construction and of the closed type and shall provide only one compartment for the operator and school children

(2) The exhaust system shall be so constructed that exhaust gases will be kept out of the body of the school bus and adequate ventilation shall be provided in all school buses

(3) There shall be an entrance door located to the right of the operator and at all times controlled only by such operator The door shall be at least twenty-four (24) inches wide and shall be an approved safety type with suitable hand rails

(4) There shall be an emergency exit door in the rear or on the left side near the rear of the vehicle equipped with an emergency lock operated from the inside of the vehicle which may be quickly released and which shall be protected against accidental release The emergency exit door shall open outwards and shall be at least twenty (20) inches wide and shall be labeled in black letters at least three (3) inches high on both the outside and inside "Emergency Door"

(5) All windows shall be so constructed and installed that they shall readily slide up and down only except that the windows in the rear of the bus shall be stationary All side windows in the bus shall be provided with removable heavy wire mesh or other removable guard of a sufficient height to prevent the extension of hands

(6) There shall be at least thirteen (13) inches of seating space provided for such school child carried and there shall be a measurement of at least twelve (12) inches from the front of every seat to the back of the seat next to the rear All seats shall have spring cushions and all back rests shall be well padded and shall be securely fastened to the bus There shall be no longitudinal seats opposite to and facing each other within a distance of eighteen (18) inches and in all new buses purchased after the effective date of this act there shall be no longitudinal seats

(7) Every school bus shall be of a uniform color which shall be orange and every such bus shall be labeled both in the front and in the rear with black letters not less than six (6) inches in height with the words "School Bus" showing to the outside

(8) Every school bus shall be equipped with at least one (1) fire extinguisher of approved type in good condition and ready for use as prescribed by the secretary and shall be so placed that it can be readily reached from the operator's seat

Provided That nothing contained in this section shall make unlawful the use before August first one thousand nine hundred forty-two of any vehicle as a school bus for the transportation of school children if such vehicle was used in this Commonwealth under contract with any school or school district for the transportation of school children before the effective date of this section

The secretary shall have the authority to make regulations not inconsistent with this act for the efficient administration of this section and during the national emergency to suspend the operation of the provisions of this section if in his judgment priority claims for material make it impossible to comply with such provisions

Penalty Any person violating any of the provisions of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of not less than ten ($10) dollars and not more than twenty-five ($25) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not less than five (5) days and not more than ten (10) days

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—42

Barr,	Ealy,	Mallery,	Stevenson,
Bartlett,	Edmonds,	McCreesh,	Stiefel,
Becker,	Farrell,	McGinnis,	Taylor,
Carr,	Frey,	McQuiddy,	Thomas,
Cavalcante,	Geltz,	Miller,	Tyler,
Chapman,	Haluska,	Reed,	Wade,
Crider,	Heyburn,	Ruth,	Watkins,
Crowe,	Homsher,	Scarlett,	Wilson, H. I.,
Deitrick,	Kephart,	Shapiro,	Wilson, T. B.,
Dent,	Lanius,	Snowden,	Woodward,
DiSilvestro,	Letzler,		

NAYS—3

Cox,	Jaspan,	Walker,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL OVER IN ORDER

Mr. WALKER. Mr. President, I ask unanimous consent that Senate Bill No. 41, on third reading, entitled:

An Act to further amend the act approved the fifth day of December, one thousand nine hundred and thirty-six (P. L. 2897, 1937), entitled "An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry and its existing and newly created agencies, with personnel (with certain exceptions) selected on a civil service basis, requiring employers to keep records and make reports and certain employers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons, providing procedure and administrative details for the determination, payment and collection of such contributions and the payment of such compensation, providing for cooperation with the Federal Government and its agencies, creating certain special funds in the custody of the State Treasurer and prescribing penalties," changing the provisions thereof and the rights, obligations and procedure thereunder.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 42, as follows:

An Act to suspend and modify existing law providing for and requiring the use of plates or tags as evidence of the payment of any license or registration fee insofar as such laws require the use of plates or tags manufactured of metal and by authorizing the use of other material in whole or in part

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 In order to make large quantities of metal available for use in the manufacture of materials and supplies for war use the provisions of any acts of assembly requiring the use or display of any plate or tag as evidence of the registration of any vehicle or the payment of any registration fee or license fee by any person copartnership association or corporation are hereby suspended during the continuance of the war in which the United States is now engaged and for all subsequent registration or licensing years or periods commencing within six months after the termination of such war insofar as such acts require that such plates or tags shall be constructed or manufactured of metal and the department or agency of the State government issuing or requiring the use or display of such plates or tags is hereby authorized to specify the use or display of plates or tags manufactured of material other than metal or to provide for addition or attachment to plates or tags heretofore issued of some mark or substance clearly evidencing the renewal of such registration or licensing and the payment of the fee required therefor

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Ealy,	Letzler,	Stevenson,
Bartlett,	Edmonds,	Mallery,	Stiefel,
Becker,	Farrell,	McCreesh,	Taylor,
Carr,	Frey,	McGinnis,	Thomas,
Cavalcante,	Geltz,	McQuiddy,	Tyler,
Chapman,	Haluska,	Miller,	Wade,
Cox,	Heyburn,	Reed,	Walker,
Crider,	Homsher,	Ruth,	Watkins,
Crowe,	Jaspan,	Scarlett,	Wilson, H. I.,
Deitrick,	Kephart,	Shapiro,	Wilson, T. B.,
Dent,	Lanius,	Snowden,	Woodward,
DiSilvestro,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL RECOMMITTED

Mr. GELTZ. Mr. President, at the request of Senator Miller, sponsor of the bill, I move that Senate Bill No. 47, on third reading entitled:

An Act to suspend law providing for and requiring certain contracts or purchases made by the Commonwealth or any political subdivision thereof to be made with and from the lowest responsible bidder after notice by advertisement insofar as they apply to certain contracts and purchases and regulating the letting of contracts and the making of purchases by political subdivisions.

be recommitted to the Committee on State Government for the purpose of amendment.

Mr. MILLER. Mr. President, I second the motion.

The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 37, entitled:

An Act relating to air raid precautions, including blackouts; conferring certain powers and duties upon the State Council of Defense, local and district Councils of defense, political subdivisions, members of certain municipal and volunteer agencies and civilians necessary for the safety, defense and protection of civilians and property in the Commonwealth; providing for the mobilization, coordination and use of certain municipal agencies and volunteer agencies, including their personnel and equipment; providing for immunity from liability for injury or death to persons or damage to property under certain circumstances; and providing penalties.

On the question,

Will the Senate agree to the bill?

The first section was read and agreed to.

The second section was read.

On the question,

Will the Senate agree to the section?

Mr. WALKER. Mr. President, I desire to offer amendments.

The Clerk read the amendments as follows:

Amend Section 2, page 3, line 1 by striking out after the word "by" and before the word "officers" the following: "[regularly paid]"; Amend Section 2, page 3, by striking out lines 5 to 8 inclusive.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The third section was read.

On the question,

Will the Senate agree to the section?

Mr. WALKER. Mr. President, I desire to offer an amendment.

The Clerk read the amendment as follows:

Amend Section 3, page 5, line 12 by adding at the end of the line the following: "Provided, however, That no rule, regulation and order of any local or district council of defense shall become effective unless and until it shall have received the prior approval of the State Council of Defense."

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The fourth, fifth, sixth, seventh, eighth and ninth sections were read and agreed to.

The tenth section was read.

On the question,

Will the Senate agree to the section?

Mr. WALKER. Mr. President, I desire to offer amendments.

The Clerk read the amendments as follows:

Amend Section 10, page 8, line 14, by striking out at the end of the line the following: "[except a person duly authorized];" Amend Section 10, page 8, line 15 by striking out after the word "shall" and before the word "utter" the word: "[unlawfully]"; and inserting in lieu thereof the word "wilfully"; Amend Section 10, page 8, line 16 by striking out after the word "shall" and before the word "simulate" the word: "[unlawfully]"; and inserting in lieu thereof the word: "wilfully"; Amend Section 10, page 8, line 22 by adding at the end of the line the following: "Provided, however, That any air raid alarm, signal or warning uttered by any person in connection with any duly authorized air raid drill or practice black-out shall not be deemed to be a false air raid alarm, signal or warning within the meaning of this section."

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The eleventh section was read and agreed to.

The title was read and agreed to.

And said bill as amended having been read at length the second time.

On the question,

Will the Senate agree to the bill?

BILL OVER IN ORDER

Mr. WALKER. Mr. President, I ask unanimous consent that Senate Bill No. 37, on second reading, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 39, (House Bill No. 10), entitled:

An Act to further amend section six hundred twenty-eight and to amend section six hundred twenty-nine of the act approved the third day of June one thousand nine hundred thirty-seven (P. L. 1333) entitled "An act concerning elections including general municipal special and primary elections the nomination of candidates primary and election expenses and election contests creating and defining membership of county boards of elections imposing duties upon the Secretary of the Commonwealth courts county boards of elections county commissioners imposing penalties for violation of the act and codifying revising and consolidating the laws relating thereto and repealing certain acts and parts of acts relating to elections" extending the time within which writs of election may issue for holding special elections to fill vacancies occurring in either house of the General Assembly and the time within which nominations therefor may be filed.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with.

The Senate proceeded to the second reading and consideration of Senate Bill No. 46, entitled:

An Act authorizing the Governor of the Commonwealth of Pennsylvania with the approval of the Department of Wharves, Docks and Ferries of the City of Philadelphia to suspend for a limited time the operation of laws regulating or relating to the movement and anchorage of vessels carrying or having on board certain explosives insofar as the same relate to fixed ammunition or ammunition which contains the projectile and the explosive in one container or shell.

And said bill having been read at length the second time and agreed to,

BILL RECOMMITTED

Mr. GELTZ. Mr. President, I move that Senate Bill No. 46 the bill just read, be recommitted to the Committee on State Government.

Mr. EDMONDS. Mr. President, I second the motion.

The motion was agreed to.

QUESTION OF PERSONAL PRIVILEGE

Mr. SHAPIRO. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The gentleman from Philadelphia may proceed.

Mr. SHAPIRO. Mr. President, there were two bills on our Calendar which I had hoped would have been acted upon today, but in view of the fact that they are not going to be acted upon today and are postponed, I should like to make a statement for the record, since I may not be here when these bills are acted upon.

Mr. President, the 1939 legislature passed what was then called the Parole Law, setting up a new and advanced method of dealing with the old and serious problem of rehabilitating criminals through parole, while at the same time providing proper protection to society. Governor James vetoed that bill on the ground that no money had been appropriated by the legislature to pay for the cost of administering the act. Fathered by the same group who were interested in the passage of the first act, the 1941 legislature passed, and the Governor on August 6th approved, an act dealing with the same problem in the same enlightened manner and appropriated the necessary funds to carry out the provisions of the act. This is the act of August 6, 1941, P. L. 861, known as the Parole Law. The same legislature, to complete the program, also reduced from three-hundred-sixty thousand to one-hundred eighty thousand, the two-year appropriation to the Department of Justice so as to cover the expenses of the existing Parole Board only until the new Parole Law became effective. Section 36 of that Parole Law provides:

> "It shall be the duty of the Governor, in the manner herein provided in this Act, to appoint the members of the (parole) board on or before the first day of October 1941 . . . The Board as so constituted shall immediately thereafter set up the system herein provided for and make the necessary appointments of its officers, clerks and employees. To this extent this Act shall become effective immediately upon its final enactment, but in all respcts it shall become effective on the 1st day of June, 1942."

Notwithstanding the mandatory provisions of this section, the Governor has failed and neglected to appoint the Board although more than six months have passed, but instead he now proposes the postponement of the Parole Law so that the appointments to the Board need not be made until on or before June 1, 1943, and the effective date changed to October 1, 1943.

The reasons assigned by the Governor to support this program are: "First, that we have been requested by our national leaders to postpone new functions until after the present emergency."

Second, "that doubt about certain provisions in the Parole Act already have been raised and certain amendments to the Parole Act suggested for submission to this Special Session".

Third, "Civil Service provisions in the Act would have the effect of freezing the employes and that the postponement would therefore provide a 'chance to save one series of jobs for the boys now at the front' ".

Fourth, "That there are not now available men with sufficient qualifications to act as members of the Parole Board."

As against this proposal the public press has carried not only the protests of the sponsors of the bill, but also the expressions of many of those public spirited citizens who have devoted a lifetime to the study of this serious social problem, indicating their almost unanimous disagreement with the Governor's proposal and the validity of the reasons advanced by him in support of his proposal.

I suggest, Mr. President, that in order to act intelligently on the Governor's request it is necessary to review the past in order to see the setting in which this proposal lies. Does it come in good faith or does it follaw a pattern of dodging issues time and time again? Let us look at the record.

Arthur H. James became a candidate for office of Governor in the Spring of 1933; at that time he was a member of our Superior Court, a highly respected Court comprised of men of learning, ability and integrity.

Arthur H. James retained his membership in, and accepted his pay as a member of that Court throughout the primary and the general election campaign in which he actively participated, absenting himself from his judicial duties during that time; even after his election and down to the moment of his induction into the office as Governor he continued as a member of that Court. All of this in direct violation of Canon 30 of the Code of Ethics of the American Bar Association which reads as follows:

> "A Judge who become a candidate for a non-judicial office shall sever his connections with the judicial office by resignation, in order that it cannot even be said that he is using that power and the prestige of his office to promote his candidacy or the success of his party."

But this Judge postponed his resignation to almost the very moment of his induction to the office of Governor and tendered his resignation as Judge to himself as Governor in the same breath that he swore to uphold the laws and the constitution of the Commonwealth and the nation.

That was the beginning of a series of dodging issues by postponement. The record shows that as Governor of this Commonwealth:

1. He postponed fulfillment of his campaign promise to reduce the burden of taxation.

2. He postponed the presentation of the State budget to the legislature in direct violation of Article 6 of the Act of August 9, 1929, P. L. 177 which provides that:

> "As soon as possible and not later than four weeks after the organization of the General Assembly the Governor shall submit a State budget."

When the Governor presented this budget, seven weeks after the organization of the General Assembly, he did so with this euphonious statement: "In compliance with Article 6 of the Act of April 9, 1929, P. L. 177, I have the honor to lay before the General Assembly the State budget for the fiscal biennium from June 1, 1939, to May 31, 1941." Parenthetically I should say here that the Governor then saw to it that he would be plagued no more by that law; therefore, he caused the then Republican controlled legislature in that same session to amend the Act so as to remove the time limit altogether.

(See the Act of June 6, 1939, P. L. 250).

3. He postponed balancing the 1939-41 budget and

accomplished it by short changing the relief requirements and by borrowing fifty million dollars from special funds, making a Special Session to meet relief requirements inevitable.

4. He postponed for two years the operation of the Mental Health Act, the effect of which Act placed for the first time on the Commonwealth, the sole responsibility for the care and maintenance of the mentally ill. This law represented twenty-five years of unrelenting effort on the part of a number of socially minded and public spirited citizens to place the State in its proper position in the treatment of this unfortunate group of our citizens.

5. He postponed for two years the operation of the laws granting assistance to financially overburdened school districts by appropriating to them monies to pay for:

A. Salaries to Supervisors of Special Education.

B. The cost of student transportation.

C. Tuition for certain high school students.

6. He again postponed meeting the full requirements of Public Assistance in the Special Session of 1940, and refuses to meet the situation by short-changing relief and borrowing thirty-seven million dollars from special funds.

7. He postponed the repayment of these borrowed funds until June, 1941, creating a doubtful legal obligation on the next legislation.

8. He again, in 1941 postponed reducing the tax burden in the 1941-1943 budget, this time in the face of concrete evidence of rising revenues as a result of the national defense program.

9. He made an unsuccessful effort to again postpone the operation of the Mental Health Laws and the laws granting aid to the school districts.

10. He postponed the appointment of the Civil Service Commission, a legal duty imposed upon him under the Act of August 5, 1941, P. L. 752 which was enacted into law by the legislature reluctantly and after much opposition, only because the legislature was told by the Governor that the whole system of Unemployment Compensation and Public Assistance would otherwise break down and the State would lose millions of dollars.

11. He postponed the appointment of this Commission although he was required under the law to appoint the Commission "within thirty days after the effective date of the Act," which was August 5, 1941. The appointment being made only after great criticism and pressure on March 9, 1942.

12. He postponed and has not yet made an appointment to fill the vacancy in the office of Secretary of Revenue.

13. He postponed and has not yet made an appointment to fill the vacancy in the office of Secretary of Health.

14. He postponed and has not yet made an appointment to fill the vacancy in the office of Liquor Control Board.

15. He postponed and has not yet made an appointment to fill the vacancy in the office of Milk Control Commission.

This, Mr. President, is the setting in which lies the proposal of the Governor to postpone the effective date of the operation of the Parole Law, bills to carry out that proposal being on our calendar today.

This setting represents a continued persistent practice of postponing, delaying and refusing to carry out the duties imposed upon the Governor by law, obviously for purely personal or political reasons, or both. And I am afraid that this last proposal must be placed in the same category. Examine with me, if you will, Mr. President, the reasons advanced:

First, "We have been requested by our national leaders to postpone new functions until after the present emergency . . ." Since when is the administration of paroled criminals a new function? On the same theory no existing governmental function could be improved no matter how great the necessity or how meritorious the improvement.

Now, as to the second reason, namely that "doubt about certain provisions in the Parole Act has been raised . . . One of the bill's sponsors came to me for explanation of certain amendments which he wished to have submitted to this Special Session . . ." Even if this were so, experience has shown that every law, no matter how thoroughly and carefully framed will develop in its operation, the need for change. As a matter of fact the need for this whole law developed from defects discovered in the operation of the existing Parole Law. In addition to that let me quote you what the Governor said when the original Parole Act was vetoed by him. Remember, if you will, that the same group of public minded citizens which prepared the 1939 vetoed Act also prepared the 1941 Act. This is what the Governor said: "This bill is the result of much study, consideration and labor by a commission of eminent and outstanding men, presided over by Judge James Gay Gordon, Jr., of the Court of Common Pleas No. 2 of Philadelphia County, who deserves public encomium for this perfectly coordinated piece of legislation which represents a definite forward step toward solving the problem of rehabilitating persons convicted of violations of our criminal statutes."

Further, if there were specific and valid amendments, why the secrecy concerning these amendments? It would have been far better to have had included in the call the proposed amendments to the Act rather than to seek the postponement of its operation.

The third reason, that the Civil Service provision of the Act would, in effect, freeze the employees and thus exclude a chance to save a series of jobs for the boys now at the front, is even less tenable, for if the Governor is sincere in his desire to look after the boys at the front he should have had the courage of his convictions for he could have asked for a suspension of the Civil Service provisions. If he was sincere and did not feel that he could ask for the suspension of the Civil Service provisions, then he should have asked for an indefinite postponement of the whole Act, at least until the war was ended, for, what assurance has the Governor that this war will be over and the boys will be back by June or even October, 1943?

Such untenable reasons justify the assumption that it is not the boys at the front for whom the Governor is concerned, but on the contrary, it is the boys in the back—back home, the present political appointees occupying positions with the local parole agencies who are the real objects of his grave concern.

The fourth reason, namely, that "qualified men are not available as members of the Parole Board" is ridiculous. I want to state here and now that notwithstanding my differences with them in matters political and economical I have met many men in the Governor's own party who have the qualities and in many cases the highest qualifications for any office to which the Governor may have appointive power. Even if these men have been alienated, I suggest to the Governor that in the interest of a great public and necessary reform it would be far better to name some of these able men, certainly less dangerous than the practice of re-appointing time after time to public office men who have four or five times in succession failed to receive the approval of this Senatorial body.

Mr. President, I shall cast my vote against this proposal because I do not intend to place my stamp of approval, unimportant as it may be, upon the consistent violation by any Governor of his oath of office, just because it may suit his personal or political convenience.

Never before, in my experience, has a Governor so deliberately and consistently ignored the duties imposed upon him by legislative enactment. Such misconduct strikes at the very foundation of our form of government. Without us, and by his own inaction, through his one-man government, he has already accomplished the postponement of the Parole Act. Therefore, his request to this legislature for an additional legalized postponement is so obviously insincere that I am forced to the conclusion that it is not an amendment to the Act, but legislative absolution for his violation of that Act which he is seeking.

ADJOURNMENT

Mr. GELTZ. Mr. President, I move that the Senate do now adjourn until Tuesday, March 17, 1942, at 2:00 o'clock, p. m., Eastern War Time.

Mr. WALKER. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 5:01 o'clock, p. m., Eastern War Time, until Tuesday, March 17, 1942, at 2:00 p. m., Eastern War Time.

HOUSE OF REPRESENTATIVES

MONDAY, March 16, 1942

The House met at 9 p. m.

The SPEAKER (Elmer Kilroy) in the Chair.

PRAYER

The Chaplain, Rev. DONALD McFALL offered the following prayer:

Our Heavenly Father, as we attempt to do what we can to be of service to others, we would ask Thee to guard our hearts from bitterness and discouragement if our efforts are misunderstood, misinterpreted, or even not well received. Perhaps we need further preparation. We pray Thee, help each one of us to discipline ourselves in the art of being patient, even as the lowly Galilean, who suffered most from those He loved best, for whose redemption He gave His very life.

Realizing that only men of clear purpose and unfaltering conviction can win victories, help each member of this House of Representatives, to so discipline himself as to be able to say with the Psalmist: "I waited patiently for the Lord, and he inclined unto me, and heard my cry." In Thy name we pray. Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of Wednesday, March 11, 1942.

The Clerk proceeded to read the Journal of Wednesday, March 11, 1942, when, on motion of Mr. HARRIS, unanimously agreed to, the further reading was dispensed with and the Journal approved.

BILLS INTRODUCED AND REFERRED

By Messrs. LICHTENWALTER and NORMAN WOOD. HOUSE BILL No. 53.

An Act suspending for a limited time all laws of the Commonwealth requiring the registration of trailers insofar as they require the registration of certain wagons or agricultural machinery drawn by a motor driven vehicle for certain purposes.

Referred to the Select Committee on Special Session Legislation.

By Mr. READINGER. HOUSE BILL No. 54.

A Joint Resolution proposing an amendment to article nine of the Constitution of the Commonwealth of Pennsylvania by adding thereto section eighteen.

Referred to the Select Committee on Special Session Legislation.

RESOLUTIONS INTRODUCED AND REFERRED

By Mr. HERMAN. RESOLUTION No. 25.

In the House of Representatives, March 16, 1942.

Whereas, The Brotherhood of Railroad Shop Crafts of America, having thousands of members in this Commonwealth, adopted the following resolution:

"Whereas, On Sunday, December 7, 1941 there was perpetrated one of the most dastardly crimes ever recorded in history when during the period of supposed friendly and amiable negotiations in Washington, D. C., and even while those negotiations were in progress, the Japanese Government, sinking to the lowest depths among respecting nations of the world, stealthily and without warning, breaking all rules of honor and decency, did attack this Nation and by foul and despicable methods has already spilled American blood;

"And Whereas, Since that time the Japanese have been openly joined in their continued nefarious efforts by the gangster governments of Germany, Italy, and other aggressor nations;

"And Whereas, The Brotherhood of Railroad Shop Crafts of America recognizes that upon the outcome of this present death struggle in which the whole world is now engaged, depends the right of the American people to live as free human beings and in which right labor has a gigantic stake;

"And Whereas, The first thought of every American is now of his Country, the preservation and the main-

tenance of its ideals, exemplified in its Constitution and the first ten Amendments thereto, recognized as the Bill of Rights;

"And Whereas, The men of this Brotherhood realize that this catastrophe raises its ugly head and strikes directly at our families, our homes, our churches, our schools, our institutions, and that in their defense full offensive war must be waged, and that in waging that war many of our members taking up arms in defense of America will pay the supreme sacrifice, others will return broken in spirit and in body, and that still others who must remain at home will be asked to share, to give and to assume responsibilities growing out of the tragic effects of war;

"Now, Therefore, be it hereby Resolved, That the Brotherhood of Railroad Shop Crafts of America and every member thereof, in all solemnity and with calmness born of deep conviction in the might of America, and in its indestructible determination to fight through to absolute victory, doth hereby offer to the President of the United States, and to the Nation and the people thereof, the full and complete use of all of their combined resources, their facilities, their manpower, and their all so that the inevitable triumph may be attained; that this pledge is hereby given cheerfully without reservation and with full faith and confidence that victory must come to America and the civilized peoples of the world;" and

Whereas, Said resolution represents an ideal pledge of assistance, unity and cooperation that is so vital in our all-out efforts toward victory, and for that reason has been adopted by Congress and spread upon the Congressional Record; therefore be it

Resolved, That this House of Representatives commend the Brotherhood of Railroad Shop Crafts for the loyal and unselfish offer represented by its adoption of the above resolution; and be it further

Resolved, That a copy of this resolution be transcribed and transmitted to the Brotherhood of Railroad Shop Crafts.

Referred to the Select Committee on Special Session Legislation.

By Messrs. MUNLEY and O'NEILL.

(Concurrent) RESOLUTION No. 26.

In the House of Representatives, March 16, 1942.

RESOLUTION PETITIONING THE CONGRESS OF THE UNITED STATES OF AMERICA TO GRANT FRANKING PRIVILEGES TO ALL MEN IN THE MILITARY SERVICE OF THE UNITED STATES.

Whereas, Millions of our young men are entering the various branches of the military service of the United States, and

Whereas, Due to the limited financial resources of a vast majority of those men, it is not proper or just that they should bear the expense of communicating with their families and their friends, and

Whereas, Franking privileges are now enjoyed by the members of the Congress of the United States and by various Federal departments, and

Whereas, The people of this country owe to the men in the military service every possible consideration:

Be it Resolved, By the General Assembly of the Commonwealth of Pennsylvania, as follows:

That the General Assembly of the Commonwealth of Pennsylvania memorializes and petitions the Congress of the United States of America that the said Congress shall grant immediately franking privileges to the men in the military service of the United States as a measure of appreciation for their courage and self-sacrifice.

Resolved this 10th day of March, 1942.

Referred to the Select Committee on Special Session Legislation.

PETITION AND COMMUNICATION

The SPEAKER laid before the House the following petition which was read by the Clerk.

TEACHERS

A petition from Mr. Lester L. Hebenthal, Scottdale, favoring legislation granting teachers indefinite leave of absence to enter employ of defense plants, and increase in salary for teachers in fourth class districts.

Referred to the Select Committee on Special Session Legislation.

BILL ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 23, entitled:

An Act to add clause forty-seven to section one thousand five hundred two of the act, approved the twenty-fourth day of June, one thousand nine hundred thirty-one (P. L. 1206), entitled "An act concerning townships of the first class; amending, revising, consolidating, and changing the law relating thereto," authorizing emergency appropriations by boards of township commissioners for purposes of civilian defense.

The first section was read.

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. BRETHERICK. Mr. Speaker, I move that this bill be recommitted to the Select Committee on Special Session Legislation, because the subject treated therein is more fully comprehended in Senate Bill No. 21.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 45, (Senate Bill No. 36), entitled:

An Act making an appropriation to the Committee appointed pursuant to Senate Concurrent Resolution number one hundred forty of the Regular Session of one thousand nine hundred forty-one, adopted July fifteenth, one thousand nine hundred forty-one, to report recommendations for Congressional re-apportionment.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 46, (Senate Bill No. 16), entitled:

An Act to provide relief in cases where fiduciaries are in military service; authorizing the court to appoint a substituted fiduciary pro tem in such cases or to allow the remaining fiduciaries to act; authorizing security to be entered by and compensation paid to such substituted fiduciaries pro tem; and regulating the powers and liabilities of the fiduciary in military service and of the substituted fiduciary pro tem.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 27, entitled:

An Act authorizing the Department of Highways to construct repair or rebuild certain bridges in cities of the third class which are deemed necessary for national defense and where Federal or city funds are available for such purposes defining the powers and duties of said department and making an appropriation.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for third reading.

BILLS ON THIRD READING

BILLS PASSED OVER

There being no objection House Bill No. 24, Printer's No. 14, was passed over at the request of Mr. McCLANAGHAN.

There being no objection House Bill No. 8, Printer's No. 18, was passed over at the request of Mr. MARKS.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 12, as follows:

An Act prescribing the rights of persons enlisting or being inducted or drafted into the military or naval service of the United States in time of war or preparation for national defense during a national emergency under licenses issued by the Department of Revenue to operate any motor vehicle and providing for the renewals after discharge from such service

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Any person licensed by the Department of Revenue to operate any motor vehicle in the Commonwealth who heretofore has or shall thereafter enlist or be inducted or drafted into the military or naval service of the United States in time of war or preparation for national defense during a national emergency shall not thereby forfeit his or her current license If such license was valid and in force at the time he or she entered such service it shall not lapse at the expiration of the license period prescribed by law but shall continue in effect subject to suspension or revocation as in other cases until six months after the conclusion of the hostilities of such war or the termination of such emergency without further application or payment of any license fee Any such person upon presentation of a discharge from such service within one year from date thereof if such person is not afflicted with or suffering from a physical or mental disability or disease which will prevent such person from exercising reasonable and ordinary control over a motor vehicle and upon payment of the fee prescribed by law for the current renewal period only shall be entitled to a renewal of his or her license in the same manner as though such renewal had been made prior to the expiration of his or her last preceding renewal and as though all intermediate renewal fees had been paid

Section 2 All acts and parts of acts inconsistent with the provisions of this act are hereby repealed

Section 3 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to,

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—204

Achterman,	Foor,	Malloy,	Rosenfeld,
Auker,	French,	Marks,	Royer,
Baker,	Gallagher,	Maxwell,	Rush,
Balthaser,	Gates,	McClanaghan,	Sarge,
Baugher,	Gerard,	McClester,	Sarraf,
Bentley,	Gillan,	McDermott	Scanlon,
Bentzel,	Goodwin,	McDowell,	Schwab,
Boles,	Greenwood,	McFall,	Serrill,
Boney,	Gross,	McGrath,	Shaffer,
Boorse,	Gryskewicz,	McIntosh,	Shaw,
Bower,	Gyger,	McKinney,	Shepard,
Bradley,	Habbyshaw,	McLanahan,	Simons,
Breth,	Haberlen,	McLane,	Skale,
Bretherick,	Haines,	McMillen,	Snyder,
Brown,	Hall,	McSurdy,	Sollenberger,
Brunner, C. H.,	Hamilton,	Melchiorre,	Sorg,
Brunner, P. A.,	Hare,	Mihm,	Stambaugh,
Burns,	Harmuth,	Modell,	Stank,
Burris,	Harris,	Monks,	Stine,
Cadwalader,	Heatherington,	Mooney,	Stockham,
Chervenak,	Helm,	Moran,	Tarr,
Chudoff,	Hering,	Moul,	Tate,
Cochran,	Herman,	Muir,	Taylor,
Cohen, M. M.,	Hersch,	Munley,	Thompson, E. F.,
Cohen, R. E.,	Hewitt,	Nagel,	Thompson, R. L.,
Cook,	Hirsch,	Nunemacher,	Trout,
Cooper,	Holland,	O'Brien,	Turner,
Cordier,	Huntley,	O'Connor,	Van Allsburg,
Corrigan,	Imbrie,	O'Dare,	Verona,
Croop,	James,	O'Mullen,	Vincent,
Cullen,	Jefferson,	O'Neill,	Vogt,
Dalrymple,	Jones, G. E.,	Owens,	Voldow,
Dennison,	Jones, P. N.,	Petrosky,	Wagner,
DiGenova,	Keenan,	Pettit,	Watkins,
Dix,	Kenehan,	Polaski,	Weingartner,
Dolon,	Kline,	Polen,	Weiss,
D'Ortona,	Knoble,	Powers,	Welsh, E. B.,
Duffy,	Kolankiewicz,	Prosen,	Welsh, M. J.,
Early,	Komorofski,	Rank,	Wilkinson,
Eckels,	Krise,	Rausch,	Williams,
Elder,	Lee, E. A.,	Readinger,	Winner,
Elliott,	Lee, T. H.,	Reagan,	Wolf,
Ely,	Leisey,	Reese, D. P.,	Wood, L. H.,
Falkenstein,	Leonard,	Reese, R. E.,	Wood, N.,
Finestone,	Lesko,	Regan,	Woodring,
Finnerty,	Levy,	Reynolds,	Wright,
Fisher,	Leydic,	Rhea,	Yeakel,
Fiss,	Lichtenwalter,	Riley,	Yester,
Fleming,	Longo,	Rooney,	Young,
Fletcher,	Lovett,	Rose, S.,	Kilroy,
Flynn,	Lyons,	Rose, W. E.,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL ON FINAL PASSAGE POSTPONED

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. POLASKI.

The House resumed consideration on final passage of House Bill No. 25, as follows:

An Act to further amend section twenty-one of the act approved the seventh day of June one thousand nine hundred fifteen (P. L. 900) entitled "An act to provide for the immediate registration of all births and deaths throughout the Commonwealth of Pennsylvania by

means of certificates of births and deaths and burial or removal permits requiring prompt returns to the Central Bureau of Vital Statistics as required to be established by the State Department of Health and in order to secure prompt and faithful registration of births marriages deaths and diseases of practitioners of medicine and surgery of midwives nurses and undertakers and of all persons whose occupation is deemed to be of importance in obtaining complete registration of births deaths marriages and diseases throughout the State as provided in section ten of an act entitled 'An act creating the Department of Health and defining its powers and duties' approved the twenty-seventh day of April nineteen hundred and five and providing penalties for violations of this act" by directing the Department of Health to maintain branch offices in certain cities of the third clas for the filing of birth and death certicates authorizing such offices to issue certified copies of said certificates and make searches of their files providing that such offices be supplied with duplicates of certain birth and death records now on file in Harrisburg imposing additional duties upon local registrars in such cities and prescribing fees

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1. Section twenty-one of the act approved the seventh day of June one thousand nine hundred fifteen (P. L. 900) entitled "An act to provide for the immediate registration of all births and deaths throughout the Commonwealth of Pennsylvania by means of certificates of births and deaths and burial or removal permits requiring prompt returns to the Central Bureau of Vital Statistic as required to be established by the State Department of Health and in order to secure prompt and faithful registration of births marriages deaths and diseases of practitioners of medicine and surgery of midwives nurses and undertakers and of all persons whose occupation is deemed to be of importance in obtaining complete registration of births deaths marriages and diseases throughout the State as provided in section ten of an act entitled 'An act creating the Department of Health and defining its powers and duties' approved the twenty-seventh day of April nineteen hundred and five and providing penalties for violations of this act" as last amended by the act approved the twenty-second day of April one thousand nine hundred thirty-seven (P. L. 399) is hereby further amended to read as follows

Section 21. The Department of Health shall upon request and the payment of the fee as hereinafter provided furnish any applicant a certified copy of the record of any birth death or marriage registered under provisions of this act Provided however That no certified copy of an illegitimate birth record nor any information relative thereto except as herein otherwise provided shall be furnished to any person other than the illegitimate child or the mother of the child or upon an order of a court of competent jurisdiction When a certified copy is furnished of a birth certificate which was not filed within ten days from the birth there shall be furnished with such copy a true copy of any affidavit or affidavits or other papers filed with such birth certificate When a request is made for a birth certificate of any person who has been adopted by any other person pursuant to the provisions of any law and there is filed with such request a certified copy of the decree of the court in such adoption proceedings the department shall upon special request therefor issue in lieu of a certified copy of the original record a certificate showing only (a) the name of the adopted person as changed by the decree of adoption if changed (b) the date and place of birth (c) the names of the adopting parent or parents and (d) the permanent file number of the original birth certificate Such special certicate shall be accepted by all school authorities as evidence of the child's age for all purposes connected with employment or school attendance For the making and certification of each certified copy of the record of any birth death or marriage or of any special birth certificate the department shall be entitled to a fee of one dollar to be paid by the applicant and any such copy of the record of a birth or death or marriage when properly certified by the Department of Health to be a true copy thereof shall be prima facie evidence in all courts and places of the facts therein stated Provided That certified copies of the record of any birth death or marriage shall be furnished to honorably discharged soldiers sailors marines war nurses and their dependents without the payment of any fee For any search of the files and records when no certified copy is made the Department of Health shall be entitled to a fee of fifty cents for each hour or fractional hour of time of search to be paid by the applicant And the Department of Health shall keep a true and correct account of all fees by it received under these provisions and pay the same into the State Treasury through the Department of Revenue

In all cities of the third class located more than two hundred eighty-five miles by highways distance from the city of Harrisburg the Department of Health shall establish in a convenient location a branch office for the receipt and filing of birth and death certificates and for the maintenance of birth and death records It shall be the duty of all local registrars in such cities to make one copy of every birth and death certicate in addition to the copy now required by law to be retained in their office Such additional copies shall be forwarded immediately upon its completion to the branch office hereinbefore provided for and it shall thereafter have the same validity and effect as the original certificate forwarded to the Department of Health in Harrisburg for filing

Certified copies of any birth or death record on file with such branch office shall be issued by it immediately upon request and payment of the fee hereinbefore in this section prescribed Such certified copies shall have the same force and effect as other certified copies issued under the authority of this section Such branch office shall also make searches of its records or files upon payment of the fee hereinbefore in this section prescribed

The Department of Health shall supply and maintain in each branch office provided for by this act copies of all birth and death records of residents of such cities filed with the department prior to the date on which such branch office began operation

Section 2. The provisions of this act shall become effective immediately upon final enactment

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—105

Achterman,	Dennison,	Hirsch,	Polen,
Baker,	DiGenova,	Huntley,	Powers,
Balthaser,	Dix,	Jefferson,	Rausch,
Baugher,	Dolon,	Jones, P. N.,	Reese, R. E.,
Bentley,	D'Ortona,	Kline,	Regan,
Bentzel,	Duffy,	Knoble,	Reynolds,
Boles,	Early,	Kolankiewicz,	Shaffer,
Boney,	Eckels,	Komorofski,	Shaw,
Bradley,	Elliott,	Leonard,	Shepard,
Breth,	Falkenstein,	Leydic,	Skale,
Brown,	Finestone,	Longo,	Sorg,
Brunner, P. A.,	Finnerty,	Marks,	Stank,
Burns,	Fisher,	McDermott,	Tarr,
Burris,	Fleming,	McFall,	Thompson, E. F.,
Chervenak,	Fletcher,	McIntosh,	VanAllsburg,
Chudoff,	Flynn	McLanahan,	Vincent,
Cochran,	French,	Melchiorre,	Vogt,
Cohen, M. M.,	Gerard,	Mihm,	Voldow,
Cohen, R. E.,	Gillan,	Monks,	Weingartner,
Cook,	Goodwin,	Moul,	Weiss,
Cooper,	Gryskewicz,	Muir,	Welsh, M. J.,
Cordier,	Hamilton,	Nunemacher,	Wolf,
Corrigan,	Harmuth,	O'Connor,	Woodring,
Croop,	Harris,	O'Dare,	Wright,
Cullen,	Heatherington,	Owens,	Yester,
Dalrymple	Hering,	Polaski,	Young,
			Kilroy, Speaker

NAYS—24

Auker,	Jones, G. E.,	Reese, D. P.,	Stockham,
Ely,	Krise,	Rhea,	Taylor,
Gross,	Lichtenwalter,	Riley,	Trout,
Haines,	Lyons,	Sarge,	Wagner,
Hare,	McClester,	Snyder,	Wood, N.,
James,	McMillen,	Stambaugh,	Yeakel,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

ALBRIGHT COLLEGE CLASS WELCOMED

The SPEAKER. The Chair welcomes to the House this evening the Political Science Class of Albright College who are the guests of the gentleman from Berks, Mr. Wolf.

HERSHEY JUNIOR COLLEGE CLASS WELCOMED

The SPEAKER. The Chair welcomes to the House this evening the Political Science and Business Law Classes of Hershey Junior College, who are the guests of the gentleman from Dauphin, Mr. Habbyshaw.

SENATE MESSAGES

TIME OF NEXT MEETING

The Clerk of the Senate being introduced presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, March 16, 1942.

Resolved (if the House of Representatives concur), That when the Senate adjourns this week, it reconvene on Monday, March 23, 1942 at four o'clock p. m. and when the House of Representatives adjourns this week, it reconvene on Monday, March 23, 1942, at nine o'clock p. m.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

On the question,

Will the House concur in the resolution of the Senate?

It was unanimously concurred in.

Ordered, That the Clerk inform the Senate accordingly.

HOUSE BILL CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 11.

An Act to further amend section eight hundred twenty-eight of the act approved the first day of May one thousand nine hundred twenty-nine (P. L. 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" authorizing the Secretary of Revenue during the period of national emergency to suspend the operation of certain provisions of this act relating to school buses when such provisions conflict with priority claims for material

With the information that the Senate has passed the same without amendment.

BILL SIGNED BY SPEAKER

Bill numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the title was publicly read as follows:

HOUSE BILL No. 11.

An Act to further amend section eight hundred twenty-eight of the act approved the first day of May one thousand nine hundred twenty-nine (P. L. 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" authorizing the Secretary of Revenue during the period of national emergency to suspend the operation of certain provisions of this act relating to school buses when such provisions conflict with priority claims for material

The SPEAKER, in the presence of the House, signed the same.

BILLS INTRODUCED AND REFERRED

By Mr. ECKELS. HOUSE BILL No. 55.

An Act authorizing the Secretary of Internal Affairs to issue patents for lands to be used by the United States for war purposes, upon the payment of the original purchase price without interest accrued thereon, and to temporarily suspend the law requiring the payment of said interest.

Referred to the Select Committee on Special Session Legislation.

By Mr. STAMBAUGH. HOUSE BILL No. 56.

An Act authorizing the Secretary of Revenue of the Commonwealth of Pennsylvania, after consultation with the Secretary of Highways during a certain limited period of time, to adopt rules and regulations relative to the use

of the highways by motor vehicles, tractors, trailers or other equipment which cannot be fitted with rubber tires or treads, because of the shortage of rubber and providing for the suspension of certain inconsistent legislation.

Referred to the Select Committee on Special Session Legislation.

By Mr. YESTER. HOUSE BILL No. 57.

An Act authorizing the city clerk in the various cities of the third class throughout the Commonwealth, during the continuation of the present war and for six months thereafter, to search and issue certified copies of birth and death records maintained by such cities after the State-wide system for registering vital statistics was established; requiring that such birth and death records be made available to the city clerk for the purposes of this act; and authorizing the respective city councils to prescribe fees for such services.

Referred to the Select Committee on Special Session Legislation.

By Mr. ACHTERMAN. HOUSE BILL No. 58.

An Act authorizing the Department of Property and Supplies, with the approval of the Board of Commissioners of Public Grounds and Buildings to adopt certain rules and regulations governing purchases, sales and contracts of the Department of Property and Supplies on behalf of the Commonwealth during the continuation of the present war, and for six months thereafter, and suspending certain statutory provisions inconsistent with such rules and regulations.

Referred to the Select Committee on Special Session Legislation.

By Mr. HEATHERINGTON. HOUSE BILL No. 59.

An Act to amend Section 18.1 of the act, approved the seventh day of June, one thousand nine hundred fifteen (P. L. 900), entitled "An act to provide for the immediate registration of all births and deaths throughout the Commonwealth of Pennsylvania, by means of certificates of births and deaths, and burial or removal permits; requiring prompt returns to the Central Bureau of Vital Statistics, as required to be established by the State Department of Health; and, in order to secure prompt and faithful registration of births, marriages, deaths, and diseases, or practitioners of medicine and surgery, of midwives, nurses, and undertakers, and of all persons whose occupation is deemed to be of importance in obtaining complete registration of births, deaths, marriages, and diseases throughout the State, as provided in section ten of an act, entitled 'An act creating the Department of Health and defining its powers and duties,' approved the twenty-seventh day of April, nineteen hundred and five, and providing penalties for violations of this act," as added, by directing the Department of Health to extend the special birth record file provided for by said section, so as to include birth records of veterans of wars other than the World War and so as to include honorably discharged soldiers, sailors and marines, and providing for the issuance of certified copies of such records without cost.

Referred to the Select Committee on Special Session Legislation.

By Messrs. GEORGE E. JONES and IMBRIE. HOUSE BILL No. 60.

An Act authorizing the Pennsylvania Game Commission, in time of war when the standard of time may be changed, to fix the hours between which hunting shall be unlawful, so as to conform to such change in the standard of time; and prescribing penalties.

Referred to the Select Committee on Special Session Legislation.

SENATE MESSAGE

SENATE BILL FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence bill numbered and entitled as follows:

SENATE BILL No. 42. (HOUSE BILL No. 61).

An Act to suspend and modify existing law providing for and requiring the use of plates or tags as evidence of the payment of any license or registration fee insofar as such laws require the use of plates or tags manufactured of metal and by authorizing the use of other material in whole or in part.

Referred to the Select Committee on Special Session Legislation.

RESOLUTIONS

Mr. KNOBLE offered a resolution which was laid over for printing under the rules.

Mr. CORDIER offered a resolution which was laid over for printing under the rules.

PERMISSION TO ADDRESS HOUSE

Mr. LEONARD asked and obtained unanimous consent to address the House.

Mr. Speaker, I rise to protest the campaign of abuse and petty sniping now being indulged in by a great newspaper chain and various columnists in other units of the press, the object of which is to belittle the National Administration and particularly our Commander-in-Chief, Franklin Delano Roosevelt. I protest, in the blessed name of Americanism, this criticism based on faulty premise and in its intent completely destructive of the best interests of our country, beset as it is by the most powerful and frighful foes the history of his world has produced. I protest this prostitution of the freedom of the press to the whims of small-souled individuals who cannot submerge their social and economic peeves in the holy task of preserving our freedom as a great Nation and as individuals—men and women and children created in the very image of Almighty God. I protest the temerity exhibited by one William Randolph Hearst who, inside a full-page patriotic border, presumed to prod the Commander-in-Chief, and the fully competent military strategists of the United States Army, Navy, and Air Force, into embarking on a fool's errand which would bring upon our armed forces a terrible and frightful defeat, and cost the lives of thousands of American men and boys. I protest the impudence which attempts to use the glorious name and achievements of General Douglas MacArthur, and his brave men in the fox holes of Bataan, in such unfitting manner. I protest the insolence with which that full-page spread imputed to Congress, the Army, the Navy and Air Force, and the multitude of ordinary citizens who have placed trust and confidence in the chosen leaders of our embattled country, that we have deserted our heroes with deliberate intent. I protest this unjustified and uncalled for outburst for what it is—unworthy of any man, woman or child who is privileged to use the name American. I call upon the great force of public opinion to call down its just wrath on the

heads of anyone and everyone who would debase our God-given Democracy to the satisfaction of personal animosity, undisguised political abuse, or to provide an outlet for Roosevelt-haters to vent their spleen against the great man who is our President and our Commander-in-Chief in this terrific fight to preserve our liberties in a free world.

PERMISSION TO ADDRESS HOUSE

Mr. PRESLEY N. JONES asked and obtained unanimous consent to address the House.

Mr. Speaker, last May 5, 1941, a bill was passed in this House recognized as House Bill No. 292, Printer's No. 418, at which time one hundred and thirty-six men of this House voted aye and forty-three men voted nay. The Bill finally reposed in the Public Utility Committee presided over by Senator Mallery where it died a very lovely death. However, since that time, gentlemen, I wish to call your attention and particularly to those men in this House who voted "aye" on this Bill, that it has finally been adopted. It was advanced on the floor of this House as being a safety measure, as being something necessary to the preservation of the carriers, the railroads. I realize full well today in this national emergency, this national defense program under which we are operating, that many oil tankers have been sunk off the shores of this country. At that time, May 5th, in debate it was shown that by use of oil lanterns much of the necessary oils and lubricants of this country could be completely done away with by a flagman or brakeman who should stumble in the completion of his duties.

Therefore, I want to take this opportunity to thank each and every one of the men of this House, that is one hundred and thirty-six who voted for this bill because, gentlemen, it has become an actuality today.

Mr. Speaker, I desire to read into the record the agreement which was entered into by all the railroads that traverse this section of the Eastern Seaboard and the Brotherhood of Railroad Trainmen. I shall also read into the record the appendix showing that this agreement was signed by many railroads, including the Baltimore and Ohio Railroad, the Pennsylvania Railroad Company and others.

> This agreement is entered into between the carriers listed in Appendix "A" attached hereto and made a part hereof, represented by the duly authorized "Eastern Carriers" Committee signatory hereto, as party of the first part, and the trainmen and yardmen employed by said carriers covered herein and represented by the Brotherhood of Railroad Trainmen, signatory hereto and party of the second part, by its duly authorized Committee consisting of W. P. Kennedy, Vice President, U. D. Hartman, James Powers, E. F. Swan, W. F. Donoghue, and W. E. Easler.
>
> 1. The railroads will permit the use of white electric hand lanterns by trainmen and yardmen.
>
> 2. Trainmen and yardmen will be furnished white electric hand lanterns by the particular railroad on which employed upon deposition with that railroad the sum of $2.00 each.
>
> 3. Deposits for lanterns secured from the railroad may be made by trainmen and yardmen by depositing cash therefor or by signing a deduction order for the amount to be deducted from their pay checks on the current payroll.
>
> 4. When a trainman or yardman leaves the service, either voluntarily, by discharge or by death, or those retaining employe relationship but not in active service, the lantern may be returned to the railroad whereupon the amount of deposit made when the lantern was issued shall be refunded to him or his estate or heirs.
>
> 5. Replacement of lanterns issued by the Carrier will be made by the railroad without cost to the employe under the following conditions:
>
> A. When worn out or damaged in the performance of railroad service upon return of the lantern.
>
> B. When stolen while employe is on duty without neglect on part of employe.
>
> C. When destroyed in the performance of duty.
>
> 6. Employes will not be compelled to purchase lantern from the railroad but may purchase it from other sources of their own choice, provided, however, that any lantern so purchased must conform with the standard prescribed by the railroad.
>
> 7. The electric lantern, bulbs, and batteries must be of a standard prescribed by the railroad, and the lantern must be equipped with not less than two white bulbs for instant use and a provision for a spare white bulb to be carried in the lantern.
>
> 8. Trainmen and yardmen who, prior to the effective date of this agreement, have provided themselves with electric lanterns and have used them in the service of the railroad may continue to use them, if they so desire, until they are worn out, provided such lantern is of a satisfactory type and contains two serviceable white bulbs for instant use and a provision for carrying a spare white bulb in the lantern.
>
> 9. After the effective date of this agreement, each traniman and yardman must (subject to the provision of paragraph 14 hereof) provide himself with an electric white lantern, meeting the specifications set out in paragraph 7.
>
> 10. Each railroad will maintain at convenient locations a supply of batteries and bulbs to be drawn by trainmen and yardmen as needed to replace those worn out or broken without cost to the employes.
>
> 11. The railroads will continue to use oil burning lanterns with red globes for flagging, but they will continue their efforts to have developed an electric lantern that will be satisfactory for such service, and if and when one is developed the party of the first part will then enter into further negotiations with the party of the second part representing trainmen and yardmen with respect to its adoption for flagging service. When such lanterns are adopted for flagging service, they will be furnished by the railroads without expense to trainmen and yardmen.
>
> 12. The Brotherhood of Railroad Trainmen accepts this agreement as a final and complete disposition of the use of electric lanterns subject to the provisions of paragraph 11.
>
> 13. All agreements, with respect to the use of electric lanterns by trainmen and yardmen, now in effect and which have heretofore been entered into between any railroad or railroads signatory hereto and the representatives of the Brotherhood of Railroad Trainmen are hereby cancelled.
>
> 14. In the event that due to conditions beyond the control of a railroad it becomes unable to obtain a sufficient quantity of such electric lanterns, batteries or bulbs for the purpose and forth herein, the railroad shall thereby be relieved of compliance with the provisions of this agreement to the extent that such inability makes it impossible to comply herewith.

15. This agreement shall become effective as of March 31, 1942, and will remain in effect for a period of two years and thereafter subject to thirty days' written notice given by one of the parties to the other.

Signed at New York, New York, February 18, 1942.

Committee for the Brotherhood	Eastern Carriers' Committee For the participating carriers listed in Appendix "A"
/s/ W. S. Kennedy, Vice-President	/s/ H. A. ENOCHS, Chairman
/s/ U. D. Hartman	/s/ C. W. VAN HOON
/s/ James Powers	/s/ R. L. PEARSON, JR.
/s/ E. L. Swan	
/s/ W. F. Donoghue	
/s/ W. E. Easler	

APPENDIX "A"

To Agreement of February 18, 1942

List of Railroads in the Eastern Territory Parties to Agreement Dated February 18, 1942, Between Conference Committee and the Brotherhood of Railroad Trainmen, Said Agreement Being Coextensive* with the Scope of Agreementts Negotiated with That Organization on the Individual Railroads Here Listed.

Baltimore and Ohio Railroad Company, The
Boston & Maine Railroad
Bessemer and Lake Erie Railroad Company
Canadian National Railways Lines in New England
[T] Central Railroad Company of New Jersey, The
Central Vermont Railway, Incorporated
Delaware & Hudson Railroad Corporation, The
Detroit, Toledo & Ironton Railroad Company
Erie Railroad Company
Chicago & Erie Railroad Company
[T] New Jersey & New York Railroad Company, The
Grand Truck Western Railroad Company
Indianapolis Union Railway Company, The
Lehigh & New England Railroad Company
Lehigh Valley Railroad Company
Maine Central Railroad Company
Portland Terminal Company
Monongahela Railway Company, The
New York Central Railroad Company, The
Boston & Albany Railroad (The N. Y. C. R. R. R. Co., Leasee)
Chicago River and Indiana Railroad Company, The
Chicago Junction Railway Company (The C. R. & L. R. R. Co., Lessee)
Cleveland, Cincinnati, Chicago & St. Louis Railway Company (The NYC RR Co., Lessee)
Louisville & Jeffersonville Bridge & Railroad Company
Peoria & Eastern Railway Company, The
Indiana Harbor Belt Railroad Company, The
Michigan Central Railroad Company, The (The NYC RR Co., Lessee)
Pittsburgh & Lake Erie Railroad Company, The
Lake Erie & Eastern Railroad Company, The
New York, Chicago & St. Louis Railroad Company,, The
[T] New York, New Haven & Hartford Railroad Company, The
[T] New York, Ontario & Western Railway Company
Pennsylvania Railroad Company, The
Long Island Railroad Company, The
Pennsylvania Reading Seashore Lines
Pere Marquette Railway Company
Pittsburgh and West Virginia Railway Company, The
Raritan River Railroad
Reading Company
Staten Island Rapid Transit Railway Company, The
Washington Terminal Company, The
Wheeling & Lake Erie Railway Company, The

*Note: Agreement subject to approval of court with respect to lines in hands of Trustees, such lines being prefixed with a capital "T" enclosed in brackets.

Baltimore & Eastern Railroad Company

BILLS INTRODUCED AND REFERRED

By Mr. BONEY. HOUSE BILL No. 62.

An Act prescribing temporary emergency war provisions with respect to the administration of certain provisions of the school laws of this Commonwealth relating to length of time, periods and days for schools to be in session, closing schools, periods of promotion and graduation of pupils, payroll alterations, assignment and reassignment of teachers, employing non-citizens as teachers, standards and specifications of school buses, and temporary farm and domestic employment certificates for certain pupils; and authorizing boards of school directors (or boards of public instruction), with the approval of the Superintendent of Public Instruction, to put such provisions into operation, and to suspend the provisions of existing school laws inconsistent therewith, upon findings by such boards and department and the State Council of Defense.

Referred to the Select Committee on Special Session Legislation.

By Mr. McLANE. HOUSE BILL No. 63.

An Act to amend section four hundred one of the act, approved the fifth day of December, one thousand nine hundred thirty-six (1937, P. L. 2897), entitled "An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry and its existing and newly created agencies with personnel (with certain exceptions) selected on a civil service basis; requiring employers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons; providing procedure and administrative details for the determination, payment and collection of such contributions and the payment of such compensation; providing for cooperation with the Federal Government and its agencies; creating certain special funds in the custody of the State Treasurer; and prescribing penalties," providing for the payment of compensation to persons enlisting or being inducted in the armed forces of the United States, or their dependent.

Referred to the Select Committee on Special Session Legislation.

By Messrs. BAUGHER and BRETH. HOUSE BILL No. 64.

An Act suspending and modifying for the period of the present war and for a time thereafter the provisions of section two hundred fifty-one of the act, approved the second day of May, one thousand nine hundred and twenty-five (P. L. 448), entitled "An act relating to fish; and amending, revising, consolidating, and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth," and its amendments in so far as they authorize the Board of Fish Commissioners, when necessary to conserve the future fish supply, to close or open seasons and authorizing the closing and opening of seasons by said board for any emergency during said period.

Referred to the Select Committee on Special Session Legislation.

By Messrs. BRETH and BAUGHER.

HOUSE BILL No. 65.

An Act suspending for the period of the present war emergency and for a time thereafter, the provisions of section six hundred three of the act, approved the third day of June, one thousand nine hundred thirty-seven (P. L. 1225), entitled "An act concerning game and other wild birds and wild animals; and amending, revising, consolidating, and changing the law relating thereto," and its amendments, in so far as they require traps or deadfalls used in the taking or killing of fur-bearing animals or predators to be marked with a metallic plate or tag, and providing for the use of other types of plates or tags as the commission may determine.

Referred to the Select Committee on Special Session Legislation.

By Mr. STANK. HOUSE BILL No. 66.

An Act authorizing as a temporary emergency war measure the construction, repair, relocation, abandonment and vacation of certain roads, streets, highways, bridges and viaducts by the Department of Highways without complying with inconsistent existing laws relative thereto, and the temporary suspension of such laws by the Secretary of Highways.

Referred to the Select Committee on Special Session Legislation.

By Mr. MAXWELL. HOUSE BILL No. 67.

An Act authorizing as a temporary emergency war measure, the issuance by the Department of Public Instruction or by examining and licensing boards in said department, of licenses to practice professions or engage in occupations, without requiring all the qualifications and preliminary educational and training requirements prescribed by existing laws, and the temporary suspension of such existing laws, upon findings by such department and board and the State Council of Defense.

Referred to the Select Committee on Special Session Legislation.

By Mr. SARRAF. HOUSE BILL No. 68.

An Act to amend section two of the act, approved the tenth day of July, one thousand nine hundred thirty-five (P. L. 645), entitled "An act imposing certain requirements on certain hospitals receiving state aid; authorizing the withholding of appropriations; and imposing duties on the Department of Welfare," by providing that, during the present war and six months thereafter, funds shall not be withheld from hospitals for violation of such act, if the Secretary of Welfare determines that the constant attendance of a licensed physician or resident interne cannot be secured by such hospitals because of the war emergency.

Referred to the Select Committee on Special Session Legislation.

By Mr. READINGER. HOUSE BILL No. 69.

An Act to further amend section two of the act approved the seventh day of June, one thousand nine hundred seventeen (P. L. 600), entitled "An act providing that appointive officers and employes, employed by the Commonwealth of Pennsylvania in its civil service, or by any department, bureau, commission, or office thereof, or by any county, municipality, township, or school district, shall not be deemed or held to have resigned or abandoned their offices or employments by reason of enlistment, enrollment, or draft in the military or naval service of the United States or any branch or unit thereof, in time of war or contemplated war; prohibiting the removal from their offices or employments of such officers and employes during the period of their service in the Army or Navy; directing that one-half of the salaries or wages of such officers or employes as have dependent wives, children, or parents, and not exceeding two thousand dollars per annum, be paid during the term of their service in the Army or Navy to such dependents; authorizing the employment during said term of substitutes to perform the duties theretofore performed by such officers or employes, respectively, and providing for the compensation of such substitutes," by providing for the payment into the School Employes' Retirement Fund of certain amounts of the salaries or wages of certain officers or employes under certain circumstances.

Referred to the Select Committee on Special Session Legislation.

By Mr. READINGER. HOUSE BILL No. 70.

An Act to amend section two of the act, approved the first day of August, one thousand nine hundred and forty-one (P. L. 744), entitled "An act requiring school boards in all school districts, and boards of directors of all vocational school districts, to grant leaves of absence to all school employes who shall volunteer or be called for military or naval service in time of war or during a state of national emergency; preserving certain contracts, salaries, increments, retirement rights, seniority, State contributions and grants to local school boards, eligibility lists, reemployment; authorizing school boards and boards of directors of vocational schools to employ substitutes in place of such employes; requiring school districts and vocational school districts to make additional payments into the School Employes' Retirement Fund; reserving all rights and privileges of employes granted leaves of absence under the provisions herein, and superseding or repealing all contrary laws," extending the benefits thereof to additional school employes.

Referred to the Select Committee on Special Session Legislation.

By Mr. READINGER. HOUSE BILL No. 71.

A Supplement to the act, approved the eighteenth day of July, one thousand nine hundred seventeen (P. L. 1043), entitled "An act establishing a public school employes' retirement system, and creating a retirement board for the administration thereof; establishing certain funds from contributions by the Commonwealth and contributing employes, defining the uses and purposes thereof and the manner of payments therefrom, and providing for the guaranty by the Commonwealth of certain of said funds; imposing powers and duties upon boards having the employment of public school employes; exempting annuities, allowances, returns, benefits, and rights from taxation and judicial process; and providing penalties," defining the rights and obligations of certain members of the School Employes' Retirement Association engaged in active military service.

Referred to the Select Committee on Special Session Legislation.

By Mr. HOLLAND. HOUSE BILL No. 72.

An Act authorizing, as a temporary emergency war measure, the making available of the facilities of state teachers' colleges for vocational or defense education purposes, and the temporary suspension of laws inconsistent therewith, upon findings by the board of trustees of the state teachers' college, the State Council of Education and the State Council of Defense.

Referred to the Select Committee on Special Session Legislation.

By Mr. HOLLAND. HOUSE BILL No. 73.

An Act providing that for a certain limited period no person receiving or entitled to receive any pension, retirement or annuity from the Commonwealth of Pennsylvania, or any political subdivision thereof, shall be deprived of such pension, retirement or annuity because of employment by the Government of the United States, the Commonwealth of Pennsylvania, or any political subdivision thereof, if such employment is chiefly in furtherance of the prosecution of the present war.

Referred to the Select Committee on Special Session Legislation.

By Messrs. O'NEILL and STANK. HOUSE BILL No. 74.

An Act to amend section two of article five of the act, approved the second day of June, one thousand eight hundred ninety-one (P. L. 176), entitled "An act to provide for the health and safety of persons employed in and about the anthracite coal mines of Pennsylvania and for the protection and preservation of property connected therewith," by providing that certain low pressure boilers used for heating purposes only shall be exempt from the requirements of said section which prohibits the installation of boilers within one hundred feet of structures in which persons are employed in the preparation of anthracite coal.

Referred to the Select Committee on Special Session Legislation.

BILL ON THIRD READING

Mr. READINGER asked and obtained unanimous consent to call up out of order House Bill No. 8, Printer's No. 18, on page 2 of today's calendar, bill on third reading:

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 8, entitled:

An Act to further amend section two of and to add Sections four and five to the act approved the seventh day of June one thousand nine hundred seventeen (P. L. 600) entitled "An act providing that appointive officers and employes employed by the Commonwealth of Pennsylvania in its civil service or by any department bureau commission or office thereof or by any county municipality township or school district shall not be deemed or held to have resigned or abandoned their offices or employments by reason of enlistment enrollment or draft in the military or naval service of the United States or any branch or unit thereof in time of war or contemplated war prohibiting the removal from their offices or employments of such officers and employes during the period of their service in the Army or Navy directing that one-half of the salaries or wages of such officers or employes as have dependent wives children or parents and not exceeding two thousand dollars per annum be paid during the term of their service in the Army or Navy to such dependents authorizing the employment during said term of substitutes to perform the duties theretofore performed by such officers or employes respectively and providing for the compensation of such substitutes" by more fully defining amounts payable limiting the time such amounts are payable and limiting the conditions of resumption of office or employment

On the question,

Will the House agree to the bill on third reading?

BILL POSTPONED

Mr. READINGER. Mr. Speaker, I move that this bill be placed on the postponed calendar.

The motion was agreed to.

COMMITTEE MEETING

There will be a meeting of the Select Committee in Room No. 326 on Tuesday, March 17 at 12:00 noon.

PUBLIC HEARING

There will be a public hearing on Senate Bill No. 19, known as the Anti-Sabotage Act, in the New House Caucus Room, Tuesday, March 17, at 10:00 a. m.

ANNOUNCEMENT

The following members of the Committee on the testimonial dinner to the Honorable Ellwood J. Turner will meet with the Chairman, Mr. James, in the Conference Room immediately after adjournment:

Messrs. Auker, Baker, Boies, Bower, Bretherick, Paul A. Brunner, Charles H. Brunner, Reuben E. Cohen, Cooper, Corrigan, Dennison, Dix, Ely, Finnerty, Fisher, Fiss, Gerard, Haberlen, Hall, Helm, Hewitt, Hirsch, George E. Jones, Keenan, Krise, Leonard, Levy, Lovett, Lyons, Malloy, McDowell, McFall, McKinney, McMillen, Melchiorre, Moran, Readinger, Regan, Sarraf, Scanlon, Shaw, Shepard, Simons, Taylor, Wilkinson and Winner.

ADJOURNMENT

Mr. VINCENT. Mr. Speaker, I move that this House do now adjourn until Tuesday, March 17, 1942, at 1 p. m.

The motion was agreed to, and (at 9:51 p. m.) the House adjourned.

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal.

Extraordinary Session of 1942.

Vol. 26. HARRISBURG, PA., TUESDAY, MARCH 17, 1942. No. 14.

SENATE

TUESDAY, March 17, 1942

The Senate met at 2:00 o'clock, p. m., E. W. T.

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the Chair.

PRAYER

The Chaplain, Rev. EDWIN S. WALLACE offered the following prayer:

O Thou in whose hands are the affairs of men and of nations, give us faith to believe that while we trust in the strength and benevolence of Thy hands we need not be afraid of what men can do unto us.

By Thy Holy Spirit inspire us with the courage to meet all our responsibilities, to overcome all that opposes our national and personal security, and the peaceful conduct of our affairs.

We pray for all those whose duty it is to plan the programs of this devastating war, and for the men on land, on the sea and in the air who, under God, will win victory for the right.

As a nation and as a state we seek Thy blessing and pray for Thy guidance. In the name of Christ, our Lord. Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. SNOWDEN and Mr. MILLER, the further reading was dispensed with, and the Journal was approved.

LEAVE OF ABSENCE

Mr. Cox asked and obtained leave of absence for the Senator from Allegheny, Mr. McGINNIS.

He also asked and obtained leave of absence for the Senator from Luzerne, Mr. MUNDY.

NOMINATIONS BY THE GOVERNOR

NOTARIES PUBLIC

The Secretary to the Governor being introduced, presented in writing from His Excellency, the Governor of the Commonwealth, nominations for appointment as Notaries Public.

CONSIDERATION OF NOTARIES PUBLIC

Mr. GELTZ. Mr. President, I move that the Senate do now proceed to the consideration of nominations for appointment as Notaries Public, sent to the Senate, March 17, 1942, by His Excellency, the Governor of the Commonwealth.

Mr. MILLER. Mr. President, I second the motion.

The motion was agreed to.

The nominations were read as follows:

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 17, 1942.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

CRAWFORD COUNTY

Rob't E. A. Bauer, Titusville.

DELAWARE COUNTY

Alfred S. MacFarland, Collingdale.

ERIE COUNTY

Miss Agnes N. Davidson, Erie.
Miss Leah Katz, Erie.
Charles E. Peasley, Erie.

FAYETTE COUNTY

Miss Betty Hollis, Uniontown.

MONTGOMERY COUNTY

Mrs. Vernice M. Pugh, Norristown.
W. E. Young, Cheltenham Twp., 14 W. Glenside Ave., Glenside.

PHILADELPHIA COUNTY

Miss Margaret C. McCafferty, Phila., Phila. Savings Fund Bldg., 12 South 12th St.
Miss Wilhelmina H. Zukowska, Phila., The Connelly Organization, 304 N. Broad St.

ARTHUR H. JAMES.

NOMINATIONS FOR NOTARIES PUBLIC

A motion was made by Mr. GELTZ and Mr. MILLER,

That the Senate do advise and consent to said nominations.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Barr,	Dent,	Kephart,	Stiefel,
Bartlett,	DiSilvestro,	Lanius,	Taliman,
Becker,	Ealy,	Letzler,	Taylor,
Carr,	Edmonds,	Mallery,	Thomas,
Cavalcante,	Farrell,	McCreesh,	Tyler,
Chapman,	Frey,	McQuiddy,	Wade,
Coleman,	Geltz,	Miller,	Walker,
Cox,	Haluska,	Reed,	Watkins,
Crider,	Heyburn,	Ruth,	Wilson, H. I.,
Crowe,	Homsher,	Snowden,	Woodward,
Deitrick,	Jaspan,	Stevenson,	Ziesenheim,

NAYS—0

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

HOUSE MESSAGES

HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives being introduced presented for concurrence bills of the House, as follows:

House Bill No. 12, (Senate Bill No. 54), entitled:

An Act prescribing the rights of persons enlisting or being drafted into the military or naval service of the United States during the war under licenses issued by the Department of Revenue to operate any motor vehicle, and providing for the renewals after discharge from such service.

Which was committed to the Committee on Finance.

House Bill No. 25, (Senate Bill No. 55), entitled:

An Act to further amend section twenty-one of the act, approved the seventh day of June, one thousand nine hundred fifteen (P. L. 900), entitled "Vital Statistics Law," by directing the Department of Health to maintain branch offices in certain cities of the third class for the filing of birth and death certificates; authorizing such offices to issue certified copies of said certificates and make searches of their files; providing that such offices be supplied with duplicates of certain birth and death records now on file in Harrisburg; imposing additional duties upon local registrars in such cities and prescribing fees.

Which was committed to the Committee on Public Health.

House Bill No. 8, (Senate Bill No. 56), entitled:

An Act to further amend section two of the act, approved the seventh day of June, one thousand nine hundred seventeen (P. L. 600), entitled "Status of Public Officers and Employes in Military Service in Time of War or contemplated War Act," by more fully defining amounts payable.

Which was committed to the Committee on State Government.

House Bill No. 27, (Senate Bill No. 57), entitled:

An Act authorizing the Department of Highways to construct, repair or rebuild certain bridges in cities of the third class which are deemed necessary for national defense purposes; defining the powers and duties of said department; and making an appropriation.

Which was committed to the Committee on Highways.

TIME OF NEXT MEETING

The Clerk of the House of Representatives being introduced informed the Senate that the House has concurred in resolution from the Senate as follows:

In the Senate, March 16, 1942.

Resolved (if the House of Representatives concur), That when the Senate adjourns this week it reconvene on Monday, March 23, 1942, at 4 o'clock p. m.; and when the House of Representatives adjourns this week it reconvene on Monday evening, March 23, 1942, at 9 o'clock, p. m.

HOUSE CONCURS IN SENATE BILL No. 16

The Clerk of the House of Representatives being introduced, returned to the Senate, Senate Bill No. 16, entitled:

An Act to provide relief in cases where fiduciaries are in military service authorizing the court to appoint a substituted fiduciary pro tem in such cases or to allow the remaining fiduciaries to act authorizing security to be entered by and compensation paid to such substituted fiduciaries pro tem and regulating the powers and liabilities of the fiduciary in military service and of the substituted fiduciary pro tem.

with the information that the House has passed the same without amendments.

HOUSE CONCURS IN SENATE BILL No. 36

He also returned to the Senate, Senate Bill No. 36, entitled:

An Act making an appropriation to the Committee appointed pursuant to Senate Concurrent Resolution number one hundred forty of the Regular Session of one thousand nine hundred forty-one adopted July fifteenth one thousand nine hundred forty-one to report recommendations for Congressional re-apportionment.

with the information that the House has passed the same without amendments.

BILLS SIGNED

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) announced that the Chief Clerk having reported that the following bills had passed both houses of the General Assembly and the same being correct, the title were publicly read as follows:

House Bill No. 11, entitled:

An Act to further amend section eight hundred twenty-eight of the act, approved the first day of May, one thousand nine hundred twenty-nine (P. L. 905), entitled "Vehicle Code," authorizing the Secretary of Revenue, during the period of national emergency, to suspend the operation of certain provisions of this act relating to school buses, when such provisions conflict with priority claims for material.

Senate Bill No. 16, entitled:

An Act to provide relief in cases where fiduciaries are n military service; authorizing the court to appoint a sub-tituted fiduciary pro tem in such cases or to allow the emaining fiduciaries to act; authorizing security to be ntered by and compensation paid to such substituted iduciaries pro tem; and regulating the powers and lia-ilities of the fiduciary in military service and of the sub-tituted fiduciary pro tem.

Senate Bill No. 36, entitled:

An Act making an appropriation to the Committee ap-ointed pursuant to Senate Concurrent Resolution num-er one hundred forty of the Regular Session of one housand nine hundred forty-one, adopted July fifteenth, ne thousand nine hundred forty-one, to report recom-nendations for Congressional re-apportionment.

Whereupon,

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the presence of the Senate signed the same.

REPORT OF COMMITTEE APPOINTED TO INVESTIGATE SALVAGE AND DISPOSAL OF WASTE PAPER

Mr. WADE. Mr. President, on behalf of the committee ppointed under Senate Resolution No. 10, I herewith sub-nit a report of the committee. There are two resolutions hich accompany the report, which I shall submit later.

REPORT OF COMMITTEE APPOINTED UNDER SENATE RESOLUTION No. 10

The Committee reports after having spent two days in isiting all or part of the filing rooms, storage space and eneral offices of the following departments:

Executive Department
Auditor General's Department
Property and Supplies Department
Secretary of Commonwealth Dept.
Legislative Department
Treasury Department
Welfare Department
Public Utility Department
Department of Revenue
(With particular attention to the
Bureau of Motor Vehicles
Bureau of Corporate Taxes
Bureau of Personal Property Taxes)

In these visitations with Department Heads and others ho had charge of particular Bureaus or Rooms, we were nstantly confronted with the question of who should ake the decision as to how long old papers in files ould be kept. It was very evident that the Depart-ent Heads in justice to themselves do not want to as-me the responsibility of destroying old records which ay or may not be called for at some future date.

nclusions:

I. Two purposes were mentioned in the original Resolu-n, namely:

1. Securing of waste paper to be used in the National Defense effort.

2. The making available of steel files which would not need to be replaced at this time when steel and other products used in their manufacture is so badly needed in the Defense effort.

The Committee learned that in addition to these two, there was a third purpose which might well have been mentioned in the original Resolution, namely:

3. Availability of office and filing space to the different departments of the Commonwealth.

II. The Committee feels that immediate action in this matter is of very vital importance to the entire National Defense effort, and at the same time, hasty action might cause irrecoverable loss. The Committee also learned that there now exists a law which might well be used to make available the present files, secure the waste paper and also vacate large amounts of storage or filing space badly needed by many of the Departments for current records.

In the Administrative Code, Sec. 524, added June 21, 1937, P. L. 1865, there is a provision reading as follows:

> "Disposition of Useless Records.—Except as otherwise provided by law, whenever any administrative department, board or commission shall have an accumulation of files of correspondence, reports, records or other papers, which are not needed or useful in the transaction of the current or anticipated future work of such department, board or commission, and which date back a period of four years and more, it shall be the duty of the head of such department, board or commission to submit to the Executive Board a report of that fact, accompanied by a concise statement of the condition, quantity, and character of such papers. If the Executive Board shall be of the opinion that such files of correspondence, reports, records or other papers, or any part thereof, are not needed or useful on the transaction of the current or anticipated future work of such department, board or commission the head of such department, board or commission shall place such files, or any part thereof, as the case may be, in the custody of the Department of Property and Supplies, and such department is hereby authorized to dispose of the same as waste paper, in the manner prescribed in this act for the sale of unserviceable property: Provided, however, That the Executive Board, with the approval of the Department of Public Instruction, may direct that any such files of correspondence, reports, records or other papers, or any part thereof, that are of historical interest be turned over to the Department of Public Instrucion for preservation for historical purposes."

This does not include such departments as the Auditor General, State Treasury, Secretary of Internal Affairs, and the Legislative Branch.

Therefore, our report includes two recommendations:

1. That a Resolution which we have prepared and is ready for introduction be sent to each Department Head calling their attention to the immediate necessity for their efforts in connection with Section 524 of the Administrative Code.

2. Another Resolution directing that the matter be assigned to the State Government Commission to make a complete study and report to the next Session of the Legislature with remedial legislation.

RESOLUTION URGING ECONOMY IN USE OF PAPER AND CONSERVATION OF SPACE

Mr. WADE offered the following resolution which was twice read, considered and agreed to:

In the Senate, March 17, 1942.

Whereas, The committee appointed under the provisions

of Senate Resolution Number 10, to investigate the salvage and disposal of waste paper in the various departments of the State Government in order to make available more filing space and more paper for defense purposes, has filed its report; and

Whereas, Said committee has recommended that immediate action be taken by those in charge of said departments to fully observe and carry out the mandate of the Legislature as set forth in Section 524 of the Administrative Code; therefore be it

Resolved, That it is the belief of this Senate that much of the paper now occupying valuable and necessary filing space in the files in the different governmental departments is useless and of no value and that a strict compliance on the part of those in charge of such files with the provisions of the Administrative Code would make available a great amount of filing space and many tons of waste paper; and be it further

Resolved, That the Secretary of the Senate shall immediately transmit to the head of each department of the State Government, copies of the report of the committee and of this resolution.

RESOLUTION URGING CONTINUATION OF STUDY PROPOSED IN RESOLUTION No. 10

Mr. WADE offered the following resolution which was twice read, considered and agreed to:

In the Senate, March 17, 1942.

Whereas, The committee appointed under the provisions of Senate Resolution No. 10, to investigate the salvage and disposal of waste paper in the various departments of the State Government in order to make available more filing space and more paper for defense purposes, has filed its report; and

Whereas, Said committee has recommended that immediate action be taken by those in charge of said departments to fully observe and carry out the mandate of the Legislature as set forth in Section 524 of the Administrative Code; therefore be it

Resolved, That a further study of the problem as begun by the committee if continued, would result in great profit to the Commonwealth and that such study and investigation should be undertaken by the Joint State Government Commission; and be it further

Resolved, That a copy of Senate Resolution No. 10, together with copies of the report filed by the committee appointed pursuant thereto and of this resolution, shall be forwarded to the Chairman of the Joint State Government Commission by the Secretary of the Senate.

BILLS INTRODUCED

Mr. CROWE read in his place and presented to the Chair Senate Bill No. 58, entitled:

An Act to further amend section seven hundred two, to amend section seven hundred nineteen, and to further amend section eight hundred and six of the act approved the third day of June, one thousand nine hundred and thirty-seven (P. L. 1225), entitled "An act concerning game and other wild birds and wild animals; and amending, revising, consolidating, and changing the law relating thereto," by vesting in the Pennsylvania Game Commission the power to adjust hours for hunting, training of dogs, and carrying certain firearms and ammunition.

Which was committed to the Committee on Forests and Waters, Game and Fish.

Mr. TALLMAN read in his place and presented to the Chair Senate Bill No. 59, entitled:

A Joint Resolution proposing an amendment to Article nine of the Constitution of the Commonwealth of Pennsylvania by adding thereto section eighteen.

Which was committed to the Committee on Constitutional Changes.

CALENDAR

BILL OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 13, on third reading, entitled:

An Act to amend section thirty-six and to repeal section thirty-seven of the act approvevd the sixth day of August, one thousand nine hundred and forty-one (P. L. 861), entitled "An act to create a uniform and exclusive system for the administration of parole in this Commonwealth; establishing the 'Pennsylvania Board of Parole'; conferring and defining its jurisdiction, duties, powers and functions, including the supervision of persons placed upon probation in certain designated cases; providing for the method of appointment of its members; regulating the appointment, removal and discharge of its officers, clerks and employes; dividing the Commonwealth into administrative districts for purposes of parole; fixing the salaries of members of the board and of certain other officers and employes thereof; making violations of certain provisions of this act misdemeanors; providing penalties therefor; and for other cognate purposes, and making an appropriation, by postponing the operation and effective date of the act and repealing the appropriation made by said act.

go over in its order, temporarily.

The PRESIDENT. Is there objection?

Mr. REED. Mr. President, I desire to interrogate the gentleman from Allegheny.

The PRESIDENT. Will the gentleman from Allegheny permit himself to be interrogated?

Mr. GELTZ. I will, Mr. President.

Mr. REED. Mr. President, may I inquire for what purpose does the gentleman from Allegheny request that Senate Bill No. 13 go over in order?

Mr. GELTZ. Mr. President, some of the Senators are not here at this time, and we want the bill to go over until they get here.

And the question recurring,

Will the Senate agree that Senate Bill No. 13 go over in its order?

It was agreed to.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 39, (House Bill No. 10), as follows:

An Act to further amend section six hundred twenty-eight and to amend section six hundred twenty-nine of the act approved the third day of June one thousand nine hundred thirty-seven (P. L. 1333) entitled "An act concerning elections including general municipal special and primary elections the nomination of candidates primary and election expenses and election contests creating and defining membership of county boards of elections imposing duties upon the Secretary of the Commonwealth courts county boards of

elections county commissioners imposing penalties for violation of the act and codifying revising and consolidating the laws relating thereto and repealing certain acts and parts of acts relating to elections" extending the time within which writs of election may issue for holding special elections to fill vacancies occurring in either house of the General Assembly and the time within which nominations therefor may be filed

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section six hundred twenty-eight of the act approved the third day of June one thousand nine hundred thirty-seven (P. L. 1333) entitled "An act concerning elections including general municipal special and primary elections the nomination of candidates primary and election expenses and election contests creating and defining membership of county boards of elections imposing duties upon the Secretary of the Commonwealth courts county boards of elections county commissioners imposing penalties for violation of the act and codifying revising and consolidating the laws relating thereto and repealing certain acts and parts of acts relating to elections" as amended by the act approved the sixteenth day of May one thousand nine hundred forty (1941 P. L. 948) is hereby further amended to read as follows

Section 628 Special Elections for Senator and Representative in the General Assembly Whenever a vacancy shall occur in either house of the General Assembly whether or not it then be in session the presiding officer of such house shall issue [within ten days after the happening of said vacancy] a writ of election to the proper county board or boards of election and to the Secretary of the Commonwealth for a special election to fill said vacancy which election shall be held on a date named in the writ which shall be not less than thirty (30) days after the issuance of said writ The presiding officer may fix in such writ of election the date of the next ensuing primary municipal or general election as the date for holding any such special election Provided however That should the Governor after the issuance of the said writ of election advise the presiding officer that the General Assembly will be called into Extraordinary Session prior to the date set for such special election the presiding officer may countermand the writ theretofor issued and shall issue a new writ of election fixing therein such earlier date therefor as is deemed expedient but which shall not be less than thirty (30) days after the issuance of said writ

Section 2 Section six hundred twenty-nine of said act is hereby amended to read as follows

Section 629 Nominations for Special Election for Representative in Congress Senator and Representative in the General Assembly Candidates to fill vacancies in the offices of Representative in Congress and Senator and Representative in the General Assembly shall be nominated by political parties in accordance with the party rules relating to the filling of vacancies by means of nomination certificates in the form prescribed in section 630 of this act and by political bodies by means of nomination papers in accordance with the provisions of sections 951 952 and 954 of this act Said nomination certificates and nomination papers shall be filed in the office of the Secretary of the Commonwealth not later than [ten (10) days after the issuance of] the twentieth day before the day of election named in the writ of election

And said bill having been read at length the third time, and agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Barr,	DiSilvestro,	Lanius,	Stiefel,
Bartlett,	Ealy,	Letzler,	Tallman,
Becker,	Edmonds,	Mallery,	Taylor,
Carr,	Farrell,	McCreesh,	Thomas,
Cavalcante,	Frey,	McQuiddy,	Tyler,
Chapman,	Geltz,	Miller,	Wade,
Coleman,	Haluska,	Reed,	Walker,
Cox,	Heyburn,	Ruth.	Watkins,
Crider,	Homsher,	Scarlett,	Wilson, H. I.,
Crowe,	Jaspan,	Snowden,	Woodward,
Deitrick,	Kephart,	Stevenson,	Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same wihout amendments.

BILL OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 41, on third reading, entitled:

An Act to further amend the act approved the fifth day of December, one thousand nine hundred and thirty-six (P. L. 2897, 1937) entitled, "An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry and its existing and newly created agencies, with personnel (with certain exceptions) selected on a civil service basis, requiring employers to keep records and make reports and certain employers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons, providing procedure and administrative details for the determination, payment and collection of such contributions and the payment of such compensation, providing for cooperation with the Federal Government and its agencies, creating certain special funds in the custody of the State Treasurer and prescribing penalties," changing the provisions thereof and the rights, obligations and procedure thereunder.

go over in its order, temporarily.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 37, entitled:

An Act relating to air raid precautions, including blackouts; conferring certain powers and duties upon the State Council of Defense, local and district Councils of Defense, political subdivisions, members of certain municipal and volunteer agencies and civilians necessary for the safety, defense and protection of civilians and property in the Commonwealth; providing for the mobilization, coordination and use of certain municipal agencies and volunteer agencies, including their personnel and equipment; providing for immunity from liability for injury or death to persons or damage to property under certain circumstances; and providing penalties.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

LEAVE OF ABSENCE

Mr. WALKER asked and obtained leave of absence for himself for tomorrow's session, March 18, 1942.

SENATE BILL No. 13 CALLED UP

Mr. GELTZ. Mr. President, I now call up Senate Bill No. 13, on third reading and final passage, which went over in its order temporarily.

Mr. WOODWARD. Mr. President, I second the motion.

It was agreed to.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 13, as follows:

An Act to amend Section 36 and to repeal Section 37 of the act approved the sixth day of August one thousand nine hundred and forty-one (P. L. 861) entitled "An act to create a uniform and exclusive system for the administration of parole in this Commonwealth establishing the 'Pennsylvania Board of Parole' conferring and defining its jurisdiction duties powers and functions including the supervision of persons placed upon probation in certain designated cases providing for the method of appointment of its members regulating the appointment removal and discharge of its officers clerks and employes dividing the Commonwealth into administrative districts for purposes of parole fixing the salaries of members of the board and of certain other officers and employes thereof making violations of certain provisions of this act misdemeanors providing penalties therefor and for other cognate purposes and making an appropriation" by postponing the operation and effective date of the act and repealing the appropriation made by said act

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 36 of the act approved the sixth day of August one thousand nine hundred and forty-one (P. L. 861) entitled "An act to create a uniform and exclusive system for the administration of parole in this Commonwealth establishing the 'Pennsylvania Board of Parole' conferring and defining its jurisdiction duties powers and functions including the supervision of persons placed upon probation in certain designated cases providing for the method of appointment of its members regulating the appointment removal and discharge of its officers clerks and employes dividing the Commonwealth into administrative districts for purposes of parole fixing the salaries of members of the board and of certain other officers and employes thereof making violations of certain provisions of this act misdemeanors providing penalties therefor and for other cognate purposes and making an appropriation" is hereby amended to read as follows

Section 36 It shall be the duty of the Governor in the manner heretofore provided in this act to appoint the members of the board on or before the first day of [October one thousand nine hundred and forty-one] June one thousand nine hundred and forty-three The board as so constituted shall immediately thereafter set up the system herein provided for and make the necessary appointments of its officers clerks and employes To this extent this act shall become effective immediately upon its final enactment but in all respects it shall become effective on the first day of [June one thousand nine hundred and forty-two] October one thousand nine hundred and forty-three

Section 2 Section 37 of said act is hereby repealed

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill?

Mr. WOODWARD. Mr. President, I rise in opposition to this bill. We have a phrase here that the Senate will be at ease and we have been very much at ease on this question in the Republican Caucus—I am not disclosing any secrets.

The argument is used by the Republicans that nobody in any part of the State is excited about the repeal or at least postponement of the parole bill. My answer to that is that Republican Senators, being the last vestige of capitalism are on the rise, what we call the rise of life. I could perhaps further describe it as the higher walks of life, and in their daily contacts are not apt to be bothered with criminals, and therefore they do not hear the gossip. I am in a position to hear that gossip more than they.

We have in Philadelphia a noted criminal lawyer, formerly a member of the State Senate, the Honorable John R. K. Scott. If you commit a murder you had better have him to defend you; also if you go into his office you have to be a little careful about your personal possessions, because of the character witnesses that are there.

Well, Mr. Scott, for whom I have considerable admiration, has talked to me about this postponement of the parole bill, and I think he knows more about criminals and criminal law than all the Republican Caucus put together, and he has urged me to rise in opposition to the Governor's postponement, which I am now doing.

I also hold in my hand a telegram from Judge Gordon, which I will read at the conclusion of my remarks.

What strikes me as inconsistent is that in this Republican Caucus, the secrets of which I am now revealing, not only in caucus but elsewhere, we have discussed over and over again our pride in the legislative function of government, and measures to suspend laws to give the Governor power, perhaps blanket power or perhaps only partial power, to suspend laws, and we have given great lip service evidencing the prerogatives and pride of the legislative branch of the government.

If that is so, Mr. President, it seems to me very inconsistent, to say the least, that, having in 1939 formally passed this parole bill and then, because through some slight error on someone's part there was no appropriation included, the bill would not work without an appropriation and therefore it had to be vetoed.

With practically that same bill, which Judge Gordon and Judge Ralph Smith of Pittsburgh, who is a very prominent character now, and other people who know about this thing and worked hard on this bill, and the Senate and the House having passed the parole bill in 1941, and the Governor having signed the parole bill, it seems to me strange, to say the least that we, having been at ease here so much, have acquired the habit of complacency, that we complacently sit here and support the Governor in the postponement of the parole act.

If this parole bill stood in the way of winning the war, all right, I would be very glad to have it postponed, but I fail to see that it has anything to do with winning the war. In fact, my colleague from Philadelphia, Senator Kephart, who is a little like the Governor in conjuring up the terrible things that will happen in any blackout, wants to increase the penalty for unutterably named crimes in such a time like this. To postpone the parole acts seems to me to be an act of folly.

I have no personal knowledge of the Board of Pardons. I know our Honorable Lieutenant-Governor is a member—he seems to be hiding behind his desk at this moment but he is there—and the Attorney General is a member,

as is the Secretary of Internal Affairs a member, and also Miss O'Hara is a member. I believe this is the Board of Pardons.

They may be one hundred per cent perfect, but I am opposed to all ex-officio boards; in fact I am opposed to all boards; I think boards and commissions are just a mistake. But the Pardon Board is a pretty serious matter and these men serve without extra salary, they are called ex-officio member of the Pardon Board.

As I understand it, we have in Philadelphia a judge who is very severe; he does not belong to either of Harry Shapiro's courts, he is in one of the earlier courts, and he gives very, very stiff sentences, very heavy sentences, but he is always careful to send the prisoner not to a state institution but to the couny jail because after having won applause for the severity of his sentence, he knows darn well in a very short time he can get the man out of the county jail and paroled, but if he confines him to a state institution then of course he loses control and the prisoner goes before the Pardon Board.

I never have met the Conway brothers at all; I know they are criminals, I have heard their names mentioned as embezzlers, and they were put in the penitentiary for a good long time, and in a remarkably short time, somehow they came out of the penitentiary on parole.

Therefore, Mr. President, I say we should not indulge in complacency in this bill. It is awfully hard to go against the Governor's wishes, but I expect to do so and I would now like to read this telegram, in closing, from Judge James Gay Gordon, Jr.

"Hon. George Woodward,
Harrisburger Hotel, Harrisburg, Penna.

"Passage of the bill to suspend operation of parole act would in my judgment work a grave harm to the administration of criminal justice in Pennsylvania. Funds for the new board are already available. The increase in crimes and disorders that always accompany war call for increased administrative vigilance and efficiency for their control and suppression and to deliberately reject the concededly best available weapon in the fight against our internal public enemies is unwise and indefensible. It is unbelievable that competent men cannot be found for the new board from among the millions of citizens of our Commonwealth. I sincerely hope that in the public interest the pending bill will be defeated.

JAMES GAY GORDON, JR."

I thank you for your very close attention.

Mr. REED. Mr. President and members of the Senate, this bill is on the calendar for the purpose of postponing the effective date of an act passed by the General Assembly in the 1941 session. At that time I opposed the bill, I voted against the bill, and I gave my reasons at that time for so doing.

One reason was that the bill is unnecessary. We have under the Constitution of Pennsylvania a section which authorizes the Governor through the Pardon Board to hear all petitions for commutations, for pardons and for the consideration of the lessening of sentences in the field of criminal jurisdiction. That Board under the Constitution has done well. I have tried many criminal cases in my time, I have appeared a few times before the Board of Pardons, and I know from experience as a lawyer that the Pardon Board has done good service.

We have another act on the books today which provides for the consideration of lesser crimes by the various courts in the Commonwealth. In other words, our various judges have the power, under an Act of Assembly, to consider the commutation and the lessening of sentences in criminal cases. Under the Constitution and under this Act of Assembly we have broad powers to deal with the question under controversy. That is one reason I gave at that time and I give that reason again at this time.

Another reason was that the bill entailed a great expense. I say at this time conservatively, from an investigation and from talking with people who seem to know, that to set up this agency will cost at least one million dollars, and after that it will cost in its operation from five hundred thousand to seven hundred fifty thousand dollars every year, because under this act there are ten agencies to be set up throughout the Commonwealth, and each agency has the right to name its own officials, its own employes, and I can readily see, under a rereading of this bill today, that that sub-agency can appoint almost without limit the employes it chooses. This is an expensive proposition, Mr. President, and that is the second reason I gave at that time and I do not retreat from that reason at this time.

The third and chief reason is that this bill will not lessen crime. As I understand it there are two kinds of criminals, two classes of criminals, those who enter crime as a livelihood, and I say from study and investigation of crime that when you catch a criminal of that class and you sentence him to an institution and later on you release him, almost invariably that man goes right back into a life of crime, and we have a setup today that will take care of those cases. The Pardon Board constitutionally is constituted for that purpose.

The other class is the petty crimes or a crime committed on the spur of the moment by some person who otherwise is all right, and we have in those cases proper agencies to hear and determine the cause. I say that this bill will not in any way lessen crime.

Now, Mr. President, have conditions changed from last August? Is the country in the same shape today as it was then? I answer you that a great change has taken place. At that time this republic was at peace and today we are at war. Is that war serious? Ask yourselves that question. I say that there is too much disinterest in the nation today over this great war. Our leading citizens will tell us that this is the worst war that this nation has ever been engaged in. We are sending from all over the Commonwealth fine young men to fight this war, that we might have democracy in the future. We send sons, we send fathers, and we send brothers; are we going to tolerate in America today and in this great Commonwealth an increase in crime, when our boys are dying on foreign soil for the preservation of democracy? Are we going to tolerate criminals on the street, as there are in our cities today, attacking women, grabbing pocketbooks, knocking down citizens? Are we going to set up another agency that will pamper criminals at this time? You shall never do it with my vote.

You may say we have judges in favor of this bill. Yes, I know those judges, and I speak truthfully when I tell you that I have talked to many of our judges and

they have told me people whose children, whose boys and whose brothers and fathers have gotten caught in the net of crime, bother me all the time, want me to be easy, want me to let them out. I say to that kind of a judge, that kind of a man, if he does not want to take the responsibility he does not have to be a judge. I am tired of listening to judges who are afraid to assume the responsibilities of the office. We have many judges who, if a criminal comes up before him, he has the courage, old fashioned American courage, to do his duty. This parole bill is one of the agencies that will increase crime and I do not care if there are certain judges that are in favor of this bill; I still am against it.

Who is Earl G. Harrison? I have a booklet from a man by that name, and he goes on to tell in the interests of public charity what we should do in this instance.

Is Earl G. Harrison working for the public good or is he working for private good? Is he working unselfishly or is he working selfishly? Those are the questions I would like to ask. If he is working for the public good, if he is striving to assist the people of his district, then let him go down to Philadelphia and start at the beginning. There is much work for public charity organizations to do. Let them not wait until a man is in some criminal cell, let the public charity organizations start at the beginning, teach the children the danger of crime, the seriousness of loafing in places where crime thrives. If the public charity organizations are what the name imports, then their duty is back home teaching young people the dangers of crime.

If you want to lessen crime in this Commonwealth and in this nation teach the young people at the beginning; do not wait until the mothers' tears fall upon your breast after those children are in some penal institution.

I am even told that there are lobbyists here working for this bill, and I say the same to them, if they are working for public charity they too ought to go back home and get at the roots of this problem, teach the young people at home the dangers of crime, teach them to shun the agencies that lead to crime, teach them to war against all of those many activities particularly that exist in the cities that foster crime. They have no business here in that respect.

Now, my friends, we are at war. I repeat, it is a serious war. At this time we are about to receive rationing cards for sugar, we are already on a rationing system for rubber, we are about to have gasoline given to us in limited quantities, and while those activities are progressing, in order that we might prepare ourselves for victory, we are told by almost all the American agencies in the state to give the last penny that we can spare in order to buy stamps, in order to buy bonds that our nation might win this war, and at the same time we have a bill on our books that would give away one million dollars towards the setting up of an agency that is absolutely unnecessary at this time—five hundred thousand to seven hundred fifty thousand dollars for the first year.

I agree with the Governor, he is absolutely right, he has shown his American courage and his American patriotism in asking that the effective date of this bill be postponed.

We must above all things win this war, and one of the sinews toward that end is money, and we should not publicly throw away one cent of money if it will not in some way lead the American people to victory in this great contest. Take this money and use it to help your nation and your Republic to win the war.

I propose to sustain the Governor with my one vote, believing that it is my patriotic duty to vote for the passage of this present bill.

Mr. JASPAN. Mr. President, when the parole bill came up for passage last July, I vigorously opposed it. Among other things, I brought out it was unconstitutional, impracticable, very costly, in fact the cost would exceed the appropriation allowed by at least 75 per cent. My opinion has not been altered one iota since it passed. However, I would feel much better if I were arguing for its repeal rather than postponement.

I do not want to inquire into the motives of the Governor in asking for the delay. It may be that he is trying to unload a hot potato. On the other hand, he may feel that it is unconstitutional and under the guise of patriotism, seeks to postpone the effective date. Frankly, I do not believe the reasons advanced by him are at all convincing. However, it may be, I am of the opinion that indefinite postponement will sound the death knell of the act, and satisfied that such will be the case, I intend to vote for postponement. Needless to say, I feel that there has been a growing agitation against the bill. The opponents of the bills last July were cojoled into the belief that the bill would not leave the committee. It seemed to me that a mesmerist pulled the rabbit out of the hat when everyone was asleep and its opponents, particularly the judges, had little or no opportunity to register or voice their opposition. This all happened during the dying days of the Session of 1941.

In my mind, the present system is an excellent one. There are times when abuse creeps in, but by and large, justice in the criminal courts is administered honestly and fairly. You certainly cannot burn a house down because there is a rat or two in it. It may be argued that judges are fooled at times by prisoners, but is that not equally true of boards.

As between the judges and any proposed board, who is in a better position to observe, try and sentence the prisoner. Of course, the judge. The judge, before sentencing certainly can cause investigations to be made of the prisoner, his environment, his physical and mental condition, and frequently they are made. Needless to say, the judge has no control over prisoners sent to penitentiary after the judge's term. He can, however, make recommendation to the Board of Pardon when and if the prisoner applies for commutation. No one can question the work of the Pardon Board. As to prisoners confined to county prisons, the sentencing judges have control even after their term is over, but only after a petition is filed, and all interested parties notified. In both instances, cases are carefully investigated and checked. Our Pardon Board has done excellent work, and probation officers assigned to the county cases have performed their work efficiently.

Judges are human beings, and are prone to error, more likely so to the benefit of the prisoner who is also human. Is it not much better to have a judge err on the side of

the prisoner rather than err against it. On the other hand, what is the reputation of Boards? My experience is, although they are generally comprised of outstanding men, as time goes on they become cold, callous, and autocratic. Further, what opportunity have they to observe the prisoner. They depend on information gotten from others. How can they honestly and truly determine the case without first hand information. Boards generally lose sight of the fact that as Shakespeare puts it "Mercy seasons justice." They cease to be sympathetic, and seem to ignore the human equation. You have had experience with relief boards.

Much has been said of the Zupkowski case in Philadelphia, as an argument for putting the act into effect immediately. Mind you, I am not condoning the acts of Zupkowski, but let me give you a few facts concerning this case. Zupkowski at the age of 19, was convicted of a series of crimes, brutal in nature, and sent to the penitentiary for 99 years—a ridiculous sentence to begin with. After serving 9 years as a model prisoner, judges, the district attorney, and reputable citizens, republicans and democrats, collaborated to bring about his release. The prison authorities recommended a commutation of sentence. The Pardon Board, in view of the recommendation, his conduct at jail, the immediate prospect of work, commuted his sentence. Before actual release, he had to face old indictments standing out against him, and the trial judge, imbued with a sense of justice, released him without any further sentence. This boy, upon his release, was given work, reported to both the Probation Office and the trial judge weekly. As you will note, considerable interest was manifested in the activities of this boy. I knew him, talked with him and felt sure that this boy sent away at the age of 19 and released at 28 would go straight. Frankly, we were due for a rude awakening. This boy, in a weak moment, succumbed to the entreaties and cajoleries of an old gangster friend, committed murder and paid the extreme penalty. Here is a young man who fooled judges, district attorneys, reputable business men, prison officials, and Pardon Board. This case was given a thorough going over, was checked, rechecked, investigated by many groups, and all recommended release. No board, parole or otherwise, would have acted differently. Yet, newspapers and certain individuals have indicted our entire system. It may have been a mistake, but, we can not always judge by results. There have been similar cases. Who are these holier than thou men, who lay claim to clairvoyant powers. These gentlemen pose as miracle men. I do not know any of these men, I do not know how they lay claim to saintliness. They feel they can correctly diagnose every case and predict the future in every case. A new Parole Board will not help the situation. They will make the same mistakes that judges make. Let these critics of our present system think in terms of rehabilitation, and crime will be reduced to a minimum. Board or no board, let these gentlemen, these so-called reformers, who are ready to indict the present system, offer work to these prisoners upon release and then and only then will they have accomplished something for society. These boys are given no opportunity for employment, even though they have paid their debt to society, and what usually happen—return to a career of crime.

This act only deals with punishment, and only punishment. What about rehabilitation? We are ready to spend millions to control punishment, but not one cent to make the prisoner a useful citizen.

Only yesterday I read an article in the paper, in which the author of the bill, Sam Rosenfeld, was quoted. Maybe he has not been quoted correctly, but I take it the Record is usually correct.

Mr. Rosenfeld said, and I quote: "An efficient parole system can not be regarded as a frill or luxury, but as a vital defense measure."

I wonder whether Mr. Rosenfeld, at the time he introduced this bill, anticipated that the United States would be at war, and by what stretch of the imagination does his bill help the defense system at the present time? That is ridiculous to me. But he goes on further and says,

"The rebuilding of men through efficient parole, he declared, adds to the nation's strength." Is there anything in his bill, any provision in it that points to rehabilitation? All it deals with is the administration of punishment, the imposition of punishment, but not one word with respect to rehabilitation.

Let us go further. He says "the Governor would have us make liberal appropriations for facilities to keep men in prison instead of having us appropriate money to keep them out of prison." If anything, Mr. President, the money spent here will keep men in prison rather than send them out. We know our experience with boards, and how this money will take them out rather than keep them in, I can not understand.

After reading his statement I wonder whether he is familiar with his own bill. I also wonder whether or not he ever tried a criminal case. I wonder whether he is familiar with the administration of justice in the criminal courts—apparently not.

I am not seeking favor with any judges, district attorneys, probation officers or any one responsible for the administration of justice in the criminal courts. Let us not kid ourselves. This bill was designed to curb the power of judges, nothing more and nothing less; judges who are elected by the people, unlike boards which are appointed and subject to the appointing power. This attempt to curb the power of judges originated in 1937, when I was first elected in the Senate, when the Philadelphia Record launched a campaign to investigate the judicial system and our Democratic Legislature did its bidding.

Frankly I vote for this bill. Two fair-haired boys from Philadelphia, both lawyers, saw fit to act as artful dodgers one hiding behind the door and another man running home on business.

The bill was passed and over fifty thousand dollars was spent and little was accomplished. I then had the highest regard, and I have today, for the sponsor of the resolution and the chairman of the commission, Reverend Ruth. The attorney for the commission was imported from Kansas, I believe, and was paid handsomely for his work. The record indicates that.

It seems to me as a result of this investigation, or at least during the course of it, there were very few newspaper scoops and consequently during the investiga-

tion, although an honest-to-goodness effort was made by the commission, the newspapers were no longer interested because they could not prosecute it to a successful termination and get the scoops; it would not pay.

This campaign was revived time and again, particularly during the Zupkowski case. Judge McDevitt and Judge Carroll and the Pardon Board were condemned by one of the Philaelphia newspapers. Frankly I could not see eye to eye with that particular newspaper and I saw fit to criticize it at the risk of losing favor. I lost favor, and I am perfectly satisfied because I spoke my conscience.

Again in July 1941, the campaign was continued to put over a Parole Bill. I voted against it and I am happy to say so. If any newspaper has any feeling against certain judges, district attorneys or any group, it is their privilege, but when attempts are made to impose their will on the Legislature because of prejudice, freedom of the press becomes a mockery. I believe in freedom of the press, as you all do; I believe in freedom of speech, but underlying it is frankness and sincerity. I realize when I make these remarks I may be criticized and attacked and have no opportunity to answer. I have not the means or where-with-all to combat the press; they are too all powerful, but an honest and sincere press will give us the truth and if any answer is to be made, it will give that answer as it is spoken on the floor.

Let me ask one question: where is that one fair-haired boy today, the same fair-haired boy who in 1937 ran out on the judicial investigation? Where is he today to vote on the postponement of this Parole Bill? As usual, absent. I do not speak because he is not here; he deliberately absented himself, as usual finds some excuse for not being here, as he has given us previously. Is he again afraid to lose favor with the judges? I was not, and he is in a much better position than I am financially or otherwise, but I believe in honesty and sincerity and at least I can go home at night and sleep and I will be honest with everyone here. It is a strange coincidence he was not here at that time in 1937, when the vote was cast, and he is not here today. Of course, the fair-haired boy made his speech yesterday when the bill did not come up, but where is he today?

Ladies and gentlemen, this bill is not a move in the right direction. I say in all frankness and fairness, leave the power where it is, in the hands of men elected by the people, judges elected by you and me and others, and not in the hands of appointed men over whom the people have no control.

And the question recurring,

Will the Senate agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—30

Barr,	Geltz,	Reed,	Tyler,
Bartlett,	Haluska,	Scarlett,	Wade,
Becker,	Heyburn,	Snowden,	Walker,
Cavalcante,	Homsher,	Stevenson,	Watkins,
Chapman,	Jaspan,	Tallman,	Wilson, H. I.,
Crowe,	Kephart,	Taylor,	Wilson, T. B.,
Ealy,	Mallery,	Thomas,	Ziesenheim,
Farrell,	Miller,		

NAYS—13

Carr,	DiSilvestro,	Lanius,	Ruth,
Cox,	Edmonds,	McCreesh,	Stiefel,
Crider,	Frey,	McQuiddy,	Woodward,
Deitrick,			

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

REPORTS FROM COMMITTEES

Mr. BECKER, from the Committee on Judiciary General, reported as committed, senate Bill No. 52, entitled:

An Act to aid in the prevention of sabotage by making the larceny of articles rationed by the Federal Government and necessary in national defense, a felony and prescribing penalties.

Mr. ZIESENHEIM, from the Committee on Forests and Waters, Game and Fish, reported as committed, Senate Bill No. 58, entitled:

An Act to further amend section seven hundred two, to amend section seven hundred nineteen, and to further amend section eight hundred and six of the act, approved the third day of June, one thousand nine hundred and thirty-seven (P. L. 1225), entitled "An act concerning game and other wild birds and wild animals; and amending, revising, consolidating, and changing the law relating thereto," by vesting in the Pennsylvania Game Commission the power to adjust hours for hunting, training of dogs, and carrying certain firearms and ammunition.

BILL INTRODUCED

Mr. WADE. Mr. President, I ask unanimous consent to introduce a bill at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. WADE read in place and presented to the Chair Senate Bill No. 60, entitled:

An Act to suspend and modify existing law of the Commonwealth regulating the operation of motor driven vehicles which limit the gross weight or length of such vehicles as are permitted to be operated upon the highways of the Commonwealth and authorizing the Secretary of the Department of Highways to issue permits for the use of over weight and over length vehicles in certain cases.

Which was committed to the Committee on Highways.

REPORT FROM COMMITTEE

Mr. FARRELL. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. FARRELL, from the Committee on Judiciary General reported as amended, Senate Bill No. 48, entitled:

An Act to add section one thousand one hundred and nine to the Act approved the twenty-fourth day of June, one thousand nine hundred and thirty-nine (Pamphlet Laws, eight hundred seventy-two), entitled "An act to consolidate, amend, and revise the Penal Laws of the Commonwealth," as amended, by prescribing additional penalties in the case of the commission of certain crimes

during blackout or air-raids and the confusion resulting thereafter.

BILL INTRODUCED

Mr. KEPHART. Mr. President, I ask unanimous consent to introduce a bill at this time, and request that it be referred to Committee on Judiciary General.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. KEPHART read in place and presented to the Chair Senate Bill No. 61, entitled:

An Act to add section one thousand one hundred and ten to the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-nine (P. L. 872), entitled "An act to consolidate, amend and revise the penal laws of the Commonwealth," by prescribing additional penalties in the case of the commission of larceny or robbery of things affected by priorities, rationing or other restrictions during time of war.

Which was committed to the Committee on Judiciary General.

LEAVE OF ABSENCE

Mr. Watkins asked and obtained leave of absence for the Senator from Philadelphia, Mr. SHAPIRO, who was called to Washington on business.

Mr. WATKINS. Mr. President, I was asked by the Senator from Philadelphia, Mr. Shapiro, when he left last night to make that request. This request was made at his request and it is not my doing.

Mr. FREY asked and obtained leave of absence for himself for tomorrow's session, March 18, 1942.

Mr. DiSILVESTRO asked and obtained leave of absence for himself, for tomorrow's session, March 18, 1942.

MOTION TO READ BILLS THE FIRST TIME

Mr. GELTZ. Mr. President, I move that the Senate do now proceed to the first reading of all bills reported from committees for the first time at today's session.

Mr. EALY. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 48, entitled:

An Act to add section one thousand one hundred and nine to the act approved the twenty-fourth day of June, one thousand nine hundred and thirty-nine (P. L. 872), entitled "An act to consolidate, amend, and revise the Penal Laws of the Commonwealth," as amended, by prescribing additional penalties in the case of the commission of certain crimes during blackouts or air-raids and the confusion resulting thereafter.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 52, entitled:

An Act to aid in the prevention of sabotage by making the larceny of articles rationed by the Federal Government and necessary in national defense, a felony and prescribing penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 58, entitled:

An Act to further amend section seven hundred two, to amend section seven hundred nineteen, and to further amend section eight hundred and six of the act, approved the third day of June, one thousand nine hundred and thirty-seven (P. L. 1225), entitled "An act concerning game and other wild birds and wild animals; and amending, revising, consolidating, and changing the law relating thereto," by vesting in the Pennsylvania Game Commission the power to adjust hours for hunting, training of dogs, and carrying certain firearms and ammunition.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

INTERROGATION

Mr. WALKER. Mr. President, at this time I ask permission to interrogate the gentleman from Delaware.

The PRESIDENT. Will the gentleman from Delaware permit himself to be interrogated?

Mr. HEYBURN. I will, Mr. President.

Mr. WALKER. I would like to ask the gentleman from Delaware, Senator Heyburn, if he intends to have Senate Bill No. 41 acted on tomorrow?

Mr. HEYBURN. That is my understanding, Mr. President. However, the gentleman from Allegheny, Mr. Walker, is one of the sponsors and of course I would like to interrogate him, if I may.

The PRESIDENT. Will the Senator from Allegheny permit himself to be interrogated?

Mr. WALKER. Mr. President, when I have finished my interrogation I have no objection to being interrogated.

I desire to further interrogate the gentleman from Delaware.

The PRESIDENT. Will the gentleman from Delaware permit himself to be further interrogated?

Mr. HEYBURN. I will, Mr. President.

Mr. WALKER. Mr. President, I would like to point out to the gentleman from Delaware that I have already asked for leave of absence for myself for tomorrow. The gentleman from Westmoreland, Senator Dent, who is also deeply interested in this particular legislation, is not here and I understand he will not be here tomorrow. I would like to ask the gentleman from Delaware at this time if it would delay this legislation too much to postpone it until we return to the Senate Chamber Monday. I would not like to have it voted on tomorrow.

Mr. HEYBURN. Mr. President, it would make it impossible to have the bill passed in the House next week if we do not pass it here tomorrow.

Mr. WALKER. Mr. President, I do not like to get into an altercation with my co-sponsor what the gentleman from Allegheny, Senator Barr, calls my step-bother, but I would like to suggest to him I am one of the co-sponsors

of the bill and I would like to be recorded not only from the standpoint of the vote but I would like to comment on the bill when it is voted on.

This bill has been on third reading for several days, and due to the ardent desire and enthusiasm of the gentleman from Delaware, Senator Heyburn, to present to the Senate a finished, polished product, there are still a number of amendments he wants to put in the bill which are not in there now. At least, that is my understanding of it. If it is to be amended, I think we could have it delayed until Monday because I do not see any ardent desire on the part of the House to get out of here at an early date, and I think a couple of days delay will not be fatal to the bill.

Mr. President, I would like to ask again if action on the bill could be postponed until Monday.

Mr. HEYBURN. Mr. President, I will be very glad to see what can be done about it. There are three sponsors and I believe the majority rules. If the Senator from Allegheny, Mr. Walker, is only one and he is the only fellow that desires this to be postponed, then I think it ought to be voted on tomorrow.

However, Mr. President, I would like to ask the Senator from Allegheny whether or not he is trying a case tomorrow?

Mr. WALKER. Yes, Mr. President, I am trying a case tomorrow, very cheerfully I am trying a case tomorrow, and I am tickled to death to have a case to try, in times like these. I do not want to point out that we are in a national emergency, because people might think I am trying this case because of the war; I am not trying the case because of the war, Mr. President, I am trying it on account of the fee.

Mr. HEYBURN. Who has the floor, Mr. President?

Mr. WALKER. Mr. President, I yield the floor to the distinguished gentleman from Delaware, who wishes to interrogate me.

Mr. HEYBURN. Mr. President, I suggest to the gentleman from Allegheny that we have dinner together. It seems to me since there is a shortage of paper there is not much use in our continuing this debate much longer.

Mr. WALKER. Mr. President, I have no objection to being the guest of the gentleman from Delaware for dinner, and I appreciate the invitation, but I want to point out to the gentleman that I tried to get this matter settled off the floor, and all I got was vague and indefinite suggestions from the gentleman from Delaware and his colleagues and I am seriously interested in this bill and I would like to comment on it.

This is the first time that I have missed a session of the Legislature since I have been a member of it, and I would like to have an opportunity to discuss this bill on the floor and that is why I make the request. This is not a trivial subject, it is very important; it must have been a very important subject or the Governor would not have included it in his call.

Mr. WOODWARD. Mr. President, why can the gentleman from Allegheny not make his comments now?

Mr. WALKER. Mr. President, we all heard what the gentleman from Philadelphia, Senator Jaspan did to his colleague from Philadelphia, Senator Shapiro, for that. I still have not heard an answer to my request to have action on the bill postponed. Please forgive me for having a one-track mind, but I did make a request that action on this bill be postponed and so far all I have heard is a statement that the majority rules. I do not know whether the gentleman means a majority of Farrell, Walker and Heyburn, or a majority of the members of the Senate. If it is Farrell, Walker, and Heyburn, before the roll is called, I would like a chance to talk with the gentleman from Philadelphia, Senator Farrell.

I desire at this time, Mr. President, to interrogate the gentleman from Philadelphia, Mr. Farrell.

Mr. PRESIDENT. Will the gentleman from Philadelphia, Mr. Farrell, permit himself to be interrogated?

Mr. FARRELL. I will, Mr. President.

Mr. WALKER. Mr. President, I desire to ask the gentleman from Philadelphia, Senator Farrell, if he has any objection to postponement of action on Senate Bill No. 41 until next Monday.

Mr. FARRELL. Mr. President, I look to my floor leader. My floor leader thinks it would be a great mistake not to pass this bill tomorrow and give the House a chance to pass it on three readings next week. However, Mr. President, I will be guided by my floor leader.

Mr. WALKER. I desire to interrogate the gentleman from Allegheny, Senator Geltz.

The PRESIDENT. Will the gentleman from Allegheny permit himself to be interrogated?

Mr. GELTZ. I will, Mr. President.

Mr. WALKER. I desire to ask my colleague from Allegheny, Senator Geltz, whether or not he has any objection to postponement of action on Senate Bill No. 41 until Monday.

Mr. GELTZ. Mr. President, I have not any objection to postponement of consideration of this bill until Monday, but coming to the lateral pass stage, I am willing to be guided by the Caucus.

RECESS

Mr. WALKER. Mr. President, I now ask that the Senate take a five minute recess until I confer with the Republican Caucus.

Mr. GELTZ. I will second the request, Mr. President.

It was agreed to.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed the Senate will be in order.

SENATE BILL No. 41 ON THIRD READING CALLED UP

Mr. GELTZ. Mr. President, I now call up Senate Bill No. 41, on third reading, which went over in its order temporarily.

Mr. WALKER. Mr. President, I second the motion.

It was agreed to.

Mr. GELTZ. Mr. President, I am sure everybody will be glad to know that Senator Walker's request will be granted and for that reason, since it is not necessary that the amendments to Senate Bill No. 41 be introduced today, since it will not be up for final passage until

Monday, I ask that Senate Bill No. 41 go over in its order.

BILL OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 41, on third reading, entitled:

An Act to further amend the act approved the fifth day of December, one thousand nine hundred and thirty-six (P. L. 2897, 1937), entitled "An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry and its existing and newly created agencies, with personnel (with certain exceptions) selected on a civil service basis, requiring employers to keep records and make reports and certain employers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons, providing procedure and administrative details for the determination, payment and collection of such contributions and the payment of such compensation, providing for cooperation with the Federal Government and its agencies, creating certain special funds in the custody of the State Treasurer and prescribing penalties," changing the provisions thereof and the rights, obligations and procedure thereunder.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

ADJOURNMENT

Mr. GELTZ. Mr. President, I move that the Senate do now adjourn until Wednesday, March 18, 1942, at 2:00 o'clock, p. m., Eastern War Time.

Mr. SNOWDEN. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 3:59 p. m., Eastern War Time, until Wednesday, March 18, 1942, at 2:00 o'clock p. m., Eastern War Time.

HOUSE OF REPRESENTATIVES

TUESDAY, March 17, 1942

The House met at 1 p. m.

The SPEAKER (Elmer Kilroy) in the Chair.

PRAYER

The Chaplain, Rev. Donald McFall offered the following prayer:

Our Father who art in heaven, as we bow our heads in prayer this day, may we be made to feel the importance of the part we have to play here at home while our boys are in service in the camps and across the seas. Today, as we are met here, some of our lads in uniform are to be found in Ireland, a land made prominent because of the work of one of Thy servants of the long ago, St. Patrick.

May Thy blessing be upon all men in the service of our great nation. Be with, we pray Thee, the Commander-in-Chief of all our forces, and may it please Thee, O God, to lead us as a people as Thou didst lead the armies of old.

"I know not by what methods rare
But this I know, God answers prayer.
I'll leave my prayers with Thee alone
Whose will is wiser than my own."

Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of yesterday.

The Clerk proceeded to read the Journal of yesterday, when, on motion of Mr. McKINNEY, unanimously agreed to, the further reading was dispensed with and the Journal approved.

RESOLUTIONS INTRODUCED AND REFERRED

By Mr. CORDIER. (Concurrent) RESOLUTION No. 27.

In the House of Representatives, March 16, 1942.

It has been reported in the public press that equipment and supplies accumulated for various camps of the Civilian Conservation Corps, notably trucks, blankets and articles of food and clothing, have been left to the ravages of the elements or burned, upon the abandonment of Civilian Conservation Corps activities.

Hundreds of thousands of dollars of taxpayers' money have been spent in acquiring the things that the Civilian Conservation Corps required. Their wanton and negligent destruction is a crime on the consciences of the persons responsible therefor. Such destruction of useable equipment and supplies is particularly reprehensible at a time such as this when material of all kinds is sorely needed in the prosecution of our war efforts.

Motorized equipment of all kinds can be put to immediate use for military purposes. Food, clothing and blankets, not suitable for the use of the army can nevertheless be used to great advantage in feeding, clothing, keeping warm and protecting from the elements the needy who are the wards of the State, be it, therefore,

Resolved (if the Senate concur), That the General Assembly of this Commonwealth condemns the wastefulness and inefficiency of the authorities charged with the duty of accounting for and disposing of public property acquired, but no longer useable, for the purposes intended, and be it further

Resolved, That the General Assembly of this Commonwealth calls upon the Director of the Civilian Conservation Corps to issue instructions immediately to local Civilian Conservation Corps officials in Pennsylvania to turn over all trucks and other motorized equipment to the nearest unit of the United States Army, to deliver all surplus stores of food, clothing, blankets and other useable supplies to the county board of public assistance of the county in which they may be located, and to dispose of all unserviceable property by sale or otherwise, in such manner only that they will be used for scrap metal, scrap rubber and other purposes for which discarded materials may be made useful, and be it further

Resolved, That if legislation is necessary to accomplish these objectives, the General Assembly of the Commonwealth of Pennsylvania memorializes the Congress of the United States to enact such law within the shortest possible space of time in which an act of Congress can be adopted, and be it further

Resolved, That copies of these resolutions be transmitted by the Chief Clerk of the House of Representatives to the President of the United States, the Director of the Civilian Conservation Corps, and to each United States Senator and Member of the House of Representatives from Pennsylvania.

Referred to the Select Committee on Special Session Legislation.

By Mr. KNOBLE. (Concurrent) RESOLUTION No. 28.

In the House of Representatives, March 16, 1942.

The effectiveness of America's fight for democracy stands in direct relationship to the health and vitality of her people. Of greatest importance in maintaining, building

up and improving their stamina, are the services of the men and women of our rural communities in wringing from the soil its nutritive and sustaining products.

Of very great importance also, are the resources of the rural centers of population, hundreds of which dot the vast expanse of this Commonwealth. These communities possess the facilities and man-power needed in the production of vital war equipment and needs of this Nation and her allies.

Billions upon billions of dollars are being appropriated and expended in an ever increasing effort to produce, before it is too late, the things that alone can stop and eventually overcome the driving might of the Axis. A portion of this vast expenditure could, to great advantage, be allotted to the smaller rural communities to augment the quantity production of the great industrial centers; therefore be it

Resolved (if the Senate concur), That the Congress of the United States, the Office of Production Management, and all other defense and war agencies are hereby memorialized to take advantage, to a greater degree than heretofore, of the facilities afforded by the smaller rural communities, and of the fortitude and willingness of their people to share in a greater degree in the all out effort of the American people in this fight to preserve the freedom and the blessings of the American way of life; and be it further

Resolved, That the Chief Clerk of the House of Representatives transmit copies of this resolution to the President of the United States, to the President of the Senate of the United States, and to the Speaker of its House of Representatives, as well as to the Honorable Donald M. Nelson, Director of War Production.

Referred to the Select Committee on Special Session Legislation.

PETITION

A petition from Latoof Naffah, 5880 Bartlett Street, Pittsburgh requesting the impeachment of Justice Horace Stern of the Supreme Court of Pennsylvania.

Referred to the Select Committee on Special Session Legislation.

LEAVE OF ABSENCE

By unanimous consent leave of absence was granted as follows:

The Speaker for Mr. SARGE for today's session.

SWARTHMORE COLLEGE CLASS WELCOMED

The SPEAKER. The Chair takes pleasure in announcing the presence in the House this afternoon of the class of Political Science of Swarthmore College, also their professor, Dr. Vernon A. O'Rourke.

They are the guests of the Delaware County delegation.

CONGRATULATORY RESOLUTION

Messrs. FINESTONE and CULLEN offered a resolution which was twice read, considered and agreed to as follows:

In the House of Representatives, March 17, 1942.

The Honorable Herman Modell, a member of this House, was born on March 17, 1906, and has the odd distinction of having his birthday celebrated with St. Patrick every year. By a peculiar coincidence, he was born on Green Street in Reading, Berks County, but as a child came to the conclusion that he could never be elected to this body from that county. Removing to Philadelphia, he graduated from the West Philadelphia High School, the University of Pennsylvania, and the Harvard Law School. He was a member of the track team at Penn, and this experience later qualified him to run for office.

"Handsome Hoiman," as he is known to his less intimate friends, has so far refused to succumb officially to the wiles of the fairer sex, although he has been on their 1-A list for a long time, and while, in this regard, he is democratic in his feelings, he is a rugged individualist in practice.

Since this is his natal day, be it therefore

Resolved, That on this his birthday, his fellow-members of the House extend to the Honorable Herman Modell, their heartiest congratulations and best wishes for a great many more such days; and be it further

Resolved, That a copy of this resolution be presented by the Chief Clerk to Mr. Modell.

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Modell.

Mr. MODELL. Mr. Speaker, I want to thank my colleagues from Philadelphia, Mr. Finestone and Mr. Cohen, for having introduced this resolution, and I want to thank all the Members of the House for their good wishes. I hope you now know that you have erred in the past in not putting me on the committee with the Friendly Sons of St. Patrick.

RESOLUTIONS

Messrs. McMILLEN and HELM offered a resolution which was laid over for printing under the Rules.

Mr. STANK offered a resolution which was laid over for printing under the Rules.

REPORTS FROM COMMITTEES

Mr. BAKER, from the Select Committee on Special Session Legislation, reported as committed, House Bill No. 58, entitled:

An Act authorizing the Department of Property and Supplies, with the approval of the Board of Commissioners of Public Grounds and Buildings to adopt certain rules and regulations governing purchases, sales and contracts of the Department of Property and Supplies on behalf of the Commonwealth during the continuation of the present war, and for six months thereafter, and suspending certain statutory provisions inconsistent with such rules and regulations.

Mr. MATTHEW J. WELSH, from the Select Committee on Special Session Legislation, reported as committed, House Bill No. 66, entitled:

An Act authorizing as a temporary emergency war measure the construction, repair, relocation, abandonment and vacation of certain roads, streets, highways, bridges and viaducts by the Department of Highways without complying with inconsistent existing laws relative thereto, and the temporary suspension of such laws by the Secretary of Highways.

Mr. STANK, from the Select Committee on Special Session Legislation, reported as committed, House Bill No. 52, entitled:

An Act to further amend section twenty-one of the act, approved the seventh day of June, one thousand nine hundred fifteen (P. L. 900), entitled "An act to provide for the immediate registration of all births and deaths throughout the Commonwealth of Pennsylvania, by means of certificates of births and deaths, and burial or removal permits; requiring prompt returns to the Central Bureau of Vital Statistics, as required to be established by the

State Department of Health; and, in order to secure prompt and faithful registration of births, marriages, deaths, and diseases, of practitioners of medicine and surgery, of midwives, nurses, and undertakers, and of all persons whose occupation is deemed to be of importance in obtaining complete registration of births, deaths, marriages, and diseases throughout the State, as provided in section ten of an act, entitled 'An act creating the Department of Health and defining its powers and duties,' approved the twenty-seventh day of April, nineteen hundred and five, and providing penalties for violations of this act," by providing for the issuance of short form birth certificates by the Department of Health of the Commonwealth of Pennsylvania during the continuance of the present war emergency and for six months thereafter.

Mr. O'BRIEN, from the Select Committee on Special Session Legislation, reported as committed, House Bill No. 64, entitled:

An Act suspending and modifying for the period of the present war and for a time thereafter the provisions of section two hundred fifty-one of the act, approved the second day of May, one thousand nine hundred and twenty-five (P. L. 448), entitled "An act relating to fish; and amending, revising, consolidating, and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth," and its amendments in so far as they authorize the Board of Fish Commissioners, when necessary to conserve the future fish supply, to close or open seasons and authorizing the closing and opening of seasons by said board for any emergency during said period.

Mr. NAGEL, from the Select Committee on Special Session Legislation, reported as committed, House Bill No. 68, entitled:

An Act to amend section two of the act, approved the tenth day of July, one thousand nine hundred thirty-five (P. L. 645), entitled "An act imposing certain requirements on certain hospitals receiving State aid; authorizing the withholding of appropriations; and imposing duties on the Department of Welfare," by providing that, during the present war and six months thereafter, funds shall not be withheld from hospitals for violation of such act, if the Secretary of Welfare determines that the constant attendance of a licensed physician or resident interne cannot be secured by such hospitals because of the war emergency.

Mr. WOODRING, from the Select Committee on Special Session Legislation, reported as committed, House Bill No. 65, entitled:

An Act suspending for the period of the present war emergency, and for a time thereafter, the provisions of section six hundred three of the act, approved the third day of June, one thousand nine hundred thirty-seven (P. L. 1225), entitled "An act concerning game and other wild birds and wild animals; and amending, revising, consolidating, and changing the law relating thereto," and its amendments, in so far as they require traps or deadfalls used in the taking or killing of fur-bearing animals or predators to be marked with a metallic plate or tag, and providing for the use of other types of plates or tags as the commission may determine.

Mr. RUSSELL E. REESE, from the Select Committee on Special Session Legislation, reported as committed, House Bill No. 72, entitled:

An Act authorizing, as a temporary emergency war measure, the making available of the facilities of state teachers' colleges for vocational or defense education purposes, and the temporary suspension of laws inconsistent therewith, upon findings by the board of trustees and of the state teachers' college, the State Council of Education and the State Council of Defense.

Mr. HARE, from the Select Committee on Special Session Legislation, reported as committed, House Bill No. 70, entitled:

An Act to amend section two of the act, approved the first day of August, one thousand nine hundred and forty-one (P. L. 744), entitled "An act requiring school boards in all school districts, and boards of directors of all vocational school districts, to grant leaves of absence to all school employes who shall volunteer or be called for military or naval service in time of war or during a state of national emergency; preserving certain contracts, salaries, increments, retirement rights, seniority, State contributions and grants to local school boards, eligibility lists, reemployment; authorizing school boards and boards of directors of vocational schools to employ substitutes in place of such employes; requiring school districts and vocational school districts to make additional payments into the School Employes' Retirement Fund; reserving all rights and privileges of employes granted leaves of absence under the provisions herein, and superseding or repealing all contrary laws," extending the benefits thereof to additional school employes.

Mr. WINNER, from the Select Committee on Special Session Legislation, reported as committed, House Bill No. 61, (Senate Bill No. 42), entitled:

An Act to suspend and modify existing law providing for and requiring the use of plates or tags as evidence of the payment of any license or registration fee insofar as such laws require the use of plates or tags manufactured of metal and by authorizing the use of other material in whole or in part.

Mr. GERARD, from the Select Committee on Special Session Legislation, reported as amended, House Bill No. 42, entitled:

An Act to further amend section eight of the act, approved the nineteenth day of March, one thousand nine hundred nine (P. L. 46), entitled "An act to regulate the practice of osteopathy in the State of Pennsylvania; to provide for the establishment of a State Board of Osteopathic Examiners; to provide for the examining and licensing of osteopaths in this State; and to provide penalties for the violation of this act," by further regulating for a limited period the time necessary for graduation and for admission to practice as osteopathic physicians and surgeons in this State.

Mr. O'CONNOR, from the Select Committee on Special Session Legislation, reported as committed, House Resolution No. 12.

BILL ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 40, entitled:

An Act authorizing courts of common pleas to stay writs of execution against and tax sales of real property in certain cases providing for the continuance of return days of writs of execution and authorizing sales thereon without issuance of further writs

The first to the sixth sections inclusive were separately read and agreed to.

The seventh section was read.

On the question,

Will the House agree to the section?

Mr. GERARD. Mr. Speaker, I desire to offer the following amendment.

The amendment was read by the Clerk as follows:

Amend Sec. 7, page 3, line 21, by inserting after the word "thirty-four" the following: "Provided also, That this act shall not apply to any proceeding for the sale of real property for failure to pay taxes where such taxes accrued prior to the year one thousand nine hundred forty-one".

The amendment was agreed to.

The section was agreed to as amended.

The eighth section, the Whereas Clauses and the title were separately read and agreed to.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 24, entitled:

An Act relating to air raid precautions including blackouts conferring certain powers and duties upon the State Council of Defense local and district Councils of Defense political subdivisions members of certain municipal and volunteer agencies and civilians necessary for the safety defense and protection of civilians and property in the Commonwealth providing for the mobilization coordination and use of certain municipal agencies and volunteer agencies including their personnel and equipment providing for immunity from liability for injury or death to persons or damage to property under certain circumstances and providing penalties

On the question,

Will the House agree to the bill on third reading?

BILL POSTPONED

Mr. McCLANAGHAN. Mr. Speaker, I move that this bill be placed on the postponed calendar.

The motion was agreed to.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 45, (Senate Bill No. 36), as follows:

An Act making an appropriation to the Committee appointed pursuant to Senate Concurrent Resolution number one hundred forty of the Regular Session of one thousand nine hundred forty-one adopted July fifteenth one thousand nine hundred forty-one to report recommendations for Congressional re-apportionment

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of five thousand five hundred dollars ($5,500) or as much thereof as may be necessary is hereby appropriated to pay the expenses of the members of the Committee appointed pursuant to Senate Concurrent Resolution number one hundred forty of the Regular Session of one thousand nine hundred forty-one adopted July fifteenth one thousand nine hundred forty-one to report recommendations for Congressional re-apportionment

Section 2 Requisitions and accountings for said expenses shall be presented by the President Pro Tempore of the Senate and the Speaker of the House of Representatives

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—190

Achterman,	Gallagher,	Malloy,	Royer,
Auker,	Gates,	Marks,	Rush,
Baker,	Gerard,	Maxwell,	Sarraf,
Balthaser,	Gillan,	McClanaghan,	Scanlon,
Baugher,	Goodwin,	McClester,	Schwab,
Bentzel,	Greenwood,	McDermott,	Serrill,
Boles,	Gross,	McDowell,	Shaffer,
Boney,	Gryskewicz,	McFall,	Shaw,
Boorse,	Gyger,	McGrath,	Shepard,
Bradley,	Habbyshaw,	McIntosh,	Skale,
Bretherick,	Haberlen,	McKinney,	Snyder,
Brown,	Haines,	McLanahan,	Sollenberger,
Brunner, O. H.,	Hall,	McLane,	Sorg,
Brunner, P. A.,	Hamilton,	McMillen,	Stambaugh,
Burns,	Hare,	McSurdy,	Stank,
Burris,	Harmuth,	Melchiorre,	Stine,
Cadwalader,	Harris,	Mihm,	Stockham,
Chervenak,	Heatherington,	Modell,	Tarr,
Chudoff,	Helm,	Monks,	Tate,
Cohen, M. M.,	Hering,	Mooney,	Taylor,
Cohen, R. E.,	Herman,	Moran,	Thompson, E. F.,
Cook,	Hersch,	Muir,	Thompson, R. L.,
Cooper,	Hirsch,	Nagel,	Trout,
Cordier,	Holland,	Nunemacher,	Turner,
Croop,	Huntley,	O'Brien,	Van Allsburg,
Cullen,	Imbrie,	O'Connor,	Vincent,
Dalrymple,	James,	O'Dare,	Vogt,
Dennison,	Jefferson,	O'Mullen,	Voldow,
DiGenova,	Jones, G. E.,	O'Neill,	Wagner,
Dix,	Jones, P. N.,	Owens,	Watkins,
Dolon,	Keenan,	Pettit,	Weingartner,
D'Ortona,	Kenehan,	Polaski,	Weiss,
Early,	Kline,	Polen,	Welsh, E. B.,
Eckels,	Knoble,	Powers,	Welsh, M. J.,
Elder,	Kolankiewicz,	Prosen,	Wilkinson,
Elliott,	Komorofski,	Rank,	Williams,
Ely,	Krise,	Rausch,	Winner,
Falkenstein,	Lee, E. A.,	Readinger,	Wolf,
Finestone,	Lee, T. H.,	Regan,	Wood, L. H.,
Finnerty,	Leisey,	Reese, D. P.,	Wood, N.,
Fisher,	Leonard,	Reese, R. E.,	Woodring,
Fiss,	Lesko,	Reagan,	Wright,
Fleming,	Levy,	Reynolds,	Yeakel,
Fletcher,	Leydic,	Rhea,	Yester,
Flynn,	Lichtenwalter,	Riley,	Young,
Foor,	Longo,	Rooney,	Kilroy,
French,	Lovett,	Rose, W. E.,	Speaker.
	Lyons,	Rosenfeld,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return it to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 46 (Senate Bill No. 16), as follows:

An Act to provide relief in cases where fiduciaries are in military service authorizing the court to appoint a substituted fiduciary pro tem in such cases or to allow the remaining fiduciaries to act authorizing security to be entered by and compensation paid to such substituted

fiduciaries pro tem and regulating the powers and liabilities of the fiduciary in military service and of the substituted fiduciary pro tem

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Definitions When used in this act

(a) The term "fiduciary" shall include an executor administrator trustee under a will deed or declaration trustee durante absentia guardian of the estate of a minor weak-minded person or habitual drunkard and committee of a lunatic

(b) Whenever a reference is made to a "fiduciary in military service" this shall include fiduciaries who are members of the armed forces of the United States or of any allied or associated power or who are detailed by proper authority for duty with such armed forces

Section 2 Whenever and for so long as any fiduciary is or shall be in military service the court having jurisdiction of the accounts of such fiduciary shall have power in its discretion

(a) To authorize the co-fiduciary or co-fiduciaries if any to exercise all of the powers of such fiduciary whether discretionary or ministerial or

(b) To appoint a substituted fiduciary pro tem to act in place of such fiduciary and to authorize such substituted fiduciary pro tem to exercise all of the powers and discretion of the fiduciary in military service

Section 3 The relief authorized by Section 2 of this act may be granted upon petition of any party in interest including the fiduciary in military service or any co-fiduciary It shall not be necessary to secure the joinder of any other party in interest in such petition but notice of the presentation of the petition shall be given to all parties in interest who are sui juris at such time and in such manner as the court may direct by general rule or special order

Section 4 Any substituted fiduciary pro tem appointed under the provisions of Section 2 of this act shall enter such security if any as the court may direct and shall receive such compensation as the court may allow Such substituted fiduciary pro tem shall be subject to the same duties and responsibilities with respect to accounting and otherwise during the period that he holds office as the fiduciary in military service would have been if not in such service

Section 5 Any decree entered pursuant to the provisions of Section 2 of this act shall remain in force until revoked by the court upon cause shown and no act done by any substituted fiduciary pro tem or co-fiduciary or co-fiduciaries while such decree is in force shall be impeached on the ground that a fiduciary was not in or had ceased to be in military service

Section 6 So long as any decree entered pursuant to the provisions of Section 2 of this act remains in force the fiduciary named therein as being in military service shall exercise none of his or her fiduciary powers or discretion and shall be under no liability for any acts or omissions of the substituted fiduciary pro tem or of any co-fiduciary or co-fiduciaries during that period Provided That nothing contained in this act shall relieve a fiduciary who enters military service from liability for the administration of the estate before the entry of a decree under the provisions of section two of this act and upon the reinstatement of such fiduciary or at such time as the said court deems meet such fiduciary may be required by said court to file an accounting of his administration of said estate

Section 7 The court appointing a substituted fiduciary pro tem under the provisions of Section 2 of this act shall have the same powers of control removal discharge and settlement of the accounts of such substituted fiduciary as are conferred upon it by existing law with respect to other fiduciaries

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—190

Achterman,	Gates,	Malloy,	Rosenfeld,
Auker,	Gerard,	Marks,	Royer,
Baker,	Gillan,	Maxwell,	Rush,
Balthaser,	Goodwin,	McClanaghan,	Sarraf,
Baugher,	Greenwood,	McClester,	Scanlon,
Bentzel,	Gross,	McDermott,	Schwab,
Boles,	Gryskewicz,	McDowell,	Serrill,
Boney,	Gyger,	McFall,	Shaffer,
Boorse,	Habbyshaw,	McGrath,	Shaw,
Bradley,	Haberlen,	McIntosh,	Shepard,
Bretherick,	Haines,	McKinney,	Skale,
Brown,	Hall,	McLanahan,	Snyder,
Brunner, C. H.,	Hamilton,	McLane,	Sollenberger,
Brunner, P. A.,	Hare,	McMillen,	Sorg,
Burns,	Harmuth,	McSurdy,	Stambaugh,
Burris,	Harris,	Melchiorre,	Stank,
Cadwalader,	Heatherington,	Mihm,	Stine,
Chervenak,	Helm,	Modell,	Stockham,
Chudoff,	Hering,	Monks,	Tarr,
Cohen, M. M.,	Herman,	Mooney,	Tate,
Cohen, R. E.,	Hersch,	Moran,	Taylor,
Cook,	Hirsch,	Muir,	Thompson, E. F.,
Cooper,	Holland,	Nagel,	Thompson, R. L.,
Cordier,	Huntley,	Nunemacher,	Trout,
Croop,	Imbrie,	O'Brien,	Turner,
Cullen,	James,	O'Connor,	Van Allsburg,
Dalrymple,	Jefferson,	O'Dare,	Vincent,
Dennison,	Jones, G. E.,	O'Mullen,	Vogt,
DiGenova,	Jones, P. N.,	O'Neill,	Voldow,
Dix,	Keenan,	Owens,	Wagner,
Dolon,	Kenehan,	Pettit,	Watkins,
D'Ortona,	Kline,	Polaski,	Weingartner,
Early,	Knoble,	Polen,	Weiss,
Eckels,	Kolankiewicz,	Powers,	Welsh, E. B.,
Elder,	Komorofski,	Prosen,	Welsh, M. J.,
Elliott,	Krise,	Rank,	Wilkinson,
Ely,	Lee, E. A.,	Rausch,	Williams,
Falkenstein,	Lee, T. H.,	Reagan,	Winner,
Finestone,	Leisey,	Readinger,	Wolf,
Finnerty,	Leonard,	Reese, D. R.,	Wood, L. H.,
Fisher,	Lesko,	Reese, R. E.,	Wood, N.,
Fiss,	Levy,	Regan,	Woodring,
Fleming,	Leydic,	Reynolds,	Wright,
Fletcher,	Lichtenwalter,	Rhea,	Yeakel,
Flynn,	Longo,	Riley,	Yester,
Foor,	Lovett,	Rooney,	Young,
French,	Lyons,	Rose, W. E.,	Kilroy, Speaker
Gallagher,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return it to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 27, as follows:

An Act authorizing the Department of Highways to construct repair or rebuild certain bridges in cities of the third class which are deemed necessary for national defense and where Federal or city funds are available for such purposes defining the powers and duties of said department and making an appropriation

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The Department of Highways shall have power to construct repair or rebuild any bridge over any river and the approaches thereto in a city of the third class where there now is an existing bridge forming a link connecting two state highways if such bridge is

deemed necessary either by Federal or State authorities for national defense purposes and the present bridge is deemed inadequate or unsafe and if Federal or city funds are available for such construction replacement or repair

No such bridge shall be constructed repaired or rebuilt without the consent of the public authorities responsible by law for the maintenance of such bridge

Section 2 The Department of Highways shall have authority to advertise and receive bids for any project undertaken under the provisions of this act and to make and carry out contracts and to do every other act necessary to carry out any project undertaken hereunder and is hereby authorized to make the necessary surveys and prepare the necessary plan specifications and estimates for such project The costs incident to the above shall be paid out of moneys in the Motor License Fund and for such purposes any moneys in such fund are hereby appropriated to the Department of Highways

Section 3 The Department of Highways shall have power to enter into agreements with proper Federal authorities and cities of the third class to carry the provisions of this act into effect and to institute appropriate proceedings to secure the requisite approval of the Public Utility Commission where such approval is required

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—190

Achterman,	Gallagher,	Malloy,	Royer,
Auker,	Gates,	Marks,	Rush,
Baker,	Gerard,	Maxwell,	Sarraf,
Balthaser,	Gillan,	McClanaghan,	Scanlon,
Baugher,	Goodwin,	McClester,	Schwab,
Bentzel,	Greenwood,	McDermott,	Serrill,
Boles,	Gross,	McDowell,	Shaffer,
Boney,	Gryskewicz,	McFall,	Shaw,
Boorse,	Gyger,	McGrath,	Shepard,
Bradley,	Habbyshaw,	McIntosh,	Skale,
Bretherick,	Haberlen,	McKinney,	Snyder,
Brown,	Haines,	McLanahan,	Sollenberger,
Brunner, C. H.,	Hall,	McLane,	Sorg,
Brunner, P. A.,	Hamilton,	McMillen,	Stambaugh,
Burns,	Hare,	McSurdy,	Stank,
Burris,	Harmuth,	Melchiorre,	Stine,
Cadwalader,	Harris,	Mihm,	Stockham,
Chervenak,	Heatherington,	Modell,	Tarr,
Chudoff,	Helm,	Monks,	Tate,
Cohen, M. M.,	Hering,	Mooney,	Taylor,
Cohen, R. E.,	Herman,	Moran,	Thompson, E. F.,
Cook,	Hersch,	Muir,	Thompson, R. L.,
Cooper,	Hirsch,	Nagel,	Trout,
Cordier,	Holland,	Nunemacher,	Turner,
Croop,	Huntley,	O'Brien,	Van Allsburg,
Cullen,	Imbrie,	O'Connor,	Vincent,
Dalrymple,	James,	O'Dare,	Vogt,
Dennison,	Jefferson,	O'Mullen,	Voldow,
DiGenova,	Jones, G. E.,	O'Neill,	Wagner,
Dix,	Jones, P. N.,	Owens,	Watkins,
Dolon,	Keenan,	Pettit,	Weingartner,
D'Ortona,	Kenenan,	Polaski,	Weiss,
Early,	Kline,	Polen,	Welsh, E. B.,
Eckels,	Knoble,	Powers,	Welsh, M. J.,
Elder,	Kolankiewicz,	Prosen,	Wilkinson,
Elliott,	Komorofski,	Rank,	Williams,
Ely,	Krise,	Rausch,	Winner,
Falkenstein,	Lee, E. A.,	Readinger,	Wolf,
Finestone,	Lee, T. H.,	Reagan,	Wood, L. H.,
Finnerty,	Leisey,	Reese, D. P.,	Wood, N.,
Fisher,	Leonard,	Reese, R. E.,	Woodring,
Fiss,	Lesko,	Regan,	Wright,
Fleming,	Levy,	Reynolds,	Yeakel,
Fletcher,	Leydic,	Rhea,	Yester,
Flynn,	Lichtenwalter,	Riley,	Young,
Foor,	Longo,	Rooney,	Kilroy,
French,	Lovett,	Rose, W. E.,	Speaker.
	Lyons,	Rosenfeld,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. READINGER.

The House resumed the consideration on third reading of House Bill No. 8, as follows:

An Act to further amend section two of and to add Sections four and five to the act approved the seventh day of June one thousand nine hundred seventeen (P. L. 600) entitled "An act providing that appointive officers and employes employed by the Commonwealth of Pennsylvania in its civil service or by any department bureau commission or office thereof or by any county municipality township or school district shall not be deemed or held to have resigned or abandoned their offices or employments by reason of enlistment enrollment or draft in the military or naval service of the United States or any branch or unit thereof in time of war or contemplated war prohibiting the removal from their offices or employments of such officers and employes during the period of their service in the Army or Navy directing that one-half of the salaries or wages of such officers or employes as have dependent wives children or parents and not exceeding two thousand dollars per annum be paid during the term of their service in the Army or Navy to such dependents authorizing the employment during said term of substitutes to perform the duties theretofore performed by such officers or employes respectively and providing for the compensation of such substitutes" by more fully defining amounts payable limiting the time such amounts are payable and limiting the conditions of resumption of office or employment

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section two of the act approved the seventh day of June one thousand nine hundred seventeen (P. L. 600) entitled "An act providing that appointive officers and employes employed by the Commonwealth of Pennsylvania in its civil service or by any department bureau commission or office thereof or by any county municipality township or school district shall not be deemed or held to have resigned or abandoned their offices or employments by reason of enlistment enrollment or draft in the military or naval service of the United States or any branch or unit thereof in time of war or contemplated war prohibiting the removal from their offices or employments of such officers and employes during the period of their service in the Army or Navy directing that one-half of the salaries or wages of such officers or employes as have dependent wives children or parents and not exceeding two thousand dollars per annum be paid during the term of their service in the Army or Navy to such dependents authorizing the employment during said term of substitutes to perform the duties theretofore performed by such officers or employes respectively and providing for the compensation of such substitutes" as amended by the act approved the twenty-fifth day of June one thousand nine hundred forty-one (P. L. 207) is hereby further amended to read as follows

Section 2 Any said officer or employe so enlisting enrolling or drafted and having a dependent or dependents as aforesaid may at the time of his enlistment enrollment or draft or immediately therafter file with the head or chief of the department bureau commission or office in which he is employed a statement in writing executed under oath setting forth the fact and date of his enlistment enrollment or draft his intention to retain his said

office or employment and to resume the duties thereof after the expiration of his service in the military or naval service or any branch or unit thereof and the names and addresses of his dependent wife children and [dependent] parent or parents if any such he have and requesting and directing that one-half of the salary or wages of his said office or employment not exceeding two thousand ($2,000.00) dollars per annum shall be paid during his service in the military or naval service or any branch or unit thereof as follows

If he is a member of the State Employes' Retirement Association or the Pennsylvania Motor Police Retirement System he may direct the State Treasurer to pay into the State Employes' Retirement Fund an amount certified to the State Treasurer by the State Employes' Retirement Board in a manner now or hereafter provided by law The balance thereof if he have a dependent wife to his wife for her use and that of his children if he have dependent children and no wife then to such person as he may designate for the use and benefit of his children If he have a dependent parent or parents then he shall direct such sum as he has theretofore been accustomed to contribute to their support to be paid to them and the amount payable to his wife or children if any he have shall be proportionately decreased If he have no dependent wife or children he may direct [the entire one-half of his said salary or wages not exceeding two thousand ($2,000.00) dollars per annum to be paid to his dependent parent or parents if any such he have] such sums as he has heretofore been accustomed to contribute to his dependent parent or parents to be paid to such parent or parents and no more all sums so directed to be paid shall be paid to the Commonwealth agency and/or the person designated in the same proportional instalments as nearly as may be as the salary or wages of such person were theretofore paid to him Provided however That the amount of benefits paid under the provisions of this act shall in no case exceed an amount which added to the aggregate amount paid to such officer or employe by the United States as compensation dependency allowances if any and when such officer or employe is quartered with the aforesaid dependent allowances for rentals and subsistence provided in money or facilities totals more than the salary or wages paid to such officer or employe by the Commonwealth or by any county municipality township or school district within the Commonwealth at the time of his entry into such military or naval service With such statement he shall also file powers of attorney authorizing the Commonwealth agency and/or the proper dependent to receive their proportion of said salary or wages as aforesaid

Section 4 The amounts payable under this act shall cease to be payable to the dependent or dependents of any such officer or employe who voluntarily continues in the military or naval service or any branch or unit thereof after the termination of the period of war or contemplated war during which he entered the service

Section 5 No such officer or employe who is separated from the service by undesirable bad conduct or dishonorable discharge shall be permitted to resume his said office or employment after separation from the service in such manner

Section 3 This act shall become effective immediately upon final enactment

On the question recurring,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. READINGER. Mr. Speaker, I desire to clear up one matter which now seems to be in doubt concerning this bill. This bill amends an act of 1917. The title of the act of 1917 includes the words " or school districts." However, in 1941 the Legislature passed an act relating to school district employes and vocational school district employes, and specifically repealed this act of 1917 as far as those employes were concerned. The amendments now being made to the act of 1917 do not in any way affect that act of 1941. In other words, the school district employees and vocational school district employees are not affected in any way by this particular bill.

On the question recurring,

Shall the bill pass finally

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—190

Achterman,	Gallagher,	Malloy,	Royer,
Auker,	Gates,	Marks,	Rush,
Baker,	Gerard,	Maxwell,	Sarraf,
Balthaser,	Gillan,	McClanaghan,	Scanlon,
Baugher,	Goodwin,	McClester,	Schwab,
Bentzel,	Greenwood,	McDermott,	Serrill,
Boies,	Gross,	McDowell,	Shaffer,
Boney,	Gryskewicz,	McFall,	Shaw,
Boorse,	Gyger,	McGrath,	Shepard,
Bradley,	Habbyshaw,	McIntosh,	Skale,
Bretherick,	Haberlen,	McKinney,	Snyder,
Brown,	Haines,	McLanahan,	Sollenberger,
Brunner, C. H.,	Hall,	McLane,	Sorg,
Brunner, P. A.,	Hamilton,	McMillen,	Stambaugh,
Burns,	Hare,	McSurdy,	Stank,
Burris,	Harmuth,	Melchiorre,	Stine,
Cadwalader,	Harris,	Mihm,	Stockham,
Chervenak,	Heatherington,	Modell,	Tarr,
Chudoff,	Helm,	Monks,	Tate,
Cohen, M. M.,	Hering,	Mooney,	Taylor,
Cohen, R. E.,	Herman,	Moran,	Thompson, E. F.,
Cook,	Hersch,	Muir,	Thompson, R. L.,
Cooper,	Hirsch,	Nagel,	Trout,
Cordier,	Holland,	Nunemacher,	Turner,
Croop,	Huntley,	O'Brien,	Van Allsburg,
Cullen,	Imbrie,	O'Connor,	Vincent,
Dalrymple,	James,	O'Dare,	Vogt,
Dennison,	Jefferson,	O'Mullen,	Voldow,
DiGenova,	Jones, G. E.,	O'Neill,	Wagner,
Dix,	Jones, P. N.,	Owens,	Watkins,
Dolon,	Keenan,	Pettit,	Weingartner,
D'Ortona,	Kenehan,	Polaski,	Weise,
Early,	Kline,	Polen,	Welsh, E. B.,
Eckels,	Knoble,	Powers,	Welsh, M. J.,
Elder,	Kolankiewicz,	Prosen,	Wilkinson,
Elliott,	Komorofski,	Rank,	Williams,
Ely,	Krise,	Rausch,	Winner,
Falkenstein,	Lee, E. A.,	Readinger,	Wolf,
Finestone,	Lee, T. H.,	Reagan,	Wood, L. H.,
Finnerty,	Leisey,	Reese, D. P.,	Wood, N.,
Fisher,	Leonard,	Reese, R. E.,	Woodring,
Fiss,	Lesko,	Regan,	Wright,
Fleming,	Levy,	Reynolds,	Yeakel,
Fletcher,	Leydic,	Rhea,	Yester,
Flynn,	Lichtenwalter,	Riley,	Young,
Foor,	Longo,	Rooney,	Kilroy,
French,	Lovett	Rose, W. E.,	Speaker.
	Lyons,	Rosenfeld,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

QUESTION OF PERSONAL PRIVILEGE

Mr. HAINES. Mr. Speaker, I arise to a question of personal privilege.

The SPEAKER. The gentleman from Centre will state his question of personal privilege.

Mr. HAINES. Mr. Speaker, in the Legislative Journal of March third on page 146, I note that my name has been

omitted from the affirmative roll. I remember distinctly having voted for this bill, and I would like to have that correction made or my remarks as stated spread upon the Journal of the House to make that correction.

PERMISSION TO ADDRESS HOUSE

Mr. HAINES asked and obtained unanimous consent to address the House.

Mr. Speaker, I attended a hearing this morning on the anti-sabotage bill which is in the Select House Committee, and I merely want to commend and congratulate the Chairman and his committee for the way in which they conducted the hearing this morning.

ADJOURNMENT

Mr. FINESTONE. Mr. Speaker, I move that this House do now adjourn until Wednesday, March 18, 1942, at 1 p. m.

The motion was agreed to, and (at 1:40 p. m.) the House adjourned.

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal.

Extraordinary Session of 1942.

Vol. 26. HARRISBURG, PA., WEDNESDAY, MARCH 18, 1942. No. 15.

SENATE

WEDNESDAY, March 18, 1942

The Senate met at 2:00 o'clock, p. m., E. W. T.

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the Chair.

PRAYER

The Chaplain, EDWIN S. WALLACE, offered the following prayer:

We have learned from Thy Word, O God, and from the experiences of our own lives that they who seek Thee shall find Thee, for Thou art not far from any of us. We have also been taught and have found it to be true that to those who ask Thee for wisdom Thou dost give generously. So with that knowledge of Thee we pray for Thy presence and Thy wisdom that will be sufficient for the day.

We know not what the day may bring forth; whatever it be—joy or sorrow, the fulfillment or disappointment of our hopes—give us strength to overcome all that may be sinister and to appropriate with gratitude all the good. If we "do justice, love mercy and walk humbly with our God" we shall be prepared for all eventualities.

We pray Thee, the God of nations, to crown with success all our efforts to preserve our nation and to continue that way of life which will keep us a united and happy people.

Remember the President of the United States and the Governor of this state that they may meet all demands upon them in wisdom and with power.

All this we ask in the name of our Lord. Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. THOMAS and Mr. MILLER, the further reading was dispensed with, and the Journal was approved.

LEAVE OF ABSENCE

Mr. Thomas asked and obtained leave of absence for the Senator from Dauphin, Mr. TAYLOR.

Mr. Farrell asked and obtained leave of absence for the Senator from Erie, Mr. ZIESENHEIM.

NOMINATIONS BY THE GOVERNOR

NOTARIES PUBLIC

The Secretary to the Governor being introduced, presented in writing from His Excellency, the Governor of the Commonwealth, nominations for appointment as Notaries Public.

CONSIDERATION OF NOTARIES PUBLIC

Mr. MILLER. Mr. President, I move that the Senate do now proceed to the consideration of nominations for appointment as Notaries Public, sent to the Senate, March 18, 1942, by His Excellency, the Governor of the Commonwealth.

Mr. GELTZ. Mr. President, I second the motion.

The motion was agreed to.

The nominations were read as follows:

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 18, 1942.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

LEHIGH COUNTY

Mrs. Elizabeth A. Gift, Allentown.

LYCOMING COUNTY

Miss Marjorie I. Fuller, Williamsport.

MONTGOMERY COUNTY

Mrs. Marie H. Marcus, Jenkintown.

ARTHUR H. JAMES.

NOMINATIONS FOR NOTARIES PUBLIC

A motion was made by Mr. MILLER and Mr. GELTZ,

That the Senate do advise and consent to said nominations.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—40

Barr,	DiSilvestro,	Kephart,	Stiefel,
Bartlett,	Ealy,	Lanius,	Tallman,

Becker,	Edmonds,	Letzler,	Thomas,
Carr,	Farrell,	Mallery,	Tyler,
Coleman,	Frey,	McQuiddy,	Wade,
Cox,	Geltz,	Miller,	Watkins,
Crider,	Haluska,	Ruth,	Wilson, H. I.,
Crowe,	Heyburn,	Scarlett,	Wilson, T. B.,
Deitrick,	Homsher,	Snowden,	Woodward,
Dent,	Jaspan,	Stevenson,	Ziesenheim,

NAYS—0

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

BILL SIGNED

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) announced that the Chief Clerk having reported that the following bill had passed both houses of the General Assembly and the same being correct, the title was publicly read as follows:

House Bill No. 10, entitled:

An Act to further amend section six hundred twenty-eight, and to amend section six hundred twenty-nine of the act approved the third day of June, one thousand nine hundred thirty-seven (P. L. 1333), entitled "Pennsylvania Election Code," extending the time within which writs of election may issue for holding special elections to fill vacancies occurring in either house of the General Assembly, and the time within which nominations therefore may be filed.

Whereupon,

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the presence of the Senate signed the same.

HOUSE MESSAGE

HOUSE BILL FOR CONCURRENCE

The Clerk of the House of Representatives being introduced presented for concurrence a bill of the House, as follows:

House Bill No. 40, (Senate Bill No. 62), entitled:

An Act authorizing courts of common pleas to stay writs of execution against, and tax sales of, real property in certain cases; providing for the continuance of return days of writs of execution, and authorizing sales thereon without issuance of further writs.

Which was committed to the Committee on Judiciary General.

REPORTS FROM COMMITTEES

Mr. CRIDER, from the Committee on State Government, reported as committed, Senate Bill No. 56, (House Bill No. 8), entitled:

An Act to further amend section two of and to add sections four and five to the act approved the seventh day of June one thousand nine hundred seventeen (P. L. 600) entitled "An act providing that appointive officers and employes employed by the Commonwealth of Pennsylvania in its civil service or by any department bureau commission or office thereof or by any county municipality township or school district shall not be deemed or held to have resigned or abandoned their offices or employments by reason of enlistment enrollment or draft in the military or naval service of the United States or any branch or unit thereof in time of war or contemplated war prohibiting the removal from their offices or employments of such officers and employes during the period of their service in the Army or Navy directing that one-half of the salaries or wages of such officers or employes as have dependent wives children or parents and not exceeding two thousand dollars per annum be paid during the term of their service in the Army or Navy to such dependents authorizing the employment during said term of substitutes to perform the duties theretofore performed by such officers or employes respectively and providing for the compensation of such substitutes" by more fully defining amounts payable limiting the time such amounts are payable and limiting the conditions of resumption of office or employment.

Mr. MILLER, from the Committee on State Government, re-reported as amended, Senate Bill No. 47, entitled:

An Act to suspend existing law providing for and requiring certain contracts or purchases made by the Commonwealth or any political subdivision thereof to be made with and from the lowest responsible bidder after notice by advertisement insofar as they apply to certain contracts and purchases and regulating the letting of contracts and the making of purchases by political subdivisions.

Mr. MILLER. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

MEMORIALIZING THE GOVERNOR TO SUMMON NON PARTISAN COMMITTEE TO STUDY PROBLEM OF ST. LAWRENCE WATERWAY

Mr. MILLER from the Committee on State Government, to which was referred resolution offered by Mr. MALLERY on March 16, 1942, reported the same without amendment, as follows:

The threat to Pennsylvania in the St. Lawrence Waterway is a war as well as a peace time danger and is so real to the State's welfare and to its basic industries that the full extent of it should be ascertained by expert investigation.

The consummation of this dream would inflict double punishment on the Commonwealth. Not only are the taxes of Pennsylvania used to build such projects, but later, through competition with water power the dollars of investment, capital, wages and railroad rates are impaired.

The coal mines of the Commonwealth would be crippled and the loss of coal tonnage would seriously affect the railroads.

No comprehensive study has been made of the paralyzing effects on the mining industry and on the railroads that would result from the operation of the proposed waterway, and it is now time that such study should be made in order to obtain definite facts upon which to base intelligent opposition to the construction of the project, therefore be it.

Resolved, By the Senate of the Commonwealth of Pennsylvania that His Excellency the Governor is hereby requested to summon a non-partisan conference of capable Pennsylvanians, who could plan the raising of sufficient funds to employ experts and engineers to study the paralying effects not only on the mining industry but the railroads of this State, once the generation of power on the St. Lawrence starts competing with power generated by steam from Pennsylvania coal as suggested by a Harrisburg newspaper, and that the results of any such study shall be reported to the Governor before the next session of the Legislature, and be it further

Resolved, That a copy of this resolution shall be immediately transmitted to the Governor by the Secretary of Senate.

BILL INTRODUCED

Mr. THOMAS, at the request of Mr. THOMAS B. WILSON, read in his place and presented to the Chair Senate Bill No. 63, entitled:

An Act to amend subsections (b) and (c) of section one thousand and two of the act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims, registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," as amended, by reducing the speed limit of motor vehicles during the existence of a state of war between the United States and any foreign country.

Which was committed to the Committee on State Government.

SENATE BILL No. 28 CALLED UP FROM THE TABLE

Mr. EALY. Mr. President, I now call up from the table Senate Bill No. 28, entitled:

An Act to further amend Section 801 of the act, approved the fifth day of May, one thousand nine hundred and thirty-three (P. L. 457), entitled "An act relating to the business of building and loan asociations; providing for the organization and voluntary dissolution of such associations; defining the rights, powers, duties, liabilities, and immunities of such associations, and of their officers, directors, shareholders, solicitors, and other employes; prohibiting the transaction of business in this Commonwealth by foreign building and loan associations; conferring powers and imposing duties upon the courts, recorders of deeds, and certain State departments, commissions, and officers; establishing limitations of actions; imposing penalties; and repealing certain acts and parts of acts," by authorizing building and loan associations to act as fiscal agents of the United States Government for the sale of United States Defense Bonds and Defense Stamps, and permitting such associations to pledge their assets for the faithful performance of their duties as such agents.

Mr. MILLER. Mr. President, I second the motion.

It was agreed to.

RULE 21 SUSPENDED

Mr. EALY. Mr. President, I move that Rule 21, which requires amended bills to be noted on the calendar, be in this case dispensed with, and that the Senate proceed to the consideration of the amendments made by the House of Representatives to the foregoing bill.

Mr. MILLER. Mr. President, I second the motion.

The motion was agreed to.

On the question,

Will the Senate concur in the House amendments?

Mr. EALY. Mr. President, the House placed an amendment in this bill, which is really a correction. At the top of page three, the words "optional payment direct reduction loan" were inserted in this bill by the House, but these words were in the Act of 1937, which was sought to be amended, by allowing building and loan associations to act as fiscal agents for the United States government, for the sale of United States Defense Bonds.

In view of the fact that these words are merely a correction of the bill, I am going to make a motion that the Senate concur in the House amendments.

I wish to have it noted on the Journal that these words were left out of the bill as originally presented by mistake, and are in the Act of 1937. Therefore in the final printed copy of the bill they should not appear in italics, because they are not new words which are now put in by way of amendment.

And the question recurring,

Will the Senate concur in the amendments made by the House of Representatives?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Barr,	Ealy,	Letzler,	Stevenson,
Bartlett,	Edmonds,	Mallery,	Stiefel,
Becker,	Farrell,	McCreesh,	Tallman,
Carr,	Frey,	McGinnis,	Taylor,
Coleman,	Geltz,	McQuiddy,	Thomas,
Cox,	Haluska,	Miller,	Tyler,
Crider,	Heyburn,	Reed,	Wade,
Crowe,	Homsher,	Ruth,	Watkins,
Deitrick,	Jaspan,	Scarlett,	Wilson, H. I.,
Dent,	Kephart,	Shapiro,	Woodward,
DiSilvestro,	Lanius,	Snowden,	Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

RESOLUTION REPORTED FROM COMMITTEE CALLED UP

Mr. MALLERY. Mr. President, I move that the Senate do now consider the Resolution just reported from Committee.

Mr. MILLER. Mr. President, I second the motion.

It was agreed to.

The resolution was read as follows:

In the Senate, March 16, 1942.

The threat to Pennsylvania in the St. Lawrence Waterway is a war as well as a peace time danger and is so real to the State's welfare and to its basic industries that the full extent of it should be ascertained by expert investigation.

The consummation of this dream would inflict double punishment on the Commonwealth. Not only are the taxes of Pennsylvania used to build such projects, but later, through competition with water power the dollars of investment, capital, wages and railroad rates are impaired.

The coal mines of the Commonwealth would be crippled

and the loss of coal tonnage would seriously affect the railroads.

No comprehensive study has been made of the paralyzing effects on the mining industry and on the railroads that would result from the operation of the proposed waterway, and it is now time that such study should be made in order to obtain definite facts upon which to base intelligent opposition to the construction of the project, therefore be it

Resolved by the Senate of the Commonwealth of Pennsylvania that His Excellency the Governor is hereby requested to summon a non-partisan conference of capable Pennsylvanians, who could plan the raising of sufficient funds to employ experts and engineers to study the paralyzing effects not only on the mining industry but the railroads of this State, once the generation of power on the St. Lawrence starts competing with power generated by steam from Pennsylvania coal as suggested by a Harrisburg newspaper, and that the results of any such study shall be reported to the Governor before the next session of the Legislature and be it further

Resolved, that a copy of this resolution shall be immediately transmitted to the Governor by the Secretary of Senate.

RULE 39 SUSPENDED

A motion was made by Mr. MALLERY and Mr. MILLER.

That Rule 39, which requires resolutions reported from committee to lie over for one day be dispensed with and the Senate proceed to the consideration of the foregoing resolution.

Which was agreed to.

On the question,

Will the Senate agree to the resolution?

It was agreed to.

REPORT FROM COMMITTEE

Mr. HEYBURN. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. HEYBURN, from the Committee on State Government reported as committed, Senate Bill No. 49, entitled:

An Act suspending for a limited time all laws of the Commonwealth requiring the registration of trailers insofar as they require the registration of certain wagons or agricultural machinery drawn by a motor driven vehicle for certain purposes.

CALENDAR

BILL OVER IN ORDER

Mr. GELTZ. Mr. President, at the requests of Messrs. Reed and Cavalcante, who are not present today, I ask unanimous consent that Senate Bill No. 37, on third reading, entitled:

An Act relating to air raid precautions, including blackouts; conferring certain powers and duties upon the State Council of Defense, local and district Councils of Defense, political subdivisions, members of certain municipal and volunteer agencies and civilians necessary for the safety, defense and protection of civilians and property in the Commonwealth; providing for the mobilization, coordination and use of certain municipal agencies and volunteer agencies, including their personnel and equipment; providing for immunity from liability for injury or death to persons or damage to property under certain circumstances; and providing penalties.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 41, entitled:

An Act to further amend the act approved the fifth day of December, one thousand nine hundred and thirty-six (P. L. 2897, 1937), entitled "An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry and its existing and newly created agencies, with personnel (with certain exceptions) selected on a civil service basis, requiring employers to keep records and make reports and certain employers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons, providing procedure and administrative details for the determination, payment and collection of such contributions and the payment of such compensation, providing for cooperation with the Federal Government and its agencies, creating certain special funds in the custody of the State Treasurer and prescribing penalties," changing the provisions thereof and the rights, obligations and procedure thereunder.

And said bill having been read at length the third time,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

Mr. HEYBURN. Mr. President, I move to reconsider the vote by which the bill passed second reading.

The PRESIDENT. How did the Senator vote?

Mr. HEYBURN. Mr. President, I voted "aye."

Mr. GELTZ. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. GELTZ. Mr. President, I voted "aye."

The motion was agreed to.

And the question recurring,

Will the Senate agree to the bill on second reading?

Sections one to seven of the bill were severally reconsidered.

The first section was read.

On the question,

Will the Senate agree to the section?

Mr. HEYBURN. Mr. President, I desire to offer amendments.

The Clerk read the amendments as follows:

Amend Sec. 1 (Sec. 4), page 3, line 11, by striking out "(a) (1)" and inserting in lieu thereof: "(a. 1)"; Amend Sec. 1 (Sec. 4), page 3, line 26, by striking out the word "week" and inserting in lieu thereof: "claim"; Amend Sec. 1 (Sec. 4), page 4, line 2, by striking out the word "previously"; Amend Sec. 1 (Sec. 4), page 4, line 2, by inserting after the word "year" the following: "as provided in clauses (i) and (ii) of this subsection"; Amend Sec. (Sec. 4), page 4, line 8, by striking out all of said line and inserting in lieu thereof: "statement which"; Amend

Sec. 1 (Sec. 4), page 4, line 9, by striking out the word "for" and inserting in lieu thereof: "as of"; Amend Sec. 1 (Sec. 4), page 4, line 18, by inserting after the word "forty-two" the following: "by an individual who has not filed a first compensable claim during such period"; Amend Sec. 1 (Sec. 4), page 4, line 20, by striking out the word "July" and inserting in lieu thereof: "June"; Amend Sec. 1 (Sec. 4), page 4, line 24, by inserting quotation marks before the word "First"; Amend Sec. 1 (Sec. 4), page 4, line 24, by striking out the quotation marks before the word "Compensable"; Amend Sec. 1 (Sec. 4), page 4, line 24, by inserting after the word "a" the word "claim"; Amend Sec. 1 (Sec. 4), page 4, line 26, by striking out the word "claim"; Amend Sec. 1 (Sec. 4), page 7, line 10, by inserting after the word "have" the word "together"; Amend Sec. 1 (Sec .4), page 9, line 9, by striking out the word "other"; Amend Sec. 1 (Sec. 4), page 9, line 10, by inserting after the word "amended" the word "all"; Amend Sec. 1 (Sec. 4), page 10, by inserting between lines 25 and 26 the following: (3) Employment shall include:

(A) Services covered by an election pursuant to section 4 (i) of this act, and

(B) Services covered by an arrangement pursuant to section 312 of this act, between the department and the agency of any other state or Federal Unemployment Compensation Law, pursuant to which all services performed by an individual for an employing unit are deemed to be performed entirely within this State, shall be deemed to be employment if the department has approved an election of an employing entity for whom such services are performed, pursuant to which the entire service of such individual during the period covered by such election is deemed to be employment.

Amend Sec. 1 (Sec. 4), page 10, line 26, by inserting at the beginning of said line before the word "The" the figure "(4)"; Amend Sec. 1 (Sec. 4), page 11, line 4, by striking out the word "mangement" and inserting in lieu thereof the word "management"; Amend Sec. 1 (Sec. 4), page 17, by inserting between lines 9 and 10 the following: (19) Service covered by an arrangement between the department and the agency charged with the administration of any other state or Federal Unemployment Compensation Law pursuant to which all services performed by an indvidiual for an employing entity during the period covered by such employing unit's duly approved election, are deemed to be performed entirely within such agency's state or under such Federal law; Amend Sec. 1 (Sec. 4), page 17, line 11, by striking out the light-faced bracket before the word "the"; Amend Sec. 1 (Sec. 4), page 17, line 11, by striking out the following: "[this"; Amend Sec. 1 (Sec. 4), page 17, line 12, by inserting after the word "or" where it appears first in said line the word "by"; Amend Sec. 1 (Sec. 4), page 17, line 12, by inserting after the word "Government" the following: "under agreement with the department"; Amend Sec. 1 (Sec. 4), page 19, line 7, by inserting after the word "respect" the figure "(1)"; Amend Sec. 1 (Sec. 4), page 19, line 8, by striking out the words "and with respect to" and inserting in lieu thereof the word "for"; Amend Sec. 1 (Sec. 4), page 19, line 9, by striking out the words "with respect" and inserting in lieu thereof the figure "(2)"; Amend Sec. 1 (Sec. 4), page 20, line 20, by striking out the word "of" and inserting in lieu thereof the word "if."

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The second section was read.

On the question,

Will the Senate agree to the section?

Mr. HEYBURN. Mr. President, I desire to offer amendments.

The Clerk read the amendments as follows:

Amend Sec. 2 (Sec. 204), page 23, line 19, by striking out the quotation marks before the word "or"; Amend Sec. 2 (Sec. 204), page 23, line 20, by inserting after the word "completed" the word "in time"; Amend Sec. 2 (Sec. 204) page 23, line 21, by striking out the quotation marks after the figure "1943"; Amend Sec. 2 (Sec. 207), page 25, line 23, by striking out the word "offord" and inserting in lieu thereof the word "afford."

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The third section was read.

On the question,

Will the Senate agree to the section?

Mr. HEYBURN. Mr. President, I desire to offer an amendment.

The Clerk read the amendment as follows:

Amend Sec. 3 (Sec. 209), page 26, line 2, by inserting after the figure "1929" the word "as."

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The fourth section was read.

On the question,

Will the Senate agree to the section?

Mr. HEYBURN. Mr. President, I desire to offer amendments.

The Clerk read the amendments as follows:

Amend Sec. 4, page 26, line 15, by striking out the word "and" where it first appears in said line; Amend Sec. 4 (Sec. 303), page 29, line 9, by inserting light-faced brackets before the word "he" and after the word "not"; Amend Sec. 4 (Sec. 303), page 29, line 10, by striking out the word "employed" and inserting in lieu thereof the word "neither"; Amend Sec. 4 (Sec. 303), page 29, line 10, by striking out the word "and" and inserting in lieu thereof the word "nor"; Amend Sec. 4 (Sec. 303), page 29, line 12, by inserting after the word "filed" the words "has he"; Amend Sec. 4 (Sec. 303), page 29, line 13, by striking out the light-faced brackets before and after the word "employ"; Amend Sec. 4 (Sec. 304), page 29, line 21, by striking out the word "purposes" and inserting in lieu thereof the word "purpose"; Amend Sec. 4 (Sec. 304),

page 31, line 2, by inserting after the word "Pleas" the words "of Dauphin County"; Amend Sec. 4 (Sec. 310), page 35, line 3, by striking out the word 'distributions" and inserting in lieu thereof the word "distribution;" Amend Sec. 4 (Sec. 311), page 36, line 12, by striking out the word "his" and inserting in lieu thereof the word "him"; Amend Sec. 4 (Sec. 401), page 40, line 3, by striking out the quotation marks before the word "valid"; Amend Sec. 4 (Sec. 401), page 40, line 5, by striking out the quotation marks after the word "a"; Amend Sec. 4 (Sec. 401), page 40, lines 8 to 29, both inclusive, by striking out all of said lines and inserting in lieu thereof the following; (e) Has been totally unemployed for a waiting period of at least [three weeks (except as otherwise hereinafter provided in this clause), prior to any week for which he claims compensation, provided that such three weeks of total unemployment shall occcur after compensation first becomes payable under this act. Such three weeks shall not include any week in which the employe was ineligible for compensation under section four hundred two of this act, or was ineligible for compensation under any provision of this section, excepting, however, paragraphs (a) and (c) of this section. The three weeks of total unemployment need not be consecutive, but may be accumulated over the period of fifty-two consecutive weeks preceding any week for which he claims compensation: Provided, That this requirement shall not interrupt the payment of compensation for consecutive weeks of unemployment. If the employe's total unemployment is due to a voluntary suspension of work resulting from an industrial dispute, then he shall be ineligible for compensation for a further waiting period of three weeks in addition to the waiting period hereinbefore prescribed in this clause.] two weeks prior to the week for which the first compensable claim is filed. The two weeks of total unemployment need not be consecutive.

Amend Sec. 4 (Sec. 401), page 41, lines 1 to 16, both inclusive, by striking out all of said lines and inserting in lieu threof the following "No week shall be counted as a week of total unemployment for the purposes of this subsection (1) unless it occurs within the benefit year which includes the week with respect to which such employe claims compensation: Provided, That the two weeks immediately preceding a benefit year shall be deemed (for the purpose of this subsection only) to be within such benefit year: And providing further, That any approved waiting week which is prior to the first day of July, one thousand nine hundred forty-two, and is within a period of fifty-two weeks immediately preceding the week subsequent to the thirtieth day of June, one thousand nine hundred forty-two for which a first compensable claim is filed shall be deemed to be a waiting week with respect to the benefit year in which such first compensable claim is filed; or (2) if compensation is payable with respect thereto; or (3) unless the individual was eligible for compensation with respect thereto under all other provisions of this section, and was not disqualified with respect thereto under section 402 (a), (b) and (d)"; Amend Sec. 4 (Sec. 402), page 41, line 21, by inserting a light-faced bracket before the word "when"; Amend Sec. 4 (Sec. 402), page 41, line 23, by inserting after the word "office" the following: "] at such time and in such manner as the department may prescribe"; Amend Sec. 4 (Sec. 402), page 42, line 3, by inserting light-faced brackets before and after the word "except" and inserting immediately thereafter the following: "Provided, That no employe shall be deemed to be ineligible under this section"; Amend Sec. 4 (Sec. 402), page 42, line 4, by inserting light-faced brackets before and after the word "the" and inserting immediately thereafter the word "such"; Amend Sec. 4 (Sec. 402), page 42, line 18, by striking out the word "disqualifications" and inserting in lieu thereof the word "disqualification"; Amend Sec. 4 (Sec. 404), page 44, lines 12, 13 and 14, by striking out the words "one hun-" in line 12, and the whole of lines 13 and 14, and inserting in lieu thereof the following: "one and one-half times the highest amount paid out for compensation during any twelve consecutive months, or to Table II if the balance in said fund is equal to or less than one and one-half times the highest amount paid out for compensation during any twelve consecutive months, as set"; Amend Sec. 4 (Sec. 404), page 45, line 24, by underscoring the words "base period."

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The fifth section was read.

On the question,

Will the Senate agree to the section?

Mr. HEYBURN. Mr. President, I desire to offer amendments.

The Clerk read the amendments as follows:

Amend Sec. 5, page 50, line 2, by inserting after the word "four" the following: "five hundred and five"; Amend Sec. 5 (Sec. 501), page 50, lines 5 to 28, both inclusive, by striking out all of said lines; Amend Sec. 5 (Sec. 501), page 51, lines 1 to 28, both inclusive, by striking out all of said lines; Amend Sec. 5 (Sec. 501), page 52, lines 1 to 29, both inclusive, by striking out all of said lines; Amend Sec. 5 (Sec. 501), page 53, lines 1 to 27, both inclusive, by striking out all of said lines, and inserting in lieu thereof the following: "Section 501. Initial Determination of Compensation; Appeals.—The department shall promptly examine any application for benefits or claim filed, and on the basis of the facts found by it, shall determine whether or not the application for benefits or claim [for compensation] is valid [and if valid, the week with respect to which compensation shall commence, the weekly compensation payable and the maximum duration thereof]. The determination of any application for benefits shall include the determination of the first day of the benefit year, the weekly benefit rate and the number of benefit weeks payable. The claimant and other affected parties shall be promptly notified of the decision and the reasons therefor in writing except that no notification shall be necessary when the department shall approve a claim for a week of total unemployment. Unless the claimant or other affected parties files an appeal from such decision with the board within ten calendar days after such notification was delivered to him personally or was mailed to his last known post office address, and applies for a hearing, such decision of the department shall be final and compensation shall be paid or

denied in accordance therewith. In the event that an appeal is filed with the board, the payment of [compensation shall be withheld pending determination of the claim, but when a referee or the board affirms a decision of the department allowing compensation such compensation shall be paid notwithstanding any further appeal which may thereafter be taken] any contested amount of compensation shall be withheld pending determination of the claim, but any uncontested amount of compensation allowed in any decision shall be paid notwithstanding any appeal which may thereafter be taken: Provided, That when a referee or the board affirms a decision of the department allowing compensation, such compensation shall be paid notwithstanding any further appeal"; Amend Sec. 5, page 55, by inserting between lines 6 and 7, the following: "Section 505. Rules of Procedure.—The manner in which appeals shall be taken, the reports thereon required from the department, the claimant and employers, and the conduct of hearings and appeals, shall be in accordance with rules of procedure prescribed by the board whether or not such rules conform to common law or statutory rules of evidence and other technical rules of procedure.

When the same or substantially similar evidence is relevant and material to the matter in issue in applications and claims filed by more than one individual or in multiple applications and claims filed by a single individual, the same time and place for considering each such application and claim may be, fixed hearings thereon jointly conducted a single record of the proceedings made and evidence introduced with respect to any application or claim considered as introduced with respect to all of such applications or claims: Provided, That in the judgment of the board or referee having jurisdiction of the proceeding, such consideration will not be prejudicial to any party." Amend Sec. 5 (Sec. 509), page 55, lines 7, 8, 9 and 10, by striking out the words "Decision [Any decision] Except" in line 7, all of lines 8 and 9, and the words "one any determination or revised determination" in line 10, and inserting in lieu thereof: "Decisions. Any decisions"; Amend Sec. 5 (Sec. 509), page 55, line 13, by striking out the word "by" and inserting in lieu thereof the word: "but"; Amend Sec. 5 (Sec. 804), page 55, lines 17 to 28, both inclusive, by striking out all of said lines; Amend Sec. 5 (Sec. 804) page 56, lines 1 to 23, both inclusive, by striking out all of said lines, and inserting in lieu thereof the following: "Subject to appeal, proceedings and judicial review as provided in this act, any right, fact or matter in issue which was directly passed upon or necessarily involved in any decision of a referee or the board or the Superior Court, and which has become final, shall be conclusive for all the purposes of this act, and shall not be subject to collateral attack as among all affected parties who had notice of such decision: Provided, however, That whenever an appeal involves a question as to whether services were performed by a claimant in employment or for an employer, or whether remuneration paid constituted wages, a decision thereon shall not be conclusive as to an employing entity's liability for contributions unless the employing entity was given special notice of such issue and of the pendenecy of the appeal and was afforded a reasonable opportunity by the referee or the board to adduce evidence bearing on such question."

Section 804. [Liability to Repay Compensation Unlawfully Received.—Any person who by reason of the nondisclosure or misrepresentation by him or by another of a material fact (irrespective of whether such nondisclosure or misrepresentation was known or fraudulent) has received any sum as compensation under this act, while any conditions for the receipt of compensation imposed by this act were not fulfilled in his case, or while he was disqualified from receiving compensation] Recovery and Recoupment of Compensation.—Any person who, by reason of his fraud, has received any sum as compensation under this act, to which he was not entitled shall be liable to repay to the Unemployment Compensation Fund to the credit of the Employers' Contribution Account a sum equal to the amount so received by him, [and such]. Such sum shall be collectible (a) in the manner provided in this act for the collection of past due contributions, or (b) by deduction from any future compensation payable to the claimant under this act.

Any person who, other than by reason of his fraud, has received any sum as compensation under this act, to which he was not entitled, shall not be liable to repay such sum, but shall be liable to have such sum deducted from any future compensation payable to him with respect to the benefit year current to or next succeeding the receipt thereof: Provided, however, That no recoupment from future compensation shall be had if such sum was received by such person without fault on his part, and such recoupment would be inequitable and unconscionable.

The claimant and other affected parties shall be notified in writing of the department's determination to deduct any sum from future compensation under this section, and such determination shall be subject to appeal in the manner provided in this act for appeals from determinations of compensation."

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The sixth and seventh sections of the bill were read and agreed to.

The title was read and agreed to.

And said bill as amended having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

Mr. GELTZ. Mr. President, at the request of Senator KEPHART, I ask unanimous consent that Senate Bill No. 48, on second reading, entitled:

An Act to add section one thousand one hundred and nine to the act approved the twenty-fourth day of June, one thousand nine hundred and thirty-nine (P. L. 872), entitled "An act to consolidate, amend, and revise the Penal Laws of the Commonwealth," as amended, by prescribing additional penalties in the case of the commission of certain crimes during blackouts or air-raids and the confusion resulting thereafter.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 52, entitled:

An Act to aid in the prevention of sabotage by making the larceny of articles rationed by the Federal Government and necessary in national defense, a felony and prescribing penalties.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 58, entitled:

An Act to further amend section seven hundred two, to amend section seven hundred nineteen, and to further amend section eight hundred and six of the act, approved the third day of June, one thousand nine hundred and thirty-seven (P. L. 1225), entitled "An act concerning game and other wild birds and wild animals; and amending, revising, consolidating, and changing the law relating thereto," by vesting in the Pennsylvania Game Commission the power to adjust hours for hunting, training of dogs, and carrying certain firearms and ammunition.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

MOTION TO READ BILLS THE FIRST TIME

Mr. GELTZ. Mr. President, I move that the Senate do now proceed to the first reading of all bills reported from committees for the first time at today's session.

Mr. MILLER. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 49, entitled:

An Act suspending for a limited time all laws of the Commonwealth requiring the registration of trailers insofar as they require the registration of certain wagons or agricultural machinery drawn by a motor driven vehicle for certain purposes.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 56, (House Bill No. 8), entitled:

An Act to further amend section two of and to add Sections four and five to the act approved the seventh day of June one thousand nine hundred seventeen (P. L. 600), entitled "An act providing that appointive officers and employes employed by the Commonwealth of Pennsylvania in its civil service or by any deparmtent bureau commission or office thereof or by any county municipality township or school district shall not be deemed or held to have resigned or abandoned their offices or employments by reason of enlistment enrollment or draft in the military or naval service of the United States or any branch or unit thereof in time of war or contemplted war prohibiting the removal from their offices or employments of such officers and employes during the period of their service in the Army or Navy directing that one-half of the salaries or wages of such officers or employes as have dependent wives children or parents and not exceeding two thousand dollars per annum be paid during the term of their service in the Army or Navy to such dependents authorizing the employment during said term of substitutes to perform the duties theretofore performed by such officers or employes respectively and providing for the compensation of such substitutes" by more fully defining amounts payable limiting the time such amounts are payable and limiting the conditions of resumption of office or employment.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

REPORT FROM COMMITTEE

Mr. MILLER. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. MILLER, from the Committee on State Government, re-reported as amended, Senate Bill No. 46, entitled:

An Act authorizing the Governor of the Commonwealth of Pennsylvania upon certain request and with the approval of the Delaware River Navigation Commission and the Department of Wharves Docks and Ferries of the City of Philadelphia to suspend for a limited time the operation of laws regulating or relating to the movement, loading, lightering, docking, anchorage of vessels carrying or having on board certain explosives insofar as the same relate to small arms ammunition or ammunition which contains the projectile and the explosive in one container or shell.

ADJOURNMENT

Mr. GELTZ. Mr. President, I move that the Senate do now adjourn until Monday, March 23, 1942, at 4:00 o'clock, p. m. Eastern War Time.

Mr. MILLER. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 2:52 o'clock, p. m. Eastern War Time until Monday, March 23, 1942, at 4:00 o'clock, p. m. Eastern War Time.

HOUSE OF REPRESENTATIVES

WEDNESDAY, March 18, 1942

The House met at 1 p. m.

The SPEAKER (Elmer Kilroy) in the Chair.

PRAYER

The Chaplain, Rev. Donald McFall offered the following prayer:

Dear Lord and Master, make us conscious of the fact that we must count time by heart-throbs. To make the most of life may we think clearly, may we be noble in our contacts, may we serve the interest of both God and man.

"Four things a man must learn to do
If he would keep his record true—
To think: without confusion clearly,
To love his fellowmen sincerely,
To act from honest motives purely,
To trust in God and Heaven securely."

Bless the Speaker of this House, the Chief Clerk and all those who assist in the dispatch of the business at hand. May the officers and members so work together as to make this Extraordinary Session one long to be remembered in both friendship and accomplishment. Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of yesterday.

The Clerk proceeded to read the Journal of yesterday, when, on motion of Mr. GALLAGHER, unanimously agreed to, the further reading was dispensed with and the Journal approved.

DELAWARE COUNTY DELEGATION WELCOMED

The SPEAKER. The House is honored this afternoon by the presence of a group of charming ladies who are the leaders of the Delaware County Republican Committee who are the guests of the Delaware County members.

SCRANTON DELEGATION WELCOMED

The SPEAKER. The Chair welcomes to the House this afternoon a delegation from the City of Scranton, Police Chief Kime and Fire Chief Lewis. They are the guests of the gentleman from Lackawanna, Mr. Cordier.

FORMER MEMBER WELCOMED

The SPEAKER. The Chair welcomes to the House this afternoon a former member from Allegheny County, Mr. Joseph R. Dick.

BILLS INTRODUCED AND REFERRED

By Mr. POLEN. HOUSE BILL No. 75.

An Act authorizing the Executive Director of the Pennsylvania Game Commission, with the unanimous approval of the commission and for a certain limited period of time, to lease lands to political subdivisions or to Federal agencies for use as aviation landing fields; conferring certain powers upon political subdivisions relative to the acceptance and development of such lands; and suspending certain inconsistent legislation.

Referred to the Select Committee on Special Session Legislation.

By Mr. McCLANAGHAN. HOUSE BILL No. 76.

An Act suspending and modifying for the period of the present war and for a time thereafter the provisions of section one of the act, approved the eighth day of July, one thousand nine hundred and nineteen (P. L. 737), entitled "A supplement to an act, entitled 'An act to establish a Board of Commissioners of Navigation for the River Delaware and its navigable tributaries; regulating their jurisdiction over ships, vessels, and boats, and wharves, piers, bulkheads, docks, slips, and basins; and exempting cities of the first class from certain of its provisiosn; and making an appropriation therefor,' approved the eighth day of June, Anno Domini one thousand nine hundred and seven; authorizing and directing the commissioners to provide and maintain a nautical school for the education and training of pupils from the various counties of the Commonwealth of Pennsylvania in the science and practice of naviagation; and making an appropriation for two years from the first day of June, Anno Domini one thousand nine hundred and nineteen, towards its maintenance," and its amendments, in so far as they require, the furnishing of accommodations on board a proper vessel for the nautical school, when no such vessel is available and imposing upon the State Council of Defense the duty of furnishing other accommodations.

Referred to the Select Committee on Special Session Legislation.

RESOLUTIONS INTRODUCED AND REFERRED

By Messrs. McMILLEN and HELM.

RESOLUTION No. 29.

In the House of Representatives, March 17, 1942.

Whereas, Our system of transportation is today in a state of transition between ground travel and air travel; and

Whereas, We are now training thousands of men in aviation in all its phases, who will never again be content with the ground methods of transportation; and

Whereas, Pennsylvania has already spent much money on state airports, some now in use, others total losses; and

Whereas, Pennsylvania is fast becoming the center for aeroplane production and assembly; and

Whereas, We have definitely been shown that the very life and existence of states and nations is in proportion to their acceptance of preparation for, and the quality of those in control of, aeronautics; and

Whereas, Pennsylvania, the Keystone State, has and must always be prepared to meet her responsibility, looking forward to the end that her citizens may enjoy the benefits and protection of this new system of transportation and communication; therefore be it

Resolved, That the Speaker of the House of Representatives appoint a committee of five members to make a survey of Pennsylvania's actual aviation equipment, personnel and possible future development; and be it further

Resolved, That this committee present its findings and proposals to the next regular session of the General Assembly of Pennsylvania.

Referred to the Select Committee on Special Session Legislation.

By Mr. STANK. RESOLUTION No. 30.

In the House of Representatives, March 17, 1942.

Whereas, The existing coal purchase plan evolved by the Anthracite Emergency Committee and carried out by the legitimate anthracite coal operators and the free-lance coal miners of this Commonwealth, has been very successful in reducing the evils arising from bootleg coal mining, and restoring to legitimate employment, many miners in the anthracite coal fields; and

Whereas, The time limit on said coal purchase plan is about to expire; and

Whereas, The said evils arising from the bootleg coal

operations have not been entirely eliminated, due to the insufficiency of time; be it therefore

Resolved, That the House of Representatives congratulates the Anthracite Emergency Committee, the legitimate coal operators, and the free-lance coal miners of Pennsylvania for their sincere efforts, their conciliatory and earnest attitude and the successful results achieved by their mutual cooperation; and be it further

Resolved, That the House of Representatives hereby memorializes the Anthracite Emergency Committee, the legitimate coal operators, and the free-lance coal miners, to continue the said coal purchase plan with whatever modifications seem desirable for a further period of time; and be it also

Resolved, That a copy of this resolution be forwarded to the Governor of Pennsylvania, and a copy to the Anthacite Emergency Committee.

Referred to the Select Committee on Special Session Legislation.

By Messrs. LONGO and WOODRING.

RESOLUTION No. 31.

In the House of Representatives, March 17, 1942.

Whereas, The City of Bethlehem, more popularly known as the Christmas City of the United States is celebrating its 200th Anniversary; and

Whereas, The first settlers of Bethlehem, followers of one of the oldest Protestant churches in history, with its roots going back to mediaeval Bohemia and Moravia, brought with them a sincere religious conviction, a progressive social spirit, a marked industrial ability and a strong love for music, and

Whereas, On Christmas Eve in 1741, a small group of Moravian settlers gathered in a rude log cabin which they built on the Monocacy Creek where it joins the Lehigh River, and

Whereas, The settlers had gathered in this, their first house (now the site of the Hotel Bethlehem) to worship as was the custom of their faith. The singing of the old Moravian hymn, "Not Jerusalem—Lowly Bethlehem!" so inspired them and their patron leader Count Nicholas Zinzendorf, that they decided to name their New World home—Bethlehem. Thereafter all the inhabitants were summoned to a special meeting on June 24, 1742, at which the name "Bethlehem" was formally adopted, and

Whereas, On the south side of the Lehigh River, just prior to the Civil War there was started a little Iron Works, which today is known as the Bethlehem Steel Co. With the growth of this enterprise into a mighty industrial giant there was added to the original elements in the population thousands of people of varied nationalities. Thus today Bethlehem is an unusual cosmopolitan community with a population of 62,000 and a metropolitan area of over 300,000, and

Whereas, The fame of Bethlehem's products, particularly in steel and textiles and allied products, is world wide; with approximately 115 industrial establishments which have constituted the City of Bethlehem one of the greatest productive centers for national defense in the United States; and verily, an arsenal of democracy, and

Whereas, The aforesaid city has been endowed and enriched in American History and legend, it being a City of Refuge in the French and Indian War; a supply center and hospital in Revolutionary days. The military Hospital was located in the Single Brethern's Home, (now part of the Moravian College for Women) and here more than 500 soldiers died. Their burial place is the site of an exact replica of the First House of Bethlehem and is also the site of the only Tomb in the United States dedicated to an Unknown Soldier of the Revolutionary War. Distinguished Generals such as Washington and Pulaski were entertained there. The wounded Lafayette was nursed back to health there. Such other dignitaries as John Paul Jones, John Adams, Baron Von Steuben and Doctors Warren and Lewis of the Continental Army Hospital passed through the very halls, now of the Moravian College for women, which still stand in their original settings, and

Whereas, The City of Bethlehem claims many "First" and "Oldest" those which stand out as monumental are Moravian Seminary and College for Women, practically as old as Bethlehem itself and the oldest protestant girls Boarding School in the United States; the first Fire Engine in the United States; the first Drug Store in the United States and still doing business in its original location; the first community Water Works in the United States and the newest too, but recently dedicated; and the first Symphony Orchestra. In the Moravian Church, the now internationally known Bach Choir gave the first complete performance in America of Bach's "B—Minor Mass" and "St. John's Passion," and

Whereas, The City of Bethlehem is no less distinguished in Education than in history, religious and industry, it boasts of Lehigh University, one of the foremost technical institutions of the Nation and high ranking in all other fields of Education; Moravian College and Theological Seminary, now more than a century and a quarter old, is one of the best Liberal Arts and Theological Semniaries in the east; Moravian College for Women, still maintains its place as an exclusive yet democratic and modern school and Liberal Arts College for Women, together with a fine public school system; unusually well developed and maintained parochial schools, a nurses school and a business college which add to its rapid and progressive development, and

Whereas, The City of Bethlehem has become a "Sumptuous Pearl" in the "necklace" of municipalities of this Commonwealth and an industrial religious, educational and musical monument in this glorious Nation, therefore be it

Resolved, That the House of Representatives salutes and congratulates the illustrious City of Bethlehem on its 200th Anniversary and pay tribute to the "Christmas City of the United States," which was founded upon and still maintains foremost, the Christian Spirit, long after the community has given its name to a great industrial enterprise, and be it further

Resolved, That the House of Representatives give its best wishes to the Christmas City of the United States to continue its glorious traditions, its religious customs and its progressive achievements in the future, and be it further

Resolved, That a copy of this resolution be sent to the Honorable Robert Pfeifle, Mayor of the City of Bethlehem and chairman of the bi-centennial committee; to Reverend Byron K. Horne, Head Pastor of the Moravian Congregation of Bethlehem, and Andrew Morgan, President of the Bethlehem Chamber of Commerce.

Referred to the Select Committee on Special Session Legislation.

By Mr. MAXWELL and WEISS.

RESOLUTION No. 32.

In the House of Representatives, March 17, 1942.

Whereas, The War Production Board has recently ordered a 20% reduction in gasoline deliveries to service stations and bulk commercial users in 17 Atlantic Seaboard States, including Pennsylvania; and

Whereas, The oil fields of Western Pennsylvania are the greatest producers of oil for gasoline refining in the Atlantic Seaboard States; and

Whereas, Notwithstanding this fact, the residents and the great industries of Western Pennsylvania by reason of this order of the War Production Board will be re-

stricted to the use of less gasoline, while across its borders in Ohio there will be no such restriction in the delivery and sale of said gasoline; and

Whereas, It is recognized that this type of unscientific rationing is unfair, and will prove unpopular since a proper rationing should be based upon need, and not geographic boundaries; and

Whereas, The residents and the vital industries of Western Pennsylvania, in their patriotic desire to contribute to the successful culmination of the present world conflict will gladly subject themselves to rationing, if based proportionately on need throughout the country, rather than location; therefore be it

Resolved, That this House of Representatives memoralize the War Production Board to revise its gasoline rationing order, so that such rationing shall be accomplished upon the basis of need rather than upon geographic location; and be it further

Resolved, That a copy of this resolution be forwarded by the Chief Clerk of this House to the War Production Board of the United States in Washington, D. C.

Referred to the Select Committee on Special Session Legislation.

SENATE MESSAGE

HOUSE BILL CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 10.

An Act to further amend section six hundred twenty-eight and to amend section six hundred twenty-nine of the act approved the third day of June one thousand nine hundred thirty-seven (P. L. 1333) entitled "An act concerning elections including general municipal special and primary elections the nomination of candidates primary and election expenses and election contests creating and defining membership of county board of elections imposing duties upon the Secretary of the Commonwealth courts county boards of elections county commissioners imposing penalties for violation of the act and codifying revising and consolidating the laws relating thereto and repealing certain acts and parts of acts relating to elections" extending the time within which writs of election may issue for holding special elections to fill vacancies occurring in either house of the General Assembly and the time within which nominations therefor may be filed.

With the information that the Senate has passed the same without amendment.

BILLS SIGNED BY SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the title was publicly read as follows:

HOUSE BILL No. 10.

An Act to further amend section six hundred twenty-eight and to amend section six hundred twenty-nine of the act approved the third day of June one thousand nine hundred thirty-seven (P. L. 1333) entitled "An act concerning elections including general municipal special and primary elections the nomination of candidates primary and election expenses and election contests creating and defining membership of county board of elections imposing duties upon the Secretary of the Commonwealth courts county boards of elections county commissioners imposing penalties for violation of the act and codifying revising and consolidating the laws relating thereto and repealing certain acts and parts of acts relating to elections" extending the time within which writs of election may issue for holding special elections to fill vacancies occurring in either house of the General Assembly and the time within which nominations therefor may be filed.

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

SENATE BILL No. 16.

An Act to provide relief in cases where fiduciaries are in military service authorizing the court to appoint a substituted fiduciary pro tem in such cases or to allow the remaining fiduciaries to act authorizing security to be entered by and compensation paid to such substituted fiduciaries pro tem and regulating the powers and liabilities of the fiduciary in military service and of the substituted fiduciary pro tem.

SENATE BILL No. 36.

An Act making an appropriation to the Committee appointed pursuant to Senate Concurrent Resolution number one hundred forty of the Regular Session of one thousand nine hundred forty-one adopted July fifteenth one thousand nine hundred forty-one to report recommendations for Congressional reapportionment.

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

LEAVE OF ABSENCE

By unanimous consent leave of absence was granted as follows:

Mr. Achterman for Mr. RUSH for the remainder of the week.

SENATE MESSAGE

SENATE BILL FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence bill numbered and entitled as follows:

SENATE BILL No. 13. (HOUSE BILL No. 77).

An Act to amend Section 36 and to repeal Section 37 of the act approved the sixth day of August, one thousand nine hundred and forty-one (P. L. 861), entitled "An act to create a uniform and exclusive system for the administration of parole in this Commonwealth; establishing the 'Pennsylvania Board of Parole'; conferring and defining its jurisdiction, duties, powers and functions, including the supervision of persons placed upon probation in certain designated cases; providing for the method of appointment of its members; regulating the appointment removal and discharge of its officers, clerks and employes; dividing the Commonwealth into administrative districts for purposes of parole; fixing the salaries of members of the board and of certain other officers and employes thereof; making violations of certain provisions of this act misdemeanors; providing penalties therefor; and for other cognate purposes, and making an appropriation," by postponing the operation and effective date of the act and repealing the appropriation made by said act.

Referred to the Select Committee on Special Session Legislation.

MR. STAMBAUGH IN THE CHAIR

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 58, entitled:

An Act authorizing the Department of Property and Supplies, with the approval of the Board of Commissioners of Public Grounds and Buildings to adopt certain rules and regulations governing purchases, sales and contracts of the Department of Property and Supplies on behalf of the Commonwealth during the continuation of the present war, and for six months thereafter, and suspending certain statutory provisions inconsistent with such rules and regulations.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 66, entitled:

An Act authorizing as a temporary emergency war measure the construction, repair, relocation, abandonment and vacation of certain roads, streets, highways, bridges and viaducts by the Department of Highways without complying with inconsistent existing laws relative thereto, and the temporary suspension of such laws by the Secretary of Highways.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consiedration of House Bill No. 52, entitled:

An Act to further amend section twenty-one of the act, approved the seventh day of June, one thousand nine hundred fifteen (Pamphlet Laws 900), entitled "An act to provide for the immediate registration of all births and deaths throughout the Commonwealth of Pennsylvania, by means of certificates of birth and deaths, and burial or removal permits; requiring prompt returns to the Central Bureau of Vital Statistics, as required to be established by the State Department of Health; and, in order to secure prompt and faithful registration of births, marriages, deaths, and diseases, of practitioners of medicine and surgery, of midwives, nurses, and undertakers, and of all persons whose occupation is deemed to be of importance in obtaining complete registration of births, deaths, marriages, and diseases throughout the State, as provided in section ten of an act, entitled 'An act creating the Department of Health and defining its powers and duties,' approved the twenty-seventh day of April, nineteen hundred and five, and providing penalties for violations of this act," by providing for the issuance of short form birth certificates by the Department of Health of the Commonwealth of Pennsylvania during the continuance of the present war emergency and for six months thereafter.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 64, entitled:

An Act suspending and modifying for the period of the present war and for a time thereafter the provisions of section two hundred fifty-one of the act, approved the second day of May, one thousand nine hundred and twenty-five (Pamphlet Laws 448), entitled "An act relating to fish; and amending, revising, consolidating, and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth," and its amendments in so far as they authorize the Board of Fish Commissioners, when necessary to conserve the future fish supply, to close or open seasons and authorizing the closing and opening of seasons by said board for any emergency during said period.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 68, entitled:

An Act to amend section two of the act, approved the tenth day of July, one thousand nine hundred thirty-five (Pamphlet Laws 645), entitled "An act imposing certain requirements on certain hospitals receiving State aid; authorizing the withholding of appropriations; and imposing duties on the Department of Welfare," by providing that, during the present war and six months thereafter, funds shall not be withheld from hospitals for violation of such act, if the Secretary of Welfare determines that the constant attendance of a licensed physician or resident interne cannot be secured by such hospitals because of the war emergency.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 65, entitled:

An Act suspending for the period of the present war emergency, and for a time thereafter, the provisions of section six hundred three of the act, approved the third day of June, one thousand nine hundred thirty-seven (Pamphlet Laws 1225), entitled "An act concerning game and other wild birds and wild animals; and amending, revising, consolidating, and changing the law relating thereto," and its amendments, in so far as they require traps or deadfalls used in the taking or killing of furbearing animals or predators to be marked with a metallic plate or tag, and providing for the use of other types of plates or tags as the commission may determine.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 72, entitled:

An Act authorizing, as a temporary emergency war measure, the making available of the facilities of state teachers' colleges for vocational or defense education purposes, and the temporary suspension of laws inconsistent therewith, upon findings by the board of trustees and of the state teachers' college, the State Council of Education and the State Council of Defense.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 70, entitled:

An Act to amend section two of the act, approved the

first day of August, one thousand nine hundred and forty-one (Pamphlet Laws 744), entitled "An act requiring school boards in all school districts, and boards of directors of all vocational school districts, to grant leaves of absence to all school employes who shall volunteer or be called for military or naval service in time of war or during a state of national emergency; preserving certain contracts, salaries, increments, retirement rights, seniority, State contributions and grants to local school boards, elgibility lists, reemployment; authorizing school boards and boards of directors of vocational schools to employ substitutes in place of such employes; requiring school districts and vocational school districts to make additional payments into the School Employes' Retirement Fund; reserving all rights and privileges of employes granted leaves of absence under the provisions herein, and superseding or repealing all contrary laws," extending the benefits thereof to additional school employes.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 61, (Senate Bill No. 42), entitled:

An Act to suspend and modify existing law providing for and requiring the use of plates or tags as evidence of the payment of any license or registration fee insofar as such laws require the use of plates or tags manufactured of metal and by authorizing the use of other material in whole or in part.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 42, entitled:

An Act to further amend section eight of the act, approved the nineteenth day of March, one thousand nine hundred nine (P. L. 46), entitled "An Act to regulate the practice of osteopathy in the State of Pennsylvania; to provide for the establishment of a State Board of Osteopathic Examiners; to define the powers and duties of said Board of Osteopathy Examiners; to provide for the examining and licensing of osteopaths in this State; and to provide penalties for the violation of this act," by further regulating for a limited period the time necessary for graduation and for admission to practice as osteopathic physicians and surgeons in this State.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

THE SPEAKER (Elmer Kilroy) IN THE CHAIR

The SPEAKER. The Chair thanks the gentleman from Perry, Mr. Stambaugh, for presiding.

PERMISSION TO ADDRESS HOUSE

Mr. REAGAN asked and obtained unanimous consent to address the House.

On behalf of the good members in this corner of the House we want to thank you, Mr. Speaker, for recognizing us for the first time.

The SPEAKER. The Chair recognizes the Bible Belt every evening.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 40, as follows:

An Act authorizing courts of common pleas to stay writs of execution against and tax sales of real property in certain cases providing for the continuance of return days of writs of execution and authorizing sales thereon without issuance of further writs

Whereas The present war emergency has brought shortages in many materials and priorities in such materials and

Whereas Such shortages and priorities have resulted and are resulting in the closing of and curtainment in different fields of private business enterprise causing unemployment loss of income and distress to many persons and

Whereas Foreclosures executions and sales of real property owned by such persons would cause tremendous inequities thereto and deprive families of shelter and of their life-savings thus interfering with the prosecution of the war in which the Nation is engaged by endangering the health welfare and morals of the public therefore

The General Assembly of the Commonowealth of Pennsylvania hereby enacts as follows

Section 1 "Writ of execution" shall mean any writ of fieri facies venditioni exponas levari facias or any other writ or form of execution for the sale of real property or any proceeding for the sale of real property for failure to pay taxes

Section 2 Every court of common pleas of this Commonwealth shall have authority under the conditions hereinafter set forth to stay any writ of execution from time to time and for such periods as the court in its discretion may deem proper Such stays may be made upon application of an owner lienholder or other person in interest and unless the plaintiff consents thereto only upon the applicants showing to the court such facts as the court may deem sufficient to warrant such relief

Section 3 In granting any such stay or continuance the court may impose such conditions as it deems proper under the circumstances as to payment of costs taxes accruing interest repairs advertising and notice of sale insurance and any other pertinent matters

Section 4 In exercising the powers conferred by this act a court shall have the discretion of a chancellor sitting in equity It shall be a sufficient reason for the grant of a stay hereunder that immediate execution sale against the real property would work serious inequity by reason of the circumstances hereinabove referred to

Section 5 The stay of any execution under this act shall continue the return day of the writ of execution to the first regular return day for such writs which shall occur after a sale held under such writ In the meantime the writ shall remain in full force and effect and sale may be made thereunder without the issuance of an alias or any other writ

Section 6 The powers herein conferred on courts of common pleas shall be in addition to all powers now possessed by such courts to stay and otherwise control writs of execution against real property as herein defined

Section 7 This act shall become effective immediately upon final enactment and shall continue in force only until the thirty-first day of March one thousand nine hundred and forty-three Provided That the provisions of this act shall not apply to the forecolsure of mortgages insured under Title II of an Act of Congress of the United States entitled the "National Housing Act" approved the twenty-seventh day of June one thousand nine hundred and thirty-four Provided also That this act shall not apply to any proceeding for the sale of real property for failure to pay taxes where such taxes accrued prior to the year one thousand nine hundred forty-one

Section 8 All acts and parts of acts inconsistent herewith are suspended while this act is in effect

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—189

Achterman,	Gallagher,	Lyons,	Rose, W. E.,
Auker,	Gates,	Malloy,	Royer,
Baker,	Gerard,	Marks,	Rosenfeld,
Balthaser,	Gillan,	Maxwell,	Sarge,
Baugher,	Goodwin,	McClanaghan,	Sarraf,
Bentzel,	Greenwood,	McClester,	Scanlon,
Boles,	Gross,	McDermott,	Schwab,
Boney,	Gryskewicz,	McDowell,	Serrill,
Boorse,	Gyger,	McFall,	Shaffer,
Bradley,	Habbyshaw,	McGrath,	Shaw,
Bretherick,	Haberlen,	McIntosh,	Shepard,
Brown,	Haines,	McKinney,	Skale,
Brunner, C. H.,	Hall,	McLanahan,	Snyder,
Brunner, P. A.,	Hamilton,	McLane,	Sollenberger,
Burns,	Hare,	McMillen,	Sorg,
Burris,	Harmuth,	McSurdy,	Stambaugh,
Cadwalader,	Harris,	Melchiorre,	Stank,
Chervenak,	Heatherington,	Mihm,	Stine,
Chudoff,	Helm,	Modell,	Stockham,
Cohen, M. M.,	Hering,	Monks,	Tarr,
Cohen, R. E.,	Herman,	Mooney,	Tate,
Cook,	Hersch,	Moran,	Taylor,
Cooper,	Hewitt,	Muir,	Thompson, E. F.,
Cordier,	Hirsch,	Nagel,	Thompson, R. L.,
Croop,	Holland,	Nunemacher,	Trout,
Cullen,	Huntley,	O'Brien,	Turner,
Dalrymple,	Imbrie,	O'Connor,	Van Allsburg,
Dennison,	James,	O'Dare,	Vincent,
DiGenova,	Jefferson,	O'Mullen,	Vogt,
Dix,	Jones, G. E.,	O'Neill,	Voldow,
Dolon,	Jones, P. N.,	Owens,	Wagner,
D'Ortona,	Keenan,	Pettit,	Watkins,
Early,	Kenehan,	Polaski,	Weingartner,
Eckels,	Kline,	Polen,	Weiss,
Elder,	Knoble,	Powers,	Welsh, E. B.,
Elliott,	Kolankiewicz,	Prosen,	Welsh, M. J.,
Ely,	Komorofski,	Rank,	Wilkinson,
Falkenstein,	Krise,	Rausch,	Williams,
Finestone,	Lee, E. A.,	Readinger,	Winner,
Finnerty,	Lee, T. H.,	Reagan,	Wolf,
Fisher,	Leisey,	Reese, D. P.,	Wood, L. H.,
Fiss,	Leonard,	Reese, R. E.,	Wood, N.,
Fleming,	Lesko,	Regan,	Woodring,
Fletcher,	Leydic,	Reynolds,	Wright,
Flynn,	Lichtenwalter,	Rhea,	Yeakel,
Foor,	Longo,	Riley,	Yester,
French,	Lovett,	Rooney,	Young,
			Kilroy, Speaker

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. McCLANAGHAN.

The House resumed the consideration on third reading of House Bill No. 24, entitled:

An Act relating to air raid precautions, including blackouts; conferring certain powers and duties upon the State Council of Defense, local and district Councils of Defense, political subdivisions members of certain municipal and volunteer agencies and civilians necessary for the safety defense and protection of civilians and property in the Commonwealth; providing for the mobilization, coordination and use of certain municipal agencies and volunteer agencies, including their personnel and equipment; providing for immunity from liability for injury or death to persons or damage to property under certain circumstances; and providing penalties.

On the question recurring,

Will the House agree to the bill on third reading?

Mr. McCLANAGHAN. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend Sec. 2, page 3, line 1, by striking out the words "regularly paid"

Amend Sec. 2, page 3, lines 5 to 8, both inclusive, by striking out all of said lines.

Amend Sec. 3, page 5, line 11, by inserting after the word "matters" the following: "Provided, however, That no rule, regulation or other order of any local or district council of defense shall become effective unless and until it shall have received the prior approval of the State Council of Defense"

Amend Sec. 10, page 8, line 13, by striking out the words "except a person duly authorized"

Amend Sec. 10, page 8, line 14, by striking out the word "unlawfully"

Amend Sec. 10, page 8, line 15, by striking out the word "unlawfully"

Amend Sec. 10, page 8, line 21, by inserting after the word "both" the following: "Provided, however, That any air raid alarm, signal or warning uttered by any person in connection with any duly authorized air raid drill or practice blackout, shall not be deemed to be a false air raid alarm, signal or warning within the meaning of this section."

The SPEAKER. Will the House give unanimous consent to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printng.

HOUSE RESOLUTION No. 12

Mr. BRETH. Mr. Speaker, I desire to call up House Resolution No. 12, Printer's No. 19.

The resolution was read by the Clerk as follows:

In the House of Representatives, February 25, 1942.

Whereas, The problem of an adequate water supply in this Commonwealth, is one involving a natural resource, that has assumed tremendous importance with relation to the industrial output of our industries; and

Whereas, The problem of stream and water pollution in the Commonwealth has engaged the attention of the public authorities of our cities, State and Nation for many years; and

Whereas, This condition, more particularly in the populous centers of the Commonwealth, is a serious menace to the health and safety of its residents; and

Whereas, The contamination of the Commonwealth's water sheds has likewise reduced the availability of the water supply which is so necessary and important to the

fullest industrial expansion of our industries for the National Defense needs of our Nation; and

Whereas, Contamination will increase as the natural result of more continuous operations of National Defense industries, adding considerably to pollution of the water supply; and

Whereas, The availability of chemical purifying agents such as chlorine may be restricted because of the demands in National Defense, creating a serious threat to the health, welfare and safety of the residents of the Commonwealth; and

Whereas, It is deemed desirable to make a thorough and immediate study in order that preparations may be made to properly remedy or alleviate these conditions; therefore be it

Resolved, That the Speaker of this House appoint a committee of twenty-one members, whose duty it shall be to make a careful, thorough and impartial study of the causes and reasons for the continuance of these conditions, and that said committee shall make a report of its findings and recommendations to this House as soon as possible; and be it further

Resolved, That said committee shall have power to issue subpoenas under the hand and seal of its chairman requesting and commanding any person or persons to appear before them and to answer such questions touching matters properly being inquired into by the committee, and to produce such books, papers, records and documents as the committee may deem necessary. Such subpoenas may be served upon any person, and shall have the force and effect of subpoenas issued out of the courts of this Commonwealth. Each member of said committee shall have power to administer oaths and affirmations to witnesses appearing before the committee. Any person who shall wilfully neglect or refuse to testify before said committee or to produce any books, papers, records or documents shall be subject to the penalties provided by the laws of the Commonwealth in such cases.

On the question,

Will the House adopt the resolution?

It was adopted.

REPORT FROM SLATE COMMITTEE

Mr. LOVETT offered the following resolution which was twice read, considered and adopted:

In the House of Representatives, March 18, 1942.

Resolved, That the following person be elected an employe of the House of Representatives effective March 16, 1942.

PASTER AND FOLDER

Charles Samph, Philadelphia, Pa., vice Joseph L. Malloy, 1503 Womrath Street, Philadelphia, Pa. Resigned.

Joseph Dougherty, Scranton, Pa., vice George A. Connery, 1933 Lafayette Street, Scranton, Pa.

COMMITTEE MEETING

A meeting of the Select Committee on Special Session Legislation immediately upon announcement of recess.

RECESS

The SPEAKER. If there is no objection the Chair will declare a short recess. Is there objection? The Chair hears none and a recess is declared.

AFTER RECESS

The time of recess having expired the House was called to order.

The SPEAKER (Elmer Kilroy) in the Chair.

REPORT FROM COMMITTEE

Mr. O'BRIEN from the Select Committee on Special Session Legislation, reported as committed House Resolution No. 31.

HOUSE RESOLUTION No. 31

Mr. LONGO. Mr. Speaker, I desire to call up House Resolution No. 31, just reported from Committee.

The Resolution was read by the Clerk as follows:

In the House of Representatives, March 17, 1942.

Whereas, The City of Bethlehem, more popularly known as the Christmas City of the United States is celebrating its 200th Anniversary; and

Whereas, The first setlers of Bethlehem, followers of one of the oldest Protestant churches in history, with its roots going back to mediaeval Bohemia and Moravia, brought with them a sincere religious conviction, a progressive social spirit, a marked industrial ability and a strong love for music, and

Whereas, On Christmas Eve in 1741, a small group of Moravian settlers gathered in a rude log cabin which they built on the Monocacy Creek where it joins the Lehigh River, and

Whereas, The settlers had gathered in this, their first house (now the site of the Hotel Bethlehem) to worship as was the custom of their faith. The singing of the old Moravian hymn, "Not Jerusalem—Lowly Bethlehem!" so inspired them and their patron leader Count Nicholas Zinzendorf, that they decided to name their New World home—Bethlehem. Thereafter all the inhabitants were summoned to a special meeting on June 24, 1742, at which the name "Bethlehem" was formally adopted; and

Whereas, On the south side of the Lehigh River, just prior to the Civil War there was started a little Iron Works, which today is known as the Bethlehem Steel Co. With the growth of this enterprise into a mighty industrial giant there was added to the original elements in the population thousands of people of varied nationalities. Thus today Bethlehem is an unusual cosmopolitan community with a population of 62,000 and a metropolitan area of over 300,000, and

Whereas, The fame of Bethlehem's products, particularly in steel and textiles and allied products, is world wide; with approximately 115 industrial establishments which have constituted the City of Bethlehem one of the greatest productive centers for national defense in the United States; and verily, an arsenal of democracy, and

Whereas, The aforesaid city has been endowed and enriched in American History and legend, it being a City of Refuge in the French and Indian War; a supply center and hospital in Revolutionary days. The military Hospital was located in the Single Brethern's Home, (now part of the Moravian College for Women) and here more than 500 soldiers died. Their burial place is the site of an exact replica of the First House of Bethlehem and is also the site of the only Tomb in the United States dedicated to an Unknown Soldier of the Revolutionary War. Distinguished Generals such as Washington and Pulaski were entertained there. The wounded Lafayette was nursed back to health there. Such other dignitaries as John Paul Jones, John Adams, Baron Von Steuben and Doctors Warren and Lewis of the Continental Army Hospital passed through the very halls, now of the Moravian College for Women, which still stand in their original settings, and

Whereas, The City of Bethlehem claims many "First" and "Oldest" those which stand out as monumental are Moravian Seminary and College for Women, practically as old as Bethlehem itself and the oldest protestant girls Boarding School in the United States; the first Fire Engine in the United States; the first Drug Store in the United States and still doing business in its original location; the

first community Water Works in the United States and the newest too, but recently dedicated; and the first Symphony Orchestra. In the Moravian Church, the now internationally known Bach Choir gave the first complete performance in America of Bach's "B—Minor Mass" and "St. John's Passion," and

Whereas, The City of Bethlehem is no less distinguished in Education than in history, religion and industry, it boasts of Lehigh University, one of the foremost technical institutions of the Nation and high ranking in all other fields of Education; Moravian College and Theological Seminary, now more than a century and a quarter old, is one of the best Liberal Arts and Theological Seminaries in the east; Moravian College for Women, still maintains its place as an exclusive yet democratic and modern school and Liberal Arts College for Women, together with a fine Public School System; unusually well developed and maintained parochial schools, a nurses school and a business college which add to its rapid and progressive development, and

Whereas, The City of Bethlehem has become a "Sumptuous Pearl" in the "necklace" of municipalities of this Commonwealth and an industrial, religious, educational and musical monument in this glorious Nation, therefore be it

Resolved, That the House of Rerpesentatives salutes and congratulates the illustrious City of Bethlehem on its 200th Anniversary and pay tribute to the "Christmas City of the United States," which was founded upon and still maintains foremost, the Christian Spirit, long after the community has given its name to a great industrial enterprise, and be it further

Resolved, That the House of Representatives give its best wishes to the Christmas City of the United States to continue its glorious traditions, its relgious customs and its progressive achievements in the future, and be it further

Resolved, That a copy of this resolution be sent to the Honorable Robert Pfeifle, Mayor of the City of Bethlehem and chairman of the bi-centennial committee; to Reverend Byron E. Horne, Head Pastor of the Moravian Congregation of Bethlehem, and Andrew Morgan, President of the Bethlehem Chamber of Commerce.

On the question,

Will the House adopt the resolution?

It was adopted.

HARRISBURG ACADEMY CLASS WELCOMED

The SPEAKER. The Chair welcomes to the House this afternoon the Lower First Form Class of the Harrisburg Academy, accompanied by their teacher Mrs. Laubach, who are the guests of the gentlemen from Dauphin, Mr. Taylor and Mr. Reese.

COMMITTEE MEETING

Meeting of the Rules Committee in the Speaker's Office, Monday, March 23, 1942, at 3 p. m.

ADJOURNMENT

Mr. HABERLEN. Mr. Speaker, I move that this Houes do now adjourn until Monday, March 23, 1942, at 9 p. m.

The motion was agreed to, and (at 2 p. m.) the House adjourned.

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal.

Extraordinary Session of 1942.

Vol. 26. HARRISBURG, PA., MONDAY, MARCH 23, 1942. No. 16.

SENATE

MONDAY, March 23, 1942

The Senate met at 4:00 o'clock, p. m., E. W. T.

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the Chair.

PRAYER

The Chaplain, Rev. EDWIN S. WALLACE offered the following prayer:

Our Heavenly Father, we bow our heads in silence before Thee. May the words of our mouths and meditations of our hearts be acceptable unto Thee.

Thou knowest what we have need of before we ask Thee, and Thou art ready to supply as generously now as during the days that have passed. We admit our failures and pray for strength. We confess our sins and ask for forgiveness.

As a nation we have too often broken the laws of the God of nations. By the tragic events of today Thou art calling us to a new obedience and a new consecration. Restore in us reverence for God and respect for God's law.

Strengthen the hands of our President and Governor, and of all those in authority that we may all see Thy salvation.

May this Senate, seeking Thy approval, be directed by Thy Holy Spirit. Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. CHAPMAN and Mr. MILLER, the further reading was dispensed with, and the Journal was approved.

LEAVE OF ABSENCE

Mr. EDMONDS, of Montgomery County, asked and obtained leave of absence for himself for March 24, 1942.

Mr. Becker asked and obtained leave of absence for the Senator from Dauphin, Mr. TAYLOR.

Mr. Stiefel asked and obtained leave of absence for the Senator from Lawrence, Mr. McQUIDDY, on account of his bereavement on the loss of his mother.

Mr. RUTH, of Berks County, asked and obtained leave of absence for himself for March 24, 1942, on account of a funeral.

Mr. McGinnis asked and obtained leave of absence for the Senator from Allegheny, Mr. BARR.

He also asked and obtained leave of absence for the Senator from Luzerne, Dr. MUNDY.

NOMINATIONS BY THE GOVERNOR

NOTARIES PUBLIC

The Secretary to the Governor being introduced, presented in writing from His Excellency, the Governor of the Commonwealth, nominations for appointment as Notaries Public.

CONSIDERATION OF NOTARIES PUBLIC

Mr. JAMES. Mr. President, I move that the Senate do now proceed to the consideration of nominations for appointment as Notaries Public, sent to the Senate, March 23, 1942, by His Excellency, the Governor of the Commonwealth.

Mr. MILLER. Mr. President, I second the motion.

The motion was agreed to.

The nominations were read as follows:

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 23, 1942.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

Miss Rose Danahey, Pittsburgh, 811 Magee Bldg., 4th Ave.
Miss Ida A. Kohlhaas, Pittsburgh, Grant Bldg.
Ambrose J. Meade, Pittsburgh, 7227 Tioga St.
Edward J. Waldman, Jr., Millvale.

BEAVER COUNTY

H. S. Challis, Beaver.

BERKS COUNTY

Miss Alma E. Strause, Reading.

BUCKS COUNTY

Miss Charlotte M. White, Bristol.

CAMBRIA COUNTY

Miss M. A. Hurtak, Johnstown.

PHILADELPHIA COUNTY

David K. Arnold, Phila., Metro Smelting Co., Ontario and Bath Sts.
Mrs. Eva S. Cleary, Phila., Room 306, 1420 Walnut St.

WARREN COUNTY

D. C. Smith, Warren.

WYOMING COUNTY

Miss Freida R. Weed, Tunkhannock.

SOMERSET COUNTY

Mrs. Irene L. Bailey, Benson, P. O. Hollsopple.

ARTHUR H. JAMES.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 23, 1942.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

Michael A. Banas, Robinson Twp., Box 433, R. D. 5, Pittsburgh.
Andrew C. Kuhn, Wilkinsburg.
Miss Edith E. Bacormac, Pittsburgh, 717 Bessemer Building.
Levi C. McCrady, Pittsburgh, 545 Briar Cliff Road.
Jess B. Mellor, Pittsburgh, 436 Wood St.
Miss Mary A. Mitchell, Pittsburgh, 420-22 Bakewell Building.
Thomas W. Neely, Jr., Pittsburgh, 1130 Park Bldg.
Miss Irene E. Patnik, Pittsburgh, Peoples Gas Bldg., 545 William Penn Way.
Miss G. E. Pearson, Pittsburgh, 5874 Baum Blvd.
Robt. G. Young, Pittsburgh, 416 First Ave.

CAMBRIA COUNTY

Clair G. Troxell Reade Twp., Blandburg.

LANCASTER COUNTY

Joseph F. Pirraglia, Columbia.

LEBANON COUNTY

John C. Degler, Lebanon.

McKEAN COUNTY

Miss Mildred A. Reep, Mount Jewett.

PHILADELPHIA COUNTY

George W. Alexander, Phila., 1811 Market St.
Samuel M. Blumberg, Phila., 2815 Wharton St.
Miss Mary Ruth Clark, Phila., 1104 Girard Trust Building.
Meyer Cohen, Phila., 2929-31 West Fletcher St.
George W. Denkhaus, Phila., 1411 Walnut St.
Philip Lenetsky, Phila., 4956 N. Franklin St.
Francis P. O'Keefe, Phila., 5801 Pine St.
Charles L. Trust, Phila., 2929 West Fletcher St.
Salvatore Villani, Phila., 1716 N. Edgewood St.

YORK COUNTY

Miss A. Viola Wagaman, Hanover.

ARTHUR H. JAMES.

NOMINATIONS FOR NOTARIES PUBLIC

A motion was made by Mr. JAMES and Mr. MILLER,

That the Senate do advise and consent to said nominations.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Bartlett,	DiSilvestro,	Kephart,	Stiefel,
Becker,	Ealy,	Lanius,	Tallman,
Carr,	Edmonds,	Letzler,	Thomas,
Cavalcante,	Farrell,	Mallery,	Tyler,
Chapman,	Frey,	McCreesh,	Wade,
Coleman,	Geltz,	McGinnis,	Walker,
Cox,	Haluska,	Miller,	Watkins,
Crider,	Heyburn,	Ruth,	Wilson, H. I.,
Crowe,	Homsher,	Shapiro,	Wilson, T. B.,
Deitrick,	James,	Snowden,	Woodward,
Dent,	Jaspan,	Stevenson,	Ziesenheim,

NAYS—0

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

He also presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Executive Nominations.

NOMINATION FOR APPOINTMENT AS JUSTICE OF THE PEACE IN FAYETTE COUNTY

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 18, 1942.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate James R. Newton, Everson, Fayette County, for appointment as Justice of the Peace in and for the Township of Upper Tyrone, Fayette County, until the first Monday in January, 1944, to fill a vacancy.

ARTHUR H. JAMES.

NOMINATION FOR APPOINTMENT AS MEMBERS OF THE UNION COUNTY BOARD OF ASSISTANCE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 23, 1942.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformiay with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as members of the Union County Board of Assistance, for the terms set opposite their names:

Robert Smith, R. D., Millmont, until December 31, 1944 and until his successor is duly appointed and qualified to fill a vacancy.

Alvah D. Campbell, Allenwood, until December 31, 1944 and until his successor is duly appointed and qualified to fill a vacancy.

ARTHUR H. JAMES.

COMMUNICATION FROM THE GOVERNOR

He also presented communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows:

APPROVED AND SIGNED SENATE BILL No. 16
(PRINTER'S No. 23)

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 20, 1942.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed Senate Bill No. 16, Printer's No. 23, entitled, "An Act to provide relief in cases where fiduciaries are in military service authorizing the court to appoint a substituted fiduciary pro tem in such cases or to allow the remaining fiduciaries to act authorizing security to be entered by and compensation paid to such substituted fiduciaries pro tem and regulating the powers and liabilities of the fiduciary in military service and of the substituted fiduciary pro tem."

ARTHUR H. JAMES.

COMMUNICATION FROM FORMER CHAPLAIN BURLEIGH A. PETERS

The PRESIDENT. The Chair is in receipt of a communication from Lieutenant-Colonel Burleigh A. Peters, former Chaplain of the Senate, which the clerk will read.

The communication was read as follows:

"HEADQUARTERS 28TH INFANTRY DIVISION

Office of the Division Chaplain
A. P. O. No. 28
"CAMP LIVINGSTON, LA.

March 19, 1942.

"Lieutenant-Governor
Samuel S. Lewis'
State Capitol
Harrisburg, Penna.

"Dear Sam:

I hereby desire to express to you and through you to the members of the Senate of Pennsylvania, my great appreciation of the privilege of serving as Chaplain of the Senate of Pennsylvania for the last two terms. I am grateful to everyone for the courtesy accorded me and the many fine expressions to me of the appreciation of my service.

I regret that it was necessary for me to resign the Chaplaincy at this time before the completion of my second term. But on account of the circumstances of my military services, of course made it imperative. I shall long treasure the splendid times that I had with you all in the Senate and shall ever remember the privileges of serving as a Chaplain. I trust this service has been of such a calibre as to have brought the Divine Presence, so necessary to the enactment of sound legislation, constantly to the front. At least that was my constant endeavor.

We of the old 28th, Pennsylvania's own, are endeavoring to hold high both the ideals and trusts of the old Keystone State, wherever and whenever we shall be called actively into combat. Again thanking you for two very pleasant sessions of service to the Commonwealth of Pennsylvania and the Nation, I am

Respectfully yours,
(Signed) BURLEIGH A. PETERS,
Lt. Col., Ch. C.,
Division Chaplain."

Mr. MALLERY. I suggest, Mr. President, that the communication from Reverend Peters be spread upon the Journal.

The PRESIDENT. At the request of the Senator from Blair, Mr. Mallery, the communication from former Chaplain Peters will be spread upon the record.

COMMUNICATIONS URGING PASSAGE OF HOUSE BILL No. 75

The PRESIDENT. The Chair is in receipt of three communications with reference to House Bill No. 75, urging its passage, which are referred to the Committee on Aeronautics, without being read.

BILLS INTRODUCED

Mr. CHAPMAN read in his place and presented to the Chair, Senate Bill No. 64, entitled:

A Supplement to the act approved March eleventh, one thousand nine hundred forty-two, entitled "An act to provide for the expenses of the Extraordinary Session of the Legislature assembled February seventeenth, one thousand nine hundred forty-two in pursuance of the proclamation of the Governor of the Commonwealth dated February tenth, one thousand nine hundred forty-two, and the supplement thereto."

Which was committed to the Committee on Appropriations.

Mr. MILLER read in his place and presented to the Chair, Senate Bill No. 65, entitled:

An Act to amend section twenty-one as amended, of the act, approved the seventh day of June, one thousand nine hundred and fifteen (P. L. 900), entitled "An act to provide for the immediate registration of all births and deaths throughout the Commonwealth of Pennsylvania, by means of certificates of births and deaths, and burial or removal permits; requiring prompt returns to the Central Bureau of Vital Statistics, as required to be established by the State Department of Health; and, in order to secure prompt and faithful registration of births, marriages, deaths, and diseases of practitioners of medicine, and surgery, or midwives, nurses, and undertakers, and of all persons whose occupation is deemed to be of importance in obtaining complete registration of births, deaths, marriages, and diseases throughout the State, as provided in section ten of an act, entitled 'An act creating the Department of Health and defining its powers and duties,' approved the twenty-seventh day of April, nineteen hundred and five, and providing penalties for violations of this act," by further regulating the giving of certified copies of birth certificates to soldiers ,sailors and marines and war nurses.

Which was committeed to the Committee on Public Health.

Mr. CAVALCANTE read in his place and presented to the Chair, Senate Bill No. 66, entitled:

An Act authorizing the suspension or modification of all existing statutes or parts thereof, by the Governor of the Commonwealth, under certain circumstances and for certain periods when such statutes or parts thereof interfere with the prosecution of any war in which this Nation is or may become engaged; granting powers to and imposing duties upon the Governor, the State Council of Defense, The Secretary of the Commonwealth, the Pennsylvania Motor Police, and certain county officials.

Which was committed to the Committee on State Government.

TIME OF NEXT MEETING

Mr. CROWE offered the following resolution which was twice read, considered and agreed to:

In the Senate, March 23, 1942.

Resolved (if the House of Representatives concur), That when the Senate adjourns this week, it reconvene on Monday, March 30, 1942, at four o'clock p. m., and when the House of Representatives adjourns this week, it reconvene on Monday, March 30, 1942, at nine o'clock p. m.

Ordered, That the Clerk present the same to the House of Representatives for concurrence.

BILL OVER IN ORDER

Mr. WALKER. Mr. President, I ask unanimous consent that Senate Bill No. 37, on third reading, entitled:

An Act relating to air raid precautions, including blackouts; conferring certain powers and duties upon the State Council of Defense, local and district Councils of Defense, political subdivisions, members of certain municipal and volunteer agencies and civilians necessary for the safety, defense and protection of civilians and property in the Commonwealth; providing for the mobilization, coordination and use of certain municipal agencies and volunteer agencies, including their personnel and equipment; providing for immunity from liability for injury or death to persons or damage to property under certain circumstances; and providing penalties.

go over in its order, temporarily.

The PRESIDENT. Is there objection?

Mr. SHAPIRO. Mr. President, I desire to interrogate the gentleman from Allegheny, Mr. Walker.

The PRESIDENT. Will the gentleman from Allegheny permit himself to be interrogated?

Mr. WALKER. I will, Mr. President.

Mr. SHAPIRO. Mr. President, is Senate Bill No. 37 to be acted upon today?

Mr. WALKER. Mr. President, I am hoping that the bill may be acted upon today. I am conferring with the gentleman from Fayette, Senator Cavalcante, who has raised a very interesting legal question as to the constitutionality of some of the provisions in this bill, and until one of us satisfies the other I would like to have the bill go over in its order temporarily.

Mr. SHAPIRO. If that is the purpose, Mr. President, may I suggest to the gentleman who sponsored this bill that he consider another suggestion which I should like to make, an objection which I have to this bill, in connection with Section No. 7.

Mr. WALKER. I have no objection at all to receiving any suggestions from the gentleman from Philadelphia, as I have always found them to be very constructive.

Mr. SHAPIRO. Mr. President, Section No. 7 of this bill which deals with air raid activities, provides for the exemption from liability of persons who are engaged in carrying out protection against air raids. It not only exempts those persons who are agents of a municipality and volunteers; but it also exempts from liability individuals, partnerships, associations, corporations, trustees, receivers or any of the agents thereof, which in good faith are carrying out or complying with or attempting to comply with any law relating to blackouts and so forth.

I suggest, Mr. President, this is a very dangerous provision, the effect of which certainly was not in the mind of the sponsor, because any person who may pull down a shade or put up a shade for a blackout in the office of a corporation, and who knocks out a window which may strike a pedestrian and injure him—against which all companies have liability insurance—the result of this provision would be the injured could get no recovery.

As a matter of fact, Mr. President, what is or what is not negligence in complying with blackouts may be a very close question. I do not think this provision is necessary in the bill, because I think it does nothing but protect insurance companies, and does not help the bill any, and I suggest, before we pass this bill some consideration be given to that, as that provision can be taken out of the bill very well without affecting the provisions of the bill itself.

Mr. WALKER. Mr. President, may I say to the gentleman from Philadelphia, that during the somewhat stormy career this bill has undergone since it was introduced in the Senate—it has been amended, re-amended and amended over again by a group representing municipalities, that is, boroughs, third class cities, second class cities and first class cities, and by the representatives of the State Council of Defense, by the Attorney General's office, and by groups of amateurs and professionals.

One of the reasons this bill has not been able to be in a position to get to a vote is because of the slowness of these very valuable suggestions coming in.

I have absolutely no objection to the bill going over in order, and I assume that is also true of the gentleman from Philadelphia, because all constructive suggestions are very cheerfully received. My only request was that it go over temporarily.

May I suggest further, Mr. President, if there are any more suggestions or amendments to be offered to this bill that we get them sometime before the third of July, as I will not be here on the fourth.

And the question recurring,

Will the Senate agree to the motion?

It was agreed to.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 41, as follows:

An Act to further amend the act approved the fifth day of December one thousand nine hundred and thirty-six (P. L. 2897 1937) entitled "An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry and its existing and newly created agencies with personnel (with certain exceptions) selected on a civil service basis requiring employers to keep records and make reports and certain employers to pay contributions based on pay rolls to provide moneys for the payment of compensation to certain unemployed persons providing procedural and administrative details for the determination payment and collection of such contributions and the payment of such compensation providing for cooperation with the Federal Government and its agencies creating certain special funds in the custody of the State Treasurer and prescribing penalties" changing the provision

thereof and the rights obligations and procedure thereunder

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section four of the act approved the fifth day of December one thousand nine hundred and thirty-six (P. L. 2897 1937) entitled "An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry and its existing and newly created agencies with personnel (with certain exceptions) selected on a civil service basis requiring employers to keep records and make reports and certain employers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons providing procedure and administrative details for the determination payment and collection of such contributions and the payment of such compensation providing for cooperation with the Federal Government and its agencies creating certain special funds in the custody of the State Treasurer and prescribing penalties" as amended in part by section one of the act approved the eighteenth day of May one thousand nine hundred and thirty-seven (P. L. 658) by section one of the act approved the twentieth day of June one thousand nine hundred and thirty-nine (P. L. 458) and by the act approved the sixteenth day of May one thousand nine hundred and forty (Act Number 9) is hereby further amended to read as follows

Section 4 Definitions The following words and phrases as used in this act shall have the following meanings unless the context clearly requires otherwise

(a) "Base year" means the first four of the last five completed calendar quarters immediately preceding the first day of an individual's benefit year

(a.1) "Base period" means the first eight of the last nine completed calendar quarters immediately preceding the first day of an individual's benefit year

(b) "Benefit year" with respect to any individual (i) who has filed a first compensable claim for any week of total unemployment which began subsequent to the first day of July one thousand nine hundred forty-one and which ends prior to the first day of July one thousand nine hundred forty-two means the fifty-two consecutive weeks beginning with the [week occurring after January one one thousand nine hundred and thirty-eight with respect to which compensation is payable to him and thereafter the fifty-two consecutive weeks beginning with the first week with respect to which compensation is next payable to him] first day of the week for which such first compensable claim was filed (ii) who files a "Valid Application for Benefits" subsequent to the thirtieth day of June one thousand nine hundred forty-two means the one year period beginning with the day for which such "Valid Application for Benefits" was filed and (iii) who has established a benefit year as provided in clauses (i) and (ii) of this subsection means thereafter the one year period beginning with the day for which any such individual next files a "Valid Application for Benefits" after the termination of his last preceding benefit year.

(b.1) A "Valid Application for Benefits" means a statement which is filed by any individual as of a day not included in a benefit year previously established by such individual (i) who has been separated from work (ii) who has earned sufficient wages in his base year as provided in Section 401 (a) and (iii) who is not disqualified by reason of Section 401 (d) or Section 402 (a) or (b) A "Valid Application for Benefits" which was filed subsequent to the first day of July one thousand nine hundred forty-one and prior to the first day of July one thousand nine hundred forty-two by an individual who has not filed a first compensable claim during such period shall be deemed to be filed for the first day of the first week of total unemployment subsequent to the thirtieth day of June one thousand nine hundred forty-two for which such individual first claims compensation or credit against the waiting period requirements

(b.2) A "First Compensable Claim" means a claim for the first week of total unemployment for which compensation is payable in a benefit year claim

(c) "Board" means the Unemployment Compensation Board of Review established by this act

(d) "Calendar quarter" means the period of three consecutive calendar months ending March thirty-first June thirtieth September thirtieth or December thirty-first or the equivalent thereof as determined in accordance with general rules of the department

(e) "Compensation" means money payments payable to individuals with respect to their unemployment as provided in this act

(f) "Contributions" means the money payments required to be paid into the Unemployment Compensation Fund by employers with respect to employment which payments shall be used for the creation of financial reserves for the payment of compensation as provided in this act

(g) "Department" means the Department of Labor and Industry of the Commonwealth of Pennsylvania

(h) "Employe" means every individual whether male female citizen alien or minor who is performing or subsequent to January first one thousand nine hundred thirty-six has performed services for an employer in an employment subject to this act

(i) "Employer" means every (1) individual (2) copartnership (3) association (4) corporation (domestic or foreign) (5) the legal representative trustee in bankruptcy receiver or trustee of any individual copartnership association or corporation or (6) the legal representative of a deceased person (I) who or which employed or employs any employe (whether or not the same employe) in employment subject to this act for some portion of each of some twenty (20) days during the calendar year one thousand nine hundred thirty-six or any calendar year thereafter each day being in a different week or (II) who or which has elected to become fully subject to this act and whose election remains in force

Whenever any employer contracts with or has under him any contractor or subcontractor for any work which is part of his usual trade occupation profession or business unless such employer as well as each such contractor or subcontractor is an employer (as defined in the first paragraph of this subsection) the employer shall for all the purposes of this act be deemed to employ each individual in the employ of each such contractor or subcontractor for each day during which said individual is engaged in performing such work except that each such contractor or subcontractor who is an employer (as defined in the first paragraph of this subsection) shall alone be liable for the employer's contributions measured by the wages payable to individuals in his employ and except that any employer who shall become liable for and pay contributions with respect to individuals in the employ of any such contractor or subcontractor who is not an employer (as defined in the first paragraph of this subsection) may recover the same from such contractor or subcontractor Each individual employed to perform or to assist in performing work of any agent or employe of an employer shall be deemed to be employed by such employer for all the purposes of this act whether such individual was hired or paid directly by such employer or by such agent or employe provided the employer had actual or constructive knowledge of the work

Wherever a change of ownership of the assets or substantially all the assets of an organization trade or business occurs within a calendar year the successor in interest is deemed to be an employer within the meaning of this section if and when the predecessor and successor in interest within th same calendar year have together employed one or more employes (whether or not the same employe) for some part of twenty (20) different weeks in employment subject to this act or (2) the predecessor was an employer under this act

Where an employer maintains more than one place of employment within this Commonwealth all of the employes at the several places of employment shall be treated

for the purposes of this act as if employed by a single employer

Any individual copartnership association or corporation who or which is not subject to this act may elect to become subject thereto by filing with the department his or its written application and if such application is approved by the department the election shall become binding for not less than two calendar years

An employer subject to this act may elect to include within the term "employment" subject to this act services performed by his or its employes [entirely without this Commonwealth] with respect to which no contributions are required and paid under an unemployment compensation law of any other state (1) if the employe or employes included in such election maintain a domicile within this Commonwealth and the services of such employe or employes are performed entirely without this Commonwealth or (2) if the employe or employes included in the election maintains no domicile within this Commonwealth but the services of such employe or employes are (A) performed without this Commonwealth and (B) are directed from this Commonwealth

Such election shall be subject to the approval of the department and if such election is approved by the department the election shall become binding for not less than two calendar years or until the department on its own motion cancels the election

An employer subject to this act may elect to include within the term "employment" subject to this act services performed by his or its employes which are exempt under the provisions of subsection (j) of section four of this act Such election shall be subject to the approval of the department and if such election is approved by the department the election shall become binding for not less than two calendar years

Any services performed for an employer covered by an election pursuant to this subsection shall during the effective period of such election be deemed to be employment for all the purposes of this act Any election approved by the department pursuant to this subsection shall cease to be effective only as of January first of any calendar year subsequent to the initial two calendar years thereof and only if at least thirty (30) days prior to such first day of January the employer has filed with the department a notice of termination of his election

(j) (1) "Employment" means all service performed prior to the first day of January one thousand nine hundred forty-two which was employment as defined in this section prior to such date and subject to the provisions of this subsection as amended all service performed after the thirty-first day of December one thousand nine hundred forty-one including service in interstate commerce and service as an officer of a corporation performed for remuneration or under any contract of hire express or implied written or oral

(2) The term "Employment" shall include an individual's entire service performed within or both within and without this Commonwealth if

(A) [(1) which] The service is localized within this Commonwealth or

(B) [(2) which] The service is not localized in any state but some of the service is performed within this Commonwealth and (a) the base for operations or place from which such service is directed or controlled is in this Commonwealth or (b) the base for operations or place from which such service is directed or controlled is not in any state in which some part of the service is performed but the individual's residence is in this Commonwealth Service shall be deemed to be localized within this Commonwealth if (a) the service is performed entirely within this Commonwealth or (b) the service is performed both within and without this Commonwealth but the service performed without this Commonwealth is incidental to the individual's service within this Commonwealth as for example where it is temporary or transitory in nature or consists of isolated transactions Services performed without this Commonwealth shall not be included within the term "Employment" if contributions are required and paid with respect to such services under an unemployment compensation law of any other state

An individual performing services for remuneration in an employment subject to this act shall be deemed to be performing such services for wages unless and until it is shown to the satisfaction of the department that (a) such individual has been and will continue to be free from control or direction over the performance of such services both under his contract of service and in fact and (b) that such service is either outside the usual course of the business for which such service is performed or that such service is performed outside of all the places of business of the enterprise for which such service is performed and (c) that such individual is customarily engaged in an independently established trade occupation profession or business

(3) Employment shall include

(A) Services covered by an election pursuant to section 4 (i) of this act and

(B) Services covered by an arrangement pursuant to section 312 of this act between the department and the agency of any other state or Federal Unemployment Compensation Law pursuant to which all services performed by an individual for an employing unit are deemed to be performed entirely within this State shall be deemed to be employment if the department has approved an election of an employing entity for whom such services are performed pursuant to which the entire service of such individual during the period covered by such election is deemed to be employment

(4) The word "employment" shall not include

(1) Agricultural labor which shall include all services performed

(a) On a farm in the employ of any person in connection with cultivating the soil or in connection with raising or harvesting any agricultural or horticultural commodity including the raising shearing feeding caring for training and management of livestock bees poultry and fur-bearing animals and wildlife

(b) In the employ of the owner or tenant or other operator of a farm in connection with the operation management conservation improvement or maintenance of such farm and its tools and equipment or in salvaging timber or clearing land of brush and other debris left by a hurricane if the major part of such service is performed on a farm

(c) In connection with the production or harvesting of maple sirup or maple sugar or any agricultural commodity or in connection with the raising or harvesting of mushrooms or in connection with the hatching of poultry or in connection with the ginning of cotton or in connection with the operation or maintenance of ditches canals reservoirs or waterways used exclusively for supplying and storing water for farming purposes

(d) In handling planting drying packing packaging processing freezing grading storing or delivering to storage or to market or to a carrier for transportation to market any aricultural or horticultural commodity but only if such service is performed as an incident to ordinary farming operations or in the case of fruits and vegetables as an incident to the preparation of such fruits or vegetables for market The provisions of this paragraph shall not be deemed to be applicable with respect to service performed in connection with commercial canning or commercial freezing or in connection with any agricultural or horticultural commodity after its delivery to a terminal market for distribution for consumption

As used in this subsection the term "farm" includes stock dairy poultry fruit fur-bearing animal and truck farms plantations ranches nurseries ranges greenhouses or other similar structures used primarily for the raising of agricultural or horticultural commodities and orchards

(2) Domestic service in a private home local college club or local chapter of a college fraternity or sorority

(2.1) Casual labor not in course of employer's trade or business

(3) Service performed as an officer or member of the crew of a vessel on the navigable waters of the United States

(4) Service performed by an individual in the employ of his son daughter or spouse and service performed by a child under the age of twenty-one (21) in the employ of his father or mother

(5) Service performed in the employ of the United States Government or of an instrumentality of the United States exempt under the Constitution of the United States from the contributions imposed by this act except that to the extent that the Congress of the United States shall permit states to require any instrumentalities of the United States to make payments into an unemployment fund under a state unemployment compensation law all of the provisions of this act shall be applicable to such instrumentalities in the same manner to the same extent and on the same terms as to all other employers In the event that this State shall not be certified for any year by the Social Security Board under section one thousand six hundred three (c) of the Federal Internal Revenue Code the payments required of such instrumentalities with respect to such year shall be refunded by the department from the fund in the same manner and within the same period as is provided in section three hundred eleven of this act with respect to contributions erroneously collected

(6) Service performed in the employ of a state a political subdivision thereof or an instrumentality of one or more states or political subdivisions

(7) Service performed in the employ of a corporation community chest fund or foundation organized and operated exclusively for religious charitable scientific literary or educational purposes or for the prevention of cruelty to children or animals no part of the net earnings of which inures to the benefit of any private shareholder or individual and no substantial part of the activities of which is carrying on propaganda or otherwise attempting to influence legislation

(8) Service performed after June thirtieth one thousand nine hundred thirty-nine either as an employe representative or service performed in the employ of an employer when such employe representative or employer is determined to be subject to the Act of Congress known as the Railroad Unemployment Insurance Act (52 U. S. Stat 1094) or to an Act of Congress establishing an unemployment compensation system for maritime employes by the agency or agencies empowered to make such determinations

(9) Service performed in any calendar quarter in the employ of an organization exempt from income tax under Section 101 of the Federal Internal Revenue Code as amended if (i) the remuneration for such service does not exceed forty-five dollars or (ii) such service is in connection with the collection of dues or premiums for a fraternal beneficiary society order or association and is performed away from the home office or is ritualistic service in connection with any such society order or association or (iii) such service is performed by a student who is enrolled and is regularly attending classes at a school college or university

(10) Service performed in the employ of an agricultural or horticultural organization exempt from income tax under Section 101(1) of the Federal Internal Revenue Code as amended

(11) Service performed in the employ of a voluntary employes' beneficiary association providing for the payment of life sick accident or other benefits to the members of such association or their dependents if (i) no part of its net earnings inures (other than through such payments) to the benefit of any private shareholder or individual and (ii) eighty-five per centum or more of the income consists of amounts collected from members for the sole purpose of making such payments and meeting expenses.

(12) Service performed in the employ of a voluntary employes' beneficiary association providing for the payment of life sick accident or other benefits to the members of such association or their dependents or their designated beneficiaries if (i) admission to membership in such association is limited to individuals who are officers or employes of the United States Government and (ii) no part of the net earnings of such association inures (other than through such payments) to the benefit of any private shareholder or individual

(13) Service performed in any calendar quarter in the employ of a school college or university not exempt from income tax under Section 101 of the Internal Revenue Code as amended if such service is performed by a student who is enrolled and is regularly attending classes at such school college or university and the remuneration for such service does not exceed forty-five dollars (exclusive of room board and tuition)

(14) Service performed in the employ of a foreign government (including service as a consular or other office or employe or a nondiplomatic representative)

(15) Service performed in the employ of an instrumentality wholly owned by a foreign government (i) if the service is of a character similar to that performed in foreign countries by employes of the United States Government or of an instrumentality thereof and (ii) if the Secretary of State of the United States shall certify to the Secretary of the Treasury of the United States that the foreign government with respect to whose instrumentality exemption is claimed grants an equivalent exemption with respect to similar service performed in the foreign country by employes of the United States Government and of instrumentalities thereof

(16) Service performed as a student nurse in the employ of a hospital or a nurses' training school by an individual who is enrolled and is regularly attending classes in a nurses' training school chartered or approved pursuant to the laws of this Commonwealth and services performed as an interne in the employ of a hospital by an individual who has completed a four years' course in a medical school chartered or approved pursuant to the laws of this Commonwealth

(17) Service performed by an individual for an employer as an insurance agent or as an insurance solicitor if all such service performed by such individual for such employer is performed for remuneration solely by way of commission

(18) Service performed by an individual under the age of eighteen in the delivery or distribution of newspapers or shopping news not including delivery or distribution to any point for subsequent delivery or distribution

If the services performed during one-half or more of any pay period by an employe for the person employing him constitute employment all the services of such employe for such period shall be deemed to be employment but if the services performed during more than one-half of any such pay period by an employe for the person employing him do not constitute employment then none of the services of such employe for such period shall be deemed to be employment As used in this paragraph the term "pay period" means a period (of not more than thirty-one consecutive days) for which a payment of remuneration is ordinarily made to the employe by the person employing him This subsection shall not be applicable with respect to services performed in a pay period by an employe for the person employing him where any of such service is excepted by paragraph (8) hereof

(19) Service covered by an arrangement between the department and the agency charged with the administration of any other state or Federal Unemployment Compensation Law pursuant to which all services performed by an individual for an employing entity during the period covered by such employing unit's duly approved election are deemed to be preformed entirely within such agency's state or under such Federal law.

(k) "Employment Office" means a public employment office or branch thereof operated by the department or

by any other State or by the Federal Government under agreement with the department

(1) "Full-time Weekly Wage" means the weekly wages that any individual would receive if he were employed at his most recent wage rate from employers during his base year and for the customary scheduled full-time week prevailing for his occupation in the enterprise in which he last earned wages from employers during his base year

[If the department finds that the full-time weekly wage as above defined would be unreasonable or arbitrary or not readily determinable with respect to any individual the full-time weekly wage of such individual shall be deemed to be one-thirteenth of his total wages from employers in that quarter in which such total wages from employers were highest during the first eight out of the last nine completed calendar quarters (excluding however any completed calendar quarter which occurs prior to January first one thousand nine hundred thirty-seven) immediately preceding the first day of his benefit year]

(m) "Referee" means a referee appointed by the Governor to hear appeals under this act

(n) "Secretary" means the Secretary of Labor and Industry of this Commonwealth or his duly authorized representative

(o) "Social Security Act" means the act enacted by the Congress of the United States approved the fourteenth day of August one thousand nine hundred thirty-five entitled "An act to provide for the general welfare by establishing a system of Federal old-age benefits and by enabling the several States to make more adequate provision for aged persons blind persons dependent and crippled children maternal and child welfare public health and the administration of their unemployment compensation laws to establish a Social Security Board to raise revenue and for other purposes" as amended

(p) "Social Security Board" means the Social Security Board established by the Social Security Act

(q) "State" includes Alaska Hawaii and the District of Columbia

(r) "Suitable Work" means all work which the employe is capable of performing except work in which (1) the position offered is vacant due directly to a strike lockout or other labor dispute or (2) the remuneration hours or other conditions of the work offered are substantially less favorable to the employe than those prevailing for similar work in the locality or (3) as a condition of being employed the employe would be required to join a company union or to resign from or refrain from joining any bona fide labor organization

(s) "Total Unemployment" [means that an employe during a particular week has had no work for which wages are payable to him] An individual shall be deemed totally unemployed with respect to any week during which he performs no services for which no remuneration is paid or payable to him or (2) to any week of less than full-time work if the remuneration paid or payable to him does not exceed three dollars ($3.00)

(t) "Unemployment Trust Fund" means the Unemployment Trust Fund established by the Social Security Act

(u) "Wages" means all remuneration for employment including the cash value of all remuneration paid or payable in any medium other than cash except that the term "wages" [as used in sections three hundred one and three hundred two of this act] shall not include

(1) That part of the remuneration which after remuneration equal to three thousand dollars ($3,000) has been paid or becomes payable to an individual by an employer with respect to employment during or for any calendar year is paid or becomes payable to such individual by such employer with respect to employment during the calendar year one thousand nine hundred forty and during each calendar year thereafter

(2) The amount of any payment made to or on behalf of an employe under a plan or system established by an employer which makes provision for his employes generally or for a class or classes of his employes (including any amount paid by an employer for insurance or annuities or into a fund to provide for any such payment) on account of (A) retirement or (B) sickness or accident disability or (C) medical and hospitalization expenses in connection with sickness or accident disability or (D) death provided the employe (I) has not the option to receive instead of provision for such death benefit any part of such payment or if such death benefit is insured any part of the premiums (or contributions to premiums) paid by his employer and (II) has not the right under the provisions of the plan or system or policy of insurance providing for such death benefit to assign such benefit or to receive a cash consideration in lieu of such benefit either upon his withdrawal from the plan or system providing for such benefit or upon termination or such plan or system or policy of insurance or if his employment with such employer

(3) The payment by an employer (without deduction from remuneration of the employe) of the tax imposed upon an employe under section one thousand four hundred (1400) of the Federal Internal Revenue Code

(4) Dismissal payments which the employer is not legally required to make

(5) Payments made by an employer to employes while in the military or naval service of the United States and performing no services for the employer

(v) "Week" means any calendar week ending at midnight Saturday or the equivalent thereof as determined in accordance with general rules adopted by the department

Section 2 Sections two hundred four and two hundred seven of said act are hereby amended to read as follows

Section 204 Advisory Councils [The department shall have power to create and appoint members of State-wide and local advisory councils composed in each case of an equal number of employer and employe representatives who may fairly be regarded as representative because of their vocation employment or affiliations On each such council there shall also be members representing the general public

Such councils shall aid the department in formulating policies in discussing problems related to the administration of this act in assuring impartiality and freedom from political influence in the administration of this act in taking steps to reduce and prevent unemployment and in making studies relating to partial and seasonal unemployment

The members of such advisory councils shall serve without compensation but shall be entitled to be reimbursed out of the Administration Fund for all necessary expenses incurred in the discharge of their duties] There is hereby created a State Advisory Council to be composed of an equal number of employer employe and public representatives who may fairly be representative because of their vocation employment or affiliations The members of such council shall be appointed by the Governor within thirty days of the passage of these amendments Such council shall consider and advise the department upon all matters related to the administration of this act including the formulation of policies assuring impartiality and freedom from political influence in its administration taking steps to reduce and prevent unemployment and making studies relating to unemployment and unemployment compensation payments Such council may recommend to the Governor upon its own initiative such changes in the administration of this act as it deems necessary and shall make periodic reports to the Governor regarding the performance of its duties and functions Such councils shall have full access to information relating to the purpose of this act.

The Governor shall have the power to create such local advisory councils as the State Advisory Council may

deem necessary for the efficient performance of its functions Such councils shall be composed of an equal number of members representing employers employes and the public and shall be appointed by the Governor

The members of such advisory councils shall serve without compensation but shall be entitled to be reimbursed out of the Administration Fund for all necessary expenses incurred in the discharge of their duties

The State Advisory Council may appoint an executive secretary and a research assistant to aid the council in the performance of its functions They may be appointed in the exempt class of the civil service and may be removed and replaced at the discretion of the council Such employes shall receive such compensation as may be fixed by the council and approved by the executive board and shall be allowed actual and necessary traveling and other incidental expenses incurred while engaged in the performance of their duties The compensation of such employes and the amounts allowed them for traveling and other incidental expenses shall be deemed part of the expenses incurred in connection with the administration of this section and shall be disbursed from the Unemployment Administration Fund

The department in cooperation with the advisory council may and at the request of the advisory council shall make a study of the effect of experience rating on employers in Pennsylvania and shall first report its findings and recommendations in writing to the Governor and thereafter to the General Assembly at its regular session in one thousand nine hundred and forty-three or at the first session thereafter if the study has not been completed in time for submission to the regular session of 1943

Section 207 Cooperation with Social Security Board and Other Agencies (a) In the administration of this act the department shall cooperate to the fullest extent consistent with the provisions of this act with the Social Security Board It shall make such reports in such form and containing such information as the Social Security Board may from time to time require and shall comply with such provisions as the Social Security Board may from time to time find necessary to assure the correctness and verification of such reports

(b) Upon request therefor the department shall furnish to any agency of the United States charged with the administration of public works or assistance through public employment the name address ordinary occupation and employment status of each recipient of compensation and such recipient's rights as to further compensation under this act

[(c) The department is hereby authorized to enter into reciprocal arrangements and compacts with the proper authorities of other states and the Federal Government for the purpose of carrying out the objectives of the unemployment compensation acts of this and other states or adopted by the Congress of the United States Pursuant to this subsection the department may enter into arrangements with the appropriate agencies of other states or of the Federal Government (1) whereby wages or services upon the basis of which an individual may become entitled to unemployment compensation benefits under the unemployment compensation law of another state or of the Federal Government shall be deemed to be wages for employment by employers for the purposes of sections four (1) four hundred one and four hundred four of this act provided such other state agency or agency of the Federal Government has agreed to reimburse the unemployment compensation fund for such portion of compensation paid under this act upon the basis of such wages or services as the department finds will be fair and reasonable as to all affected interests and (2) whereby the department will reimburse other state or Federal agencies charged with the administration of unemployment compensation laws with such reasonable portion of unemployment benefits paid under the law of any such other states or of the Federal Government upon the basis of employment or wages for employment by employers as the department finds will be fair and reasonable as to all affected interests Reimbursements so payable shall be deemed to be compensation for the purposes of sections four hundred four and six hundred one of this act The department is hereby authorized to make to other state or Federal agencies and receive from such other state or Federal agencies reimbursements from or to the Unemployment Compensation Fund in accordance with arrangements pursuant to this paragraph]

[(d)] (c) The department may make the state's records relating to the administration of this act available to the Railroad Retirement Board, and may furnish the Railroad Retirement Board at the expense of such board such copies thereof as the Railroad Retirement Board deems necessary for its purposes

[(e)] (d) The department may afford reasonable cooperation with every agency of the United States charged with the administration of any unemployment insurance law

Section 3 Article two of said act, is hereby amended by adding at the end thereof a new section to read as follows

Section 209 Obsolete Files Records etc The provisions of section five hundred twenty-four of the Administrative Code of 1929 amended to the contrary notwithstanding the department may with the approval of the Executive Board discard such files of correspondence reports records or other papers compiled or accumulated in the administration of this act as it shall deem to be obsolete provided that contribution reports of employers shall be retained for a period of two years from the date of filing

Section 4 Articles three and four of said act section three hundred and nine of which was amended by section three of the act approved the eighteenth day of May one thousand nine hundred and thirty-seven (Pamphlet Laws 658) and section four hundred and two of which was amended by section two of the act approved the twentieth day of June one thousand nine hundred and thirty-nine (Pamphlet Laws 458) are hereby further amended to read as follows

Article III

Contributions By Employers

Section 301 Contributions by Employers [of Eight or More Employes Each employer who has employed eight or more employes (whether or not the same employes) in employment for some portion of each of some twenty days (whether or not at the same moment of time) during a calendar year each day being in a different week shall pay for each such calendar year beginning with the calendar year one thousand nine hundred thirty-six contributions into the Unemployment Compensation Fund which shall be equal to but not more than the amount of the maximum credit allowable to such employer for such calendar year by section nine hundred two of the Social Security Act against the Federal excise tax imposed by section nine hundred one of the Social Security Act with respect to employment Such payments shall be made at such times and in such manner as the department shall prescribe Such contributions in order to be no more and no less than the maximum credit allowable under the Social Security Act against such Federal excise tax shall be equal to the following percentages of total wages paid or payable by the employer for such calendar year

(1) Nine-tenths of one per centum for the calendar year one thousand nine hundred thirty-six

(2) One and eight-tenths per centum for the calendar year one thousand nine hundred thirty-seven and

(3) Two and seven-tenths per centum for the calendar year one thousand nine hundred thirty-eight and each calendar year thereafter

Section 302 Contributions by Employers not Subject to Section 301 Each employer (as defined in this act) other

than employers subject to section three hundred one of this act shall pay for each calendar year beginning with the calendar year one thousand nine hundred thirty-six contributions into the Unemployment Compensation Fund which shall be equal to but not more than the following percentages of total wages paid or payable by the employer for such calendar year

(1) Nine-tenths of one per centum for the calendar year one thousand nine hundred thirty-six

(2) One and eight-tenths per centum for the calendar year one thousand nine hundred thirty-seven and

(3) Two and seven-tenths per centum for the calendar year one thousand nine hundred thirty-eight and each calendar year thereafter

In the event that Title IX of the Social Security Act shall be amended or repealed by the Congress or held unconstitutional by the Supreme Court of the United States and for such reason the provisions of Section 301 of this act cannot be administered and the contributions imposed by said section cannot be collected from employers under said section then such employers shall become subject to the payment of contributions under the provisions of this section at the rates herein specified]

(1) Each employer shall pay contributions equal to the following percentages of wages paid or payable by him or it with respect to employment

(a) Nine-tenths per centum with respect to employment occurring during the calendar year 1936

(b) One and eight-tenths per centum with respect to employment occurring during the calendar year 1937

(c) Two and seven-tenths per centum with respect to employment occurring during the calendar years 1938 1939 1940 and 1941

(2) Each employer shall pay contributions equal to two and seven-tenths per centum of wages paid by him during the calendar year 1942 and during each calendar year thereafter with respect to employment occurring after December 31 1941

Section 303 Period and Termination of Contributions (a) Any employer who or which becomes subject to this act during any calendar year shall be subject to and shall pay the contributions required by this act during the whole of such calendar year

(b) Any employer subject to this act shall cease to be so subject [and shall be relieved of the payment of contributions] only upon written application to the department and finding by the department that [he has not] neither (1) during the previous calendar year nor (2) during that part of the current calendar year which precedes the date on which such application was filed has he employed any employe (whether or not the same employe) in employment subject to this act for some portion of each of some twenty days each day being in a different week [during the previous or current calendar year] whether or not such weeks are consecutive

Section 304 Reports by Employers Assessments Each employer shall file with the department such reports at such times and containing such information as the department shall require for the purpose of ascertaining and paying the contributions required by this act

(a) If any employer fails within the time prescribed by the department to file any report necessary to enable the department to determine the amount of any contribution owing by such employer the department may make an assessment of contributions against such employer of such amount of contributions for which the department believes such employer to be liable together with interest thereon as provided in this act

Within fifteen days after making such assessment the department shall give notice thereof by registered mail to such employer If such employer is dissatisfied with the assessment so made he may petition the department for a reassessment in the manner hereinafter prescribed

(b) Any employer against whom an assessment is made may within fifteen days after receipt of notice thereof petition the department for a re-assessment which petition shall be under oath and shall set forth therein specifically and in detail the grounds and reasons upon which it is claimed that the assessment is erroneous Hearing or hearings on said petition shall be held by the department at such places and at such times as may be determined by rules and regulations of the department and due notice of the time and place of such hearing given by registered mail to such petitioner

(c) Any petitioner dissatisfied with the action of the department on his petition for re-assessment may appeal therefrom to the Court of Common Pleas of Dauphin County within thirty days after being notified of the action of the department Such appeal to the court shall be by petition verified by oath and shall specify all the objections to such assessment or re-assessment and any objections not specified in the petition shall not be considered by the Court

(d) As to any employer who fails to petition for re-assessment or having petitioned after due notice of hearing fails to appear and be heard or in case of a re-assessment to appeal to the Court of Common Pleas of Dauphin County within the time and in the manner herein provided such assessment or re-assessment of the department shall then become final and the contributions and interest assessed or re-assessed by the department become forthwith due and payable and no defense which might have been determined by the department or in the event of appeal from re-assessment by the court shall be available to any employer in any suit or proceeding brought by the Commonwealth in the name of the fund for the recovery of such contribution based on such assessment or re-assessment

(e) In any hearings held by the department in pursuance of the provisions of this section the department is hereby authorized and empowered to examine any person or persons under oath concerning any matters pertaining to the determination of the liability of the employer for contributions under the provisions of this act and to this end may compel the production of books papers and records and compel the attendance of all persons whether as parties or witnesses whom and which the department believes to have or contain knowledge or information material to such determination The conduct of hearings and appeals before the department shall be in accordance with rules of procedure prescribed by the department whether or not such rules conform to common law or rules of evidence or other technical rules of procedure but shall be under supervision of the Attorney General of the Commonwealth

(f) Witness fees and expenses of proceedings involving such assessments or re-assessments and the determination thereof shall be deemed part of the expenses of administering this act and shall be paid from the administration fund Testimony at any hearing before the department held in pursuance of the provisions of this section shall be taken by a reporter but need not be transcribed unless an appeal be taken from a re-assessment made thereon

Section 305 Payment of Contributions Concurrently with each report the employer shall pay to the department the amount of contributions imposed by this act for the period covered by the report but the department may in proper cases upon request made permit an extension of time for the payment of contributions due The amount of the contribution in respect of which an extension is granted shall be paid (with interest at the rate of one-half of one per centum per month) on or before the expiration of the period of extension

Section 306 Fractions of a Cent In the payment of any contributions a fractional part of a cent shall be disregarded unless it amounts to one-half cent or more in which case it shall be increased to one cent

Section 307 Interstate Commerce No employer required by this act to pay contributions shall be relieved from compliance therewith on the ground that he is engaged in interstate commerce or that this act does not distinguish between employes engaged in interstate commerce and those engaged in intrastate commerce

Section 308 Interest on Past Due Contributions Contributions unpaid on the date on which they are due and payable as prescribed by the department shall bear interest at the rate of one per centum per month or fraction of a month from the date they become due until paid

Section 308.1 Contributions to be Liens Entry Thereof All contributions and the interest and penalties thereon due and payable by an employer under the provisions of this act shall be a lien upon the franchises and property both real and personal of the employer liable therefor from the date a lien for such contributions interest and penalties is entered of record in the manner hereinafter provided whenever the franchises or property of an employer is sold at a judicial sale all contributions and the interest and penalties thereon thus entered of record shall first be allowed and paid out of the proceeds of such sale in the same manner and to the same extent that State taxes are paid provided however that the lien hereby created shall not be prior to preexisting duly recorded real estate mortages subject nevertheless to the order of distribution prescribed in Section 310 hereof The department may at any time transmit to the prothonotaries of the respective counties of the Commonwealth to be by them entered of record certified copies of all liens for unpaid contributions interest and penalties which may now exist or hereafter arise upon which record it shall be lawful for writs of scire facias to issue and be prosecuted to judgment and execution in the same manner as such writs are ordinarily employed

Section 309 Collection of Contributions and Interest If after notice by the department any employer fails neglects or refuses to pay any contributions due or the interest or penalties due thereon the amount due [shall] may be collected by civil action in the name of the Commonwealth Civil actions brought under this section to collect contributions or interest thereon from any employer shall be heard by the court at the earliest possible date and shall be entitled to preference upon the calendar of the court over all other actions except petitions for judicial review under this act and cases arising under The Workmen's Compensation Act of one thousand nine hundred fifteen and its amendments and supplements No court costs shall be imposed on the Commonwealth in any such civil actions Judgments obtained in such civil actions to collect any of the contributions aforesaid shall include interest and penalties as provided in this act

Section 309.1 Compromises Where the department is satisfied (1) that the employer is unable to make payment in full of contributions interest and penalties imposed upon him by the law and (2) that the employer has acted in good faith the secretary is hereby authorized with the approval of the Attorney General and under rules and regulations adopted therefor to compromise delinquent interest and penalties due on any contribution and in the case of any employer that has been adjudged a bankrupt or for whom a receiver has been appointed to compromise the principal of any delinquent contribution as well as interest and penalties thereon

Section 310 Priorities Under Legal Dissolutions and Distributions In the event of any distribution of an employer's assets pursuant to an order of any court under the laws of this Commonwealth including any receivership assignment for benefit of creditors adjudicated insolvency composition or similar proceeding contributions or installments thereof or interest thereon then or thereafter due shall be paid in full prior to all other claims except taxes claims arising under The Workmen's Compensation Act of one thousand nine hundred fifteen and its amendments and supplements and claims for wages of not more than two hundred and fifty dollars to each claimant earned within six months of the commencement of the proceeding In the event of an employer's adjudication in bankruptcy judicially confirmed extension proposal or composition under the Federal Bankruptcy Act of one thousand eight hundred ninety-eight as amended contributions and interest then or thereafter due shall be entitled to such priority as [is provided in section sixty-four (b) of that act (United States Code Annotated Title XI Section one hundred four (b) as amended)] are now or may hereafter be granted to taxes due a state under the said Federal Bankruptcy Act or its amendments

Section 311 Refunds and Adjustments If not later than [one year] four years from the payment of any contribution or interest thereon an employer shall make application for an adjustment thereof in connection with subsequent contribution payments or if such adjustment cannot be made for a refund thereof and the department shall determine that such contribution or interest or any portion thereof was erroneously collected for any reason whatever [including the failure to employ one or more employes (whether or not the same employe or employes) for some portion of each of some twenty days during the calendar year each day being in a different week for which the contributions were made] the department shall allow such employer to make an adjustment thereof without interest in connection with subsequent contribution payments by him or if such adjustment cannot be made the department shall refund said amount without interest out of moneys to the credit of the Employers' Contribution Account in the Unemployment Compensation Fund for like cause and within the same period an adjustment or refund may be so made on the initiative of the department

Section 312. Reciprocal Agreements The department is hereby authorized to enter into reciprocal arrangements with appropriate and duly authorized agencies of other states or of the Federal Government or both whereby

(a) Services performed by an individual for a single employer for which services are customarily performed in more than one state shall be deemed to be services performed entirely within any one of the states (i) in which any part of such individual's service is performed or (ii) in which such individual has his residence or (iii) in which the employer maintains a place of business provded there is in effect as to such services on election approved by the agency charged with the administration of such state's unemployment compensation law pursuant to which all the services performed by such individual for such employer are deemed to be performed entirely within such state

(b) Potential rights to benefits accumulated under the unemployment compensation laws of one or more states or under one or more such laws of the Federal Government or both may constitute the basis for the payment of benefits through a single appropriate agency under terms which the department finds will be fair and reasonable as to all affected interests and will not result in any substantial loss to the fund

(c) Wages or services upon the basis of which an individual may become entitled to benefits under an unemployment compensation law of another state or of the Federal Government shall be deemed to be wages for employment for the purpose of determining his rights to benefits under this act and wages for employment as defined in this act on the basis of which an individual may become entitled to benefits under this act shall be deemed to be wages or services on the basis of which unemployment compensation under such law of another state or of the Federal Government is payable but no such arrangement shall be entered into unless it contains provisions for reimbursements from the fund for such of the compensation paid under such other law upon the basis of wages for employment as defined in this act as the department finds will be fair and reasonable as to all affected interests and

(d) Contributions due under this act with respect to wages for employment shall for the purpose of section three hundred one of this act be deemed to have been paid to the fund as of the date payment was made as contributions therefor under another state or federal unemployment compensation law but no such arrangement shall be entered into unless it contains provisions

for such reimbursement to the fund of such contributions and the actual earnings thereon as the department finds will be fair and reasonable as to all affected interests

Reimbursements paid from the fund pursuant to paragraph (c) of this section shall be deemed to be benefits for all the purposes of this act The department is authorized to make to other state or Federal agencies and to receive from such other state or Federal agencies reimbursements from or to the fund in accordance with arrangements entered into pursuant to this section

The administration of this act and of other state and Federal unemployment compensation and public employment service laws be promoted by cooperation between this State and such other states and the appropriate Federal agencies in exchanging services and making available facilities and information The department is therefore authorized to make such investigations secure and transmit such information make available such services and facilities and exercise such of the other powers provided herein with respect to the administration of this act as he deems necessary or appropriate to facilitate the administration of any such unemployment compensation or public employment service law and in like manner to accept and utilize information services and facilities made available to this State by the agency charged with the administration of any such other unemployment compensation or public employment service law

To the extent permissible under the laws and Constitution of the United States the department is authorized to enter into or cooperate in arrangements whereby facilities and services provided under this act and facilities and services provided under the unemployment compensation law of any foreign government may be utilized for the taking of claims and the payment of benefits under the employment security law of this State or under a similar law of such government

Article IV

Compensation

Section 401 Qualifications Required to Secure Compensation Compensation shall be payable to any employe who is or becomes totally unemployed on or after January first one thousand nine hundred thirty-eight and who

(a) Has within his base year earned wages [from employers of not less than thirteen times his weekly compensation amount] of fifty dollars in each of two separate calendar quarters during his base year

(b) Has registered for work at a designated employment office at such times and in such manner as the department may prescribe

(c) Has made a valid application for benefits with respect to the benefit year for which compensation is claimed and has made a claim for compensation in the proper manner prescribed by the department

(d) Is able to work and available for work and (e) Has been totally unemployed for a waiting period of at least [three weeks (except as otherwise hereinafter provided in this clause) prior to any week for which he claims compensation provided that such three weeks of total unemployment shall occur after compensation first becomes payable under this act Such three weeks shall not include any week in which the employe was ineligible for compensation under section four hundred two of this act or was ineligible for compensation under any provision of this section excepting however paragraphs (a) and (c) of this section The three weeks of total unemployment need not be consecutive but may be accumulated over the period of fifty-two consecutive weeks preceding any week for which he claims compensation Provided That this requirement shall not interrupt the payment of compensation for consecutive weeks of unemployment If the employe's total unemployment is due to a voluntary suspension of work resulting from an industrial dispute then he shall be eligible for compensation for a further waiting period of three weeks in addition to the waiting period hereinbefore prescribed in this clause] two weeks prior to the week for which the first compensable claim is filed The two weeks of total unemployment need not be consecutive

No week shall be counted as a week of total unemployment for the purposes of this subsection (1) unless it occurs within the benefit year which includes the week with respect to which such employe claims compensation Provided That the two weeks immediately preceding a benefit year shall be deemed (for the purpose of this subsection only) to be within such benefit year And provided further That any approved waiting week which is prior to the first day of July one thousand nine hundred forty-two and is within a period of fifty-two weeks immediately preceding the week subsequent to the thirtieth day of June one thousand nine hundred forty-two for which a first compensable claim is filed shall be deemed to be a waiting week with respect to the benefit year in which such first compensable claim is filed or (2) if compensation is payable with respect thereto or (3) unless the individual was eligible for compensation with respect thereto under all other provisions of this section and was not disqualified with respect thereto under section 402 (a) (b) and (d)

Section 402 Ineligibility for Compensation An employe shall be ineligible for compensation or waiting period credit for any week

(a) In which his unemployment is due to failure without good cause either to apply for suitable work when so directed by the employment office or to accept suitable work when offered to him by the employment office at such time and in such manner as the department may prescribe or by his previous employer In determining whether or not any work is suitable for an individual the department shall consider the degree of risk involved to his health safety and morals his physical fitness and prior training and experience and the distance of the available work from his residence

(b) In which his unemployment is due to voluntarily leaving work without good cause [except] Provided That no employe shall be deemed to be ineligible under this section where as a condition of continuing in employment [the] such employe would be required to join or remain a member of a company union or to resign from or refrain from joining any bona fide labor organization or to accept wages hours or conditions of employment not desired by a majority of the employes in the establishment or the occupation or would be denied the right of collective bargaining under generally prevailing conditions

(c) With respect to which or a part of which he has received or is seeking unemployment benefits under an unemployment compensation law of any other state or of the United States Provided That if the appropriate agency of such other state or of the United States finally determines that he is not entitled to such unemployment benefits the disqualification shall not apply

(d) In which the employee's total unemployment is due to a voluntary suspension of work resulting from an industrial dispute but this disqualification shall apply only to the work in which the suspension occurred and for the three consecutive weeks of total unemployment which immediately follow such week

Section 403 [Rate and] Payment of [Weekly] Compensation to Heirs of Deceased Claimants [Compensation shall be payable at the rate of fifty per centum of the employe's full-time weekly wage but the amount shall not be more than fifteen dollars nor less than seven dollars and fifty cents a week An employe's weekly compensation amount as determined for the first week of his benefit year shall constitute his weekly compensation amount throughout such benefit year Compensation shall be computed to the nearest multiple of five cents Compensation shall be paid through employment offices at such times and in such manner as the department may prescribe] All accrued benefits due any deceased employe may in the discretion of the department be paid to the surviving spouse children or parents of the deceaed without letters testamentary or of administration

Section 404 Rate and Amount of Compensation [The

maximum total amount of compensation payable to any eligible employe during any benefit year shall not exceed one-eighth of his total wages from employers during the first eight out of the last nine completed calendar quarters immediately preceding each week with respect to which compensation is payable (excluding any completed calendar quarter which occurs prior to January first one thousand nine hundred thirty-seven) or thirteen times his weekly compensation amount whichever is the lesser The department may maintain a separate account for each employe and in such event shall credit his account with all wages earned by him from employers subsequent to January first one thousand nine hundred thirty-seven Compensation paid to an eligible employe shall be charged against amounts credited to such account in the chronological order in which the wages of such individual were earned from employers] Compensation shall be paid with respect to each eligible employe whose benefit year began prior to July first one thousand nine hundred forty-two in accordance with the provisions of this act prior to that date and with respect to each eligible employe whose benefit year begins subsequent to June thirtieth one thousand nine hundred forty-two and who is totally unemployed and is not disqualified under any provisions of this act at a weekly rate and for a number of weeks to be determined in accordance with the following provisions by reference to Table I if the balance in the Un-Unemployment Compensation Fund is in excess of one and one-half times the highest amount paid out for compensation during any twelve consecutive months or to Table II if the balance in said fund is equal to or less than one and one-half times the highest amount paid out for compensation during any twelve consecutive months as set forth in the tables in this section

(a) Where an employe has a "full time weekly wage" his weekly benefit rate shall be that rate which appears in "Part C" and which is on the same horizontal line as the interval in "Part A" which includes such "full time weekly wage" except as otherwise provided in subsection (b)

(b) Where an employe has a "full time weekly wage" but (i) the total wages earned by such employe during the first eight out of the last nine completed calendar quarters immediately preceding his benefit year are less than the minimum amount in "Part B" which appears on the same horizontal line with the interval which includes such "full time weekly wage" or (ii) in the opinion of the department the application of such "full time weekly wage" would be arbitrary or would operate to adversely affect the amount of compensation otherwise payable to such employe his weekly benefit rate shall be that rate which appears in "Part C" and which is on the same horizontal line as the interval in "Part B" which includes his "highest quarterly wage"

(c) Where an individual has no "full time weekly wage" his weekly benefit rate shall be that rate which appears in "Part C" and which is on the same horizontal line in "Part B" as the interval which includes his "highest quarterly wages"

(d) The "highest quarterly wages" of a nemploye shall be the total wages (computed to the nearest dollar) which were earned by such employe in that calendar quarter in which such total wages were highest during the base period

(e) The maximum number of weeks for which an employe may receive compensation for total unemployment during a benefit year shall be the number of weeks which appears at the top of a column under "Part D" to be ascertained by locating on the same horizontal line on which his weekly benefit rate appears the interval which includes his total wages earned during the base period

TABLE I

PART A	PART B	PART C	PART D	
			Number of	
Full-Time Weekly Wage	Highest Quarter Earnings	Weekly Benefit Rate	Benefit Weeks According to Base Period Earnings 3 Weeks	4 Weeks
Less than $17.00	[$100] $50-220	$8	$100-195	$196-251
$17.00-18.99	221-246	9	157-219	220-282
19.00-20.99	247-272	10	175-244	245-314
21.00-22.99	273-298	11	192-268	269-345
23.00-24.99	299-324	12	210-293	294-377
25.00-26.99	325-350	13	227-317	318-408
27.00-28.99	351-376	14	245-342	343-440
29.00-30.99	377-402	15	262-366	367-471
31.00-32.99	403-428	16	280-391	392-503
33.00-34.99	429-454	17	297-415	416-534
35.00 and over	455 and over	18	315-440	441-566

TABLE II

PART A	PART B	PART C	PART D	
			Number of	
Full-Time Weekly Wage	Highest Quarter Earnings	Weekly Benefit Rate	Benefit Weeks According to Base Period Earnings 3 Weeks	4 Weeks
Less than $17.00	[$100] $50-220	$8	$100-223	$224-287
$17.00-18.99	221-246	9	180-251	252-323
19.00-20.99	247-272	10	200-279	280-359
21.00-22.99	273-298	11	220-307	308-395
23.00-24.99	299-324	12	240-335	336-431
25.00-26.99	325-350	13	260-363	364-467
27.00-28.99	351-376	14	280-391	392-503
29.00 and over	377 and over	15	300-419	420-539

TABLE I

PART D

Number of Benefit Weeks According to Base Period Earnings

5 Weeks	6 Weeks	7 Weeks	8 Weeks	9 Weeks	10 Weeks
$252-307	$308-363	$364-419	$420-475	$476-531	$532-587
283-345	346-408	409-471	472-534	535-597	598-660
315-384	385-454	455-524	525-594	595-664	665-734
346-422	423-499	500-576	577-653	654-730	731-807
378-461	462-545	546-629	630-713	714-797	798-881
409-499	500-590	591-681	682-772	773-863	864-954
441-538	539-636	637-734	735-832	833-930	931-1028
472-576	577-681	682-786	787-891	892-996	997-1101
504-615	616-727	728-839	840-951	952-1063	1064-1175
535-653	654-772	773-891	892-1010	1011-1129	1130-1248
567-692	693-818	819-944	945-1070	1071-1196	1197-1322

TABLE II

PART D

Number of Benefit Weeks According to Base Period Earnings

5 Weeks	6 Weeks	7 Weeks	8 Weeks	9 Weeks	10 Weeks
$288-351	$352-415	$416-479	$480-543	$544-607	$608-671
324-395	396-467	468-539	540-611	612-683	684-755
360-439	440-519	520-599	600-679	680-759	760-839
396-483	484-571	572-659	660-747	748-835	836-923
432-527	528-623	624-719	720-815	816-911	912-1007
468-571	572-675	676-779	780-883	884-987	988-1091
504-615	616-727	728-839	840-951	952-1063	1064-1175
540-659	660-779	780-899	900-1019	1020-1139	1140-1259

TABLE I

PART D

Number of Benefit Weeks According to Base Period Earnings

11 Weeks	12 Weeks	13 Weeks	14 Weeks	15 Weeks	16 Weeks
$588-643	$644-699	$700-755	$756-811	$812-867	$868-923
661-723	724-786	787-849	850-912	913-975	976-1038
735-804	805-874	875-944	945-1014	1015-1084	1085-1154
808-884	885-961	962-1038	1039-1115	1116-1192	1193-1269
882-965	966-1049	1050-1133	1134-1217	1218-1301	1302-1385
955-1045	1046-1136	1137-1227	1228-1318	1319-1409	1410-1500
1029-1126	1127-1224	1225-1322	1323-1420	1421-1518	1519-1616
1102-1206	1207-1311	1312-1416	1417-1521	1522-1626	1627-1731
1176-1287	1288-1399	1400-1511	1512-1623	1624-1735	1736-1847
1249-1367	1368-1486	1487-1605	1606-1724	1725-1843	1844-1962
1323-1448	1449-1574	1575-1700	1701-1826	1827-1952	1953 and over

TABLE II

PART D

Number of Benefit Weeks According to Base Period Earnings

11 Weeks	12 Weeks	13 Weeks	14 Weeks	15 Weeks	16 Weeks
$672-735	$736-799	$800-863	$864-927	$928-991	$992-1055
756-827	828-899	900-971	972-1043	1044-1115	1116-1187
840-919	920-999	1000-1079	1080-1159	1160-1239	1240-1319
924-1011	1012-1099	1100-1187	1188-1275	1276-1363	1364-1451
1008-1103	1104-1199	1200-1295	1296-1391	1392-1487	1488-1583
1092-1195	1196-1299	1300-1403	1404-1507	1508-1611	1612-1715
1176-1287	1288-1399	1400-1511	1512-1623	1624-1735	1736-1847
1260-1379	1380-1499	1500-1619	1620-1739	1740-1859	1860 and over

Section 405 Duties of Employers Each employer shall post in a conspicuous place or places in his establishment or establishments any printed statement or notice required by the rules and regulations of the department

Section 406 Non-liability of Commonwealth Compensation shall be deemed to be due and payable under this act only to the extent provided in this act and to the extent that moneys are available therefor to the credit of the Unemployment Compensation Fund and neither the Commonwealth the department nor the secretary shall be liable for any amount in excess of such moneys

Section 407 Status Preserved During and After Military or Naval Service The Secretary is hereby empowered and directed to promulgate such rules and regulations as may be necessary to preserve the compensation rights of any employe who enters the armed forces of the United States subsequent to March thirty-first one thousand nine hundred forty and who is honorably discharged therefrom Such rules and regulations shall provide that the compensation rights of any such employe shall be preserved notwithstanding his entrance into the armed forces of the United States and such compensation rights shall not be adversely affected or prejudiced notwithstanding any inconsistent provisions of this act provided however that no employe may be granted any right under the provisions of this section unless he shall have filed a claim for compensation within a period of one year from the date of such discharge

Section 5 Sections five hundred and one five hundred and two five hundred and four five hundred and nine eight hundred and four and five hundred and five of said act are hereby amended to read as follows

Section 501 Initial Determination of Compensation Appeals The department shall promptly examine any application for benefits or claim filed and on the basis of the facts found by it shall determine whether or not the application for benefits or claim [for compensation] is valid [and if valid the week with respect to which compensation shall commence the weekly compensation payable and the maximum duration thereof] The determination of any application for benefits shall include the determination of the first day of the benefit year the weekly benefit rate and the number of benefit weeks payable The claimant and other affected parties shall be promptly notified of the decision and the reasons therefor in writing except that no notification shall be necessary when the department shall approve a claim for a week of total unemployment Unless the claimant or other affected parties files an appeal from such decision with the board within ten calendar days after such notification was delivered to him personally or was mailed to his last known post office address and applies for a hearing such decision of the department shall be final and compensation shall be paid or denied in accordance therewith In the event that an appeal is filed with the board the payment of [compensation shall be withheld pending determination of the claim but when a referee or the board affirms a decision of the department allowing compensation such compensation shall be paid notwithstanding any further appeal which may thereafter be taken] any contested amount of compensation shall be withheld pending determination of the claim but any uncontested amount of compensation allowed in any decision shall be paid notwithstanding any appeal which may thereafter be taken Provided That when a referee or the board affirms a decision of the department allowing compensation such compensation shall be paid notwithstanding any further appeal

Section 502 Decision of Referee Further Appeals and Reviews Where an appeal from the [decision] determination or revised determination as the case may be of the department is taken a referee shall after affording the parties reasonable opportunity for a fair hearing affirm modify or reverse such findings of fact and the [decision] determination or revised determination as the case may be of the department as to him shall appear just and proper The parties shall be duly notified of the referee's decision and the reasons therefor which shall be deemed the final decision of the board unless within ten days after the date of such decision the board acts on its own motion or upon application permits any of the parties to institute a further appeal before the board A memorandum of testimony of any hearing before any referee shall be made and be preserved for a period of two years

Section 504 Powers of Board Over Claims The board shall have power on its own motion or on appeal to remove transfer or review any claim pending before or decided by a referee and in any such case and in cases where a further appeal is allowed by the board from the decision of a referee may affirm modify or reverse the [decision] determination or revised determination as the case may be of the department or referee on the basis of the evidence previously submitted in the case or direct the taking of additional evidence When any claim pending before a referee is removed or transferred to the board the board shall afford the parties reasonable opportunity for a fair hearing The parties shall be duly notified of the board's final decision and the reasons therefor A complete record shall be kept of each case heard before the board All testimony at any hearing before the board whether on appeal or otherwise shall be taken by a reporter but need not be transcribed unless the disputed claim is further appealed

Section 505 Rules of Procedure The manner in which appeals shall be taken the reports thereon required from the department the claimant and employers and the conduct of hearings and appeals shall be in accordance with rules of procedure prescribed by the board whether or not such rules conform to common law or statutory rules of evidence and other technical rules of procedure

When the same or substantially similar evidence is relevant and material to the matter in issue in applications and claims filed by more than one individual or in multiple applications and claims filed by a single individual the same time and place for considering each such application and claim may be fixed hearings thereon jointly conducted a single record of the proceedings made and evidence introduced with respect to any application or claim considered as introduced with respect to all of such applications or claims Provided That in the judgment of the board or referee having jurisdiction of the proceeding such consideration will not be prejudicial to any party

Section 509 Finality of Decisions Any decisions made by the department or any referee or the board shall become final ten days after the date thereof unless appealed from as hereinbefore provided [by] but any decision of the board or of a referee where an appeal has been disallowed by the board shall nevertheless be subject to appeal to the Superior Court after the same has become final

Subject to appeal proceedings and judicial review as provided in this act any right fact or matter in issue which was directly passed upon or necessarily involved in any decision of a referee or the board or the Superior Court and which has become final shall be conclusive for all purposes of this act and shall not be subject to collateral attack as among all affected parties who had

notice of such decision Provided however That whenever an appeal involves a question as to whether services were performed by a claimant in employment or for an employer or whether remuneration paid constituted wages a decision thereon shall not be conclusive as to an employing entity's liability for contributions unless the employing entity was given special notice of such issue and of the pendency of the appeal and was afforded a reasonable opportunity by the referee or the board to adduce evidence bearing on such question

Section 804 [Liability to Repay Compensation Unlawfully Received Any person who by reason of the nondisclosure or misrepresentation by him or by another of a material fact (irrespective of whether such nondisclosure or misrepresentation was known or fraudulent) has received any sum as compensation under this act while any conditions for the receipt of compensation imposed by this act were not fulfilled in his case or while he was disqualified from receiving compensation] Recovery and Recoupment of Compensation Any Person who by reason of his fraud has received any sum as compensation under this act to which he was not entitled shall be liable to repay to the Unemployment Compensation Fund to the credit of the Employers' Contribution 'Account a sum equal to the amount so received by him [and such] Such sum shall be collectible (a) in the manner provided in this act for the collection of past due contributions or (b) by deduction from any future compensation payable to the claimant under this act

Any person who other than by reason of his fraud has received any sum as compensation under this act to which he was not entitled shall not be liable to repay such sum but shall be liable to have such sum deducted from any future compensation payable to him with respect to the benefit year current to or next succeeding the receipt thereof Provided however That no recoupment from future compensation shall be had if such sum was received by such person without fault on his part and such recoupment would be inequitable and unconscionable

The claimant and other affected parties shall be notified in writing of the department's determination to deduct any sum from future compensation under this section and such determination shall be subject to appeal in the manner provided in this act for appeals from determinations of compensation

Section 6 Article VIII of the said Act is hereby amended so as to include therein a new Section to be known as Section 805 and to read as follows

Section 805 For the enforcement of this Act or any rule and regulation issued under the authority thereof the Department is hereby empowered and it shall be its duty to conduct such periodic spot checks and investigations as will disclose with reasonable certainty whether or not compensation benefits have been paid to persons not legally entitled thereto or as will disclose violations of this Act and to take such steps and adopt such means as may reasonably be necessary to enforce the provisions of this Act The conduct of such spot checks and investigations and all legal proceedings arising therefrom shall be under the supervision and direction of the Attorney General of the Commonwealth and the expenses thereof and in connection therewith are hereby declared to be administrative expenses to be paid from the Administrative Fund

Section 7 The provisions of this act shall become effective on the first day of July one thousand nine hundred and forty-two except as otherwise provided herein Provided nevertheless that nothing herein contained shall be taken or construed to relieve any employer from the payment of any contribution penalties and interest imposed by the provisions of the Act or parts of Act to which this Act is an amendment or the rules and regulations issued thereunder in force at the time this Act becomes effective or to affect or terminate any petitions investigations prosecutions legal or otherwise or other proceedings pending under the provisions of any Act or parts of Act in force at the time this Act becomes effective or for the collection or recovery of contributions penalties and interest due or owing under the provisions of any Act or part of Acts or rules and regulations issued thereunder in force at the time this Act becomes effective

And said bill having been read at length the third time,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

Mr. CAVALCANTE. Mr. President, this is a bill that deals with the subject of unemployment compensation, a very prolific subject, and it is one of the many things that have crept into our American way of life. We hear so much these days about our democracy and the American way of life. In tranquility or disaster, in peace or war, the quantity of talk on this subject flows on and on in never ending volume, not only on this bill but on many other matters.

When the lease-lend bill was being considered in Congress, when ships, materials and billions of American dollars were being donated to defense of foreign nations, and when the ship of state was being steered ahead on into the storm of foreign wars, the leaders of our democracy and the American way of life talked over-time to justify their views and actions on these issues.

The talk in many instances was void, bitter and questionable. Citizens whose patriotism had stood the sternest test were assailed and denounced as traitors, fifth columnists, and other disparaging names, because they refused to swallow hook, line and sinker the views and opinions of the leaders. I trust I do not fall in that category in commentng upon the bill before us.

In some instances these same leaders used the medium of talk and the cloak of public office to dilute their American attachments and sympathies with those for foreign nations. The prudent American citizen can conscientiously ask those leaders, when will you cease your talk, when will you permit our democracy and the American way of life to vindicate itself against its mortal enemies?

Mr. President, this Legislature has been in session for nearly five weeks, during which time very little has been done in the way of passing useful legislation. The leadership in both Houses appear to lack the initiative, the grasp to come to grips with the task that confronts it, while here in this Senate the dominant leadership is like a man with one eye, one arm, one leg, and a narrow gauge mind, who, though groping in the dark, refuses a lamp, cane, crutch or Bible tendered to him by a neighbor.

Truly, Mr. President, the bill now before us is another instance that affords a broad field for talk but little to be accomplished towards helping soldiers at the war front. Why should this Legislature be engaged in a brawl over a bill that deals with a subject that has no place at present in the task before the Nation?

The pressing cry of our democracy and the American way of life is work and more work to produce the weapons now necessary to subdue our powerful enemies. Greater compensation payments to the unemployed will not help to win the war. The dissipation of the present unemployment compensation insurance fund will not help to win the war. A refund or decrease of the employers share of

unemployment insurance taxes will not help to win the war. The times demand that the unemployed be put to useful work and that the excess unemployment insurance fund be invested in the defense bonds and stamps of our nation instead of increasing the employers' war profits.

Now, Mr. President, we can hardly blame the sponsors of the bill for introducing the subject to this Extraordinary Session of the Legislature, because the Governor included the subject in his proclamation and probably the criticism that I have so far leveled against this subject should be directed at the Governor rather than the sponsors of the bill.

If we dig deep for the motive or the purpose for the including of this subject in the Governor's proclamation we may be led in many courses. I am not ready to impute to the Governor sinister motives, motives not consistent with the waging of a successful war by our Nation, but it does appear that this subject of unemployment compensation is a subject very close to the hearts of politicians. There is no doubt that the subject of unemployment reaches a very large number of citizens of this Commonwealth, citizens who are eligible to cast ballots on election day, and it necessarily follows that a man who is politically minded to some degree should not escape the opportunity to curry favor with a large number of the voters of the state, but after the subject has been catapulted here into the Legislature, in both Houses, it seems that the leaders who also may have some political attitude, want to outdo themselves in seeing who can curry the greater favor with that large faction of our population, the working man, the working man for whose benefit this unemployment compensation principle was established.

It seems that the sponsors of this bill have gone to some extent in liberalizing the payments and in favoring also the employer, but from the other corner of the battlefield come the dominant leaders of the lower House who are going to outdo the Republicans of the Senate by sending over to us a bill that is even more liberal than this bill, and so the minds of the politicians will run.

Now, Mr. President, I am fullheartedly in accordance with the principle of unemployment compensation for the laboring people of this state, but I am leveling my criticsm at this subject at this time because I feel that the circumstances existing today, the serious national problem before us, leave no room for a subject of this kind. There ought not to be any unemployment and if there are any unemployed in this State or Nation, we would do our true duty to our democracy and the American way of life, if instead of devoting time to figuring out how we can liberalize unemployment and make it greater, and all of that, we would apply our intelligence and our intellectual honesty to an effort to find out how to put those men, those who are unemployed, to work, because it is only by work that we are going to produce those materials so necessary to win the war.

Yes, Mr. President, I am heartily in favor of unemployment compensation, but, like the great patriot and clergyman, Muhlenberg, said, there is a time for all things, there is a time to preach and a time to fight, and now is the time to fight, and that applies so propitiously here to our present condition.

This unemployment compensation question should have never been catapulted into this Special Session by the proclamation of the Governor, but we countenanced that error and that mistake by taking the subject and talking it over and coming to points of difference and misunderstanding with the lower House on this subject, when we should be agreeing on all subjects that would help to win this war.

As I say—and I feel that those who are seeking to curry favor with the laboring man will understand me—I am in favor of the principle of unemployment compensation, but I think that this is not the time to deal with it, and I feel honestly that if we do have money in our unemployment compensation fund, this is not the time now, to try to give it away in such a manner that it will not do the greatest good towards the winning of the war.

I challenge any of my colleagues here in the Senate to dispute the fact that this fund can do more towards the winning of the war at this time, by taking it and investing it in the defense bonds and stamps of the nation, for to decrease this tax or to increase unemployment compensation is surely not helping any phase of the war effort; the little that you increase the payment of unemployment compensation is not going to help much the man that receives it. In fact, he is being called upon today to do without many necessities, which will effect to him a saving much greater than the little increase that you will give him, but if we keep that fund together we will be able to use it where it will do the war effort the most good.

Mr. DENT. Mr. President, now that this bill is before us I can believe that the Governor probably had in mind the fact that something had to be done too for those persons who are being dislocated because of the war effort itself. Many employes in the State of Pennsylvania are finding themselves out of regular lines of employment because we are converting some types of industries into war industries. During those periods of conversion these family men must find a means too to provide the bare necessities for their families.

Most of us realize that there has been an increase in the cost of living of anywhere from twenty to forty per cent, depending upon what strata of society you live in. Anybody that thinks the fifteen dollars maximum which is being paid out today will buy other than the bare necessities or would ever buy anything but the bare necessities of life does not pay much attention to the economics of our system of government.

The twenty per cent increase included in this bill will be beneficial to those families which are now being penalized because the wage earner in that family in an industry that is being converted into war use.

It is important that this bill be presented at this time. I may not agree with all of the features, and I do not agree with them all—but I do believe that it would be the proper maneuver for the Senate at this time to pass this bill over to the House, because I do not think there is any chance whatsoever of getting any bill through until it comes to a conference by conferees on the part of the House and the Senate, and although I could stand here and make a talk against some of the features of the bill, that would do nothing but waste a lot of time and fill a lot of books with a lot of unnecessary talk.

I do believe, however, and I want to advise those mem-

bers of the Senate that will be on the conference committee, that they must go into the administrative end of this law more seriously. Last year you all remember a deputy attorney general of the State of Pennsylvania charged that there were millions of dollars in fraudulent claims paid to recipients of unemployment compensation. During our investigation of that particular phase of the unemployment compensation law we found that, if there was any fraudulency, the greater percentage of it, in fact the greatest percentage of it, was caused because of the administrative faults in the act itself, which do not allow the proper checkups and do not allow the proper administration of an act that covers such a great amount of money and covers so many thousands of cases.

There have been charges that throughout the State of Pennsylvania there was collusion between employers and labor unions and between employers and employes to the effect that they would employ persons and let them work their time out during a seasonal activity in order that they would get a lay off in order to get the unemployment compensation. Well, if that is true that should be remedied by an act, and we tried to do it.

Mr. President, the reason that I personally put in so many bills covering this subject was because I felt that of the thirteen bills introduced, at least eleven of them would have received the approval of both the House and the Senate, and would have taken care of those administrative defects that now are in the act, as it appears upon the statute books, and then we would have nothing to deal with except the controversial sections of the law pertaining to the length of benefit payment periods and the amount of benefit payments.

If we would have passed those bills, we would probably now only have a seven or eight page bill before us. As it is now, we stand in danger of losing the entire remedial legislation that is necessary at this time in unemployment compensation, because we can not get together on the controversial sections of the law.

However, that may be as it is. I only say that the thing to do now is to vote for this bill, even if we do not like it, in order that we can get it over to the House and expedite matters and get out of this capitol at this time. Some of us are connected with defense industries and would like to go home and give a little more time to the defense effort, and most of us here know we can not keep coming down here every two or three weeks.

Why, Mr. President, when this bill was introduced the action of the Senate was disgraceful, to say the least. There were six or seven bills committed to that committee that night and when we went into committee meeting the only bill the committee chairman picked up on his way into the committee room was this bill, so that we could not take up any other bills. That being as it was, I moved that the bill be brought out, because I have always been interested in expediting this session, in getting it over, but lo and behold, they dilly-dallied for two weeks because the bill was not properly prepared at the time it was introduced and that was because they said they had not had enough time to study anything other than the bill they introduced. My bills were introduced the first day of the session and they should have known what they were doing, because they copied most of my bills.

As the thing stands now, Mr. President—and I am also speaking to the conferees who will be appointed—you should do something about clamping down on the politics being played in the unemployment compensation division of the State of Pennsylvania, and the present condition whereby the Secretary of Labor and Industry has voided hundreds of names of decent citizens of the State of Pennsylvania who took unemployment compensation civil service examinations and now find themselves ineligible for jobs, because they took examinations under one administration and this is another administration. The proof of the pudding is in the tasting. There have been twelve hundred turnovers in less than a year, and still there are on the payrolls of the State of Pennsylvania over seven hundred employes without civil service status in the unemployment compensation division.

Why, the biggest political organization in the State of Pennsylvania has been built up in that department. For whom it will be used can only be guessed at, probably whoever runs for Governor and wins the favor of the Secretary of Labor and Industry.

When you are in this conference make sure that can not happen again.

We Democrats expect to take over the State of Pennsylvania and give it back to the people this November, but we do not want to tempt our Secretary of Labor and Industry with the same temptations that have been given to this secretary, where he can go out and void lists of persons who have taken examinations, but who, because they did not have the right political affiliation were cast aside and favored sons and daughters picked out.

Of course, Mr. President, the gentleman from Allegheny, Mr. Walker, points out that we might not get a Democratic Governor. I say that, of course, with all due respect to the candidate on the sixty at sixty ticket—and nothing would make me happier than to see John Haluska Governor of the State of Pennsylvania, because I know he would do a better job than has been done.

So I advise my Democratic colleagues, if they will follow what little advice I can give them, to vote for this bill. It is not the best bill but it is the only one that will pass this Senate tonight.

Mr. CAVALCANTE. Mr. President, the gentleman from Westmoreland, Mr. Dent, in substance agrees with my views on the bill. He has ably demonstrated in the latter part of his speech that this bill is charged with politics and controversy.

He has mentioned several matters that are of greatest interest. The question of politics I mentioned previously, and, Mr. President, I agree with the gentleman from Westmoreland that things are not well in the administration of this unemployment compensation fund.

I have personal knowledge of a racket that is even at this date operating in that system. There is one David R. Perry, probably I have met him and probably I have not, but he is in charge of the legal phase of some of the unemployment compensation problems of the bureau, and last year, during the months of April and May, when there was some disturbance between the employer and employe, the local offices of the unemployment compensation bureau anticipated a rush of claims for unemployment compensation and so, in order to meet that rush and before the employes were entitled to the compensation, agents

of the local offices went to the meeting places, the union halls of the employes, and there accepted their claims for compensation.

In many cases, this agent of the local office of the Unemployment Compensation Division had the men sign for one week, two weeks and three weeks at a time, at the same time.

Mr. President, there are hundreds and thousands of poor working men in the mines in Western Pennsylvania and elsewhere who are immigrants, and who do not read English as you and I read it and understand it, and so, time went on and in the course of procedure in the Unemployment Compensation Division, these claims, signed by these poor men, poor working men, and accepted by the very agent of the Unemployment Compensation Bureau before they were acceptable, were paid by the department. Many of these poor people received checks. Some few knew they were not entitled to them, some of them made no effort to return the checks, but they received the checks, not because of any misrepresentation on their part, but because of the act, the mistake made by an agent of the Unemployment Compensation Bureau.

Very well. Some time went on and without any warning, Mr. President, a most astounding thing happened; without any warning to these poor employes in my county and many other counties of the state, this man, David R. Perry, bundles prosecutions, by the tons, by the hundreds and by the thousands, and then parcels them out throughout the state to favored justices of the peace and aldermen, warrants have been issued on them, and poor working men brought in to answer a criminal prosecution, and after the hearing, lo and behold, they have been required to pay costs of prosecution that are in excess of the amount of the checks that they had received from the Unemployment Compensation Bureau. They had to pay the costs, and also make restitution of the amounts that they had received.

Mr. President, I know of no other department in this state, that has a claim against a citizen, that does not give him an opportunity to make restitution or to adjust his claim before making a prosecution. We have the Department of Highways that receives checks by the hundreds for motor vehicle tags, licenses and titles, and if one of the checks is issued and the drawer of the check does not have sufficient funds in the bank, which makes him a violator of an Act of Assembly, the Department of Highways does not send out a constable and a prosecution, and seize the man immediately and put him in jail, but they give him warning, they give him notice they say, now, this check has come back to us—not sufficient funds—and you make good or we will prosecute, but here in this unemployment compensation bureau has developed a racket that will not give honest working men that chance.

Mr. President, people who are interested in unemployment compensation, such as the gentleman from Delaware, who is so keenly interested in this subject, he would do indeed a great deal for the people of this Commonwealth and the working men of this Commonwealth, if he would devote his intelligence and time toward eradicating and bringing to public view this innocuous racket that has been carried on in that Unemployment Compensation Bureau by this man, David R. Perry.

Mr. HEYBURN. Mr. President, I do not want to prolong this discussion. However, I would like to cover two points that have been raised, first, by the Senator from Westmoreland, Mr. Dent, and secondly, by the Senator from Fayette, Mr. Cavalcante.

Senator Dent spoke of the administration of this fund in the Department of Labor and Industry, and criticized particularly the civil service set up as it now exists in that department. I suppose the Senator from Westmoreland knows that this bill does not cover civil service. That is entirely a different act of the Legislature, it was not in the call of the Governor, and should not be considered.

Granting that what he said is true, and, of course I do not know as I have made no study of that situation, I would like to read for the benefit of the Senator from Fayette a portion of this bill. In connection with his recommendation that the Senator from Delaware should do something to protect those poor innocent working people who have been violating the law because they were not aware of the fact, let me read from page sixty-two to the Fayette County Senator:

"Any person who other than by reason of his fraud has received any sum as compensation under this act to which he was not entitled shall not be liable to repay such sum but shall be liable to have such sum deducted from any future compensation payable to him with respect to the benefit year current to or next succeeding the receipt thereof. Provided, however, that no recoupment from future compensation shall be had if such sum was received by such person without fault on his part and such recoupment would be inequitable and unconscionable.

"The claimant and other affected parties shall be notified in writing of the department's determination to deduct any sum from future compensation under this section and such determination shall be subject to appeal in the manner provided in this act for appeals from determinations of compensation."

I humbly suggest to the Fayette County Senator, Mr. President, that we have taken care of the identical problem that he discussed just now on the floor of the Senate.

Mr. DENT. Mr. President, it seems that the gentleman from Delaware and myself are always getting up here and trying to make each other understand what we are talking about.

I just want to state that I call that to the attention of the conferees, because under your Attorney General's opinion—if you will allow me, I will read just a little explanation that was written to a certain party who inquired about that phase of the act. I said I was trying to give some advice, if possible to the conferees. Your Attorney General had advised the Secretary of Labor and Industry that it was not up to the Attorney General's office or to the Civil Service Board to determine whether the list contained fraud or not, that was for the administrators and finally the courts to decide, and the opinion further stated that if the list did contain fraud, it was not the intent of the Legislature, and in reestablishing those lists, if they were fraudulent, we in effect would be legalizing fraud.

What I am trying to call attention to is that under the present act—if you do not change it somehow—you have passed a civil service law, and you should ake your fingers out of the civil service pie. That is all I ask be done.

Mr. CAVALCANTE. Mr. President, I desire to interrogate the Senator from Delaware, Mr. Heyburn.

The PRESIDENT. Will the gentleman from Delaware permit himself to be interrogated?

Mr. HEYBURN. Gladly, Mr. President.

Mr. CAVALCANTE. Mr. President, on page fourteen of the bill, paragraph seven, where it is provided that, "Service performed in the employ of a corporation, community chest fund or foundation organized and operated exclusively for religious, charitable scientific, literary or educational purposes, or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private shareholder or individual and no substantial part of the activities of which is carrying on propaganda or otherwise attempting to influence legislation," that part is excluded from the provisions of the bill.

Mr. President, I would like to know if in the mind of the gentleman from Delaware, there is a difference where propaganda is carried on to influence legislation by a charitable institution and when carried on by an industrial corporation such as the United States Steel or Mr. Pew's Sun Oil, and so forth and so on.

Mr. HEYBURN. Mr. President, I do not quite follow the Senator from Fayette. There is an exemption. Those persons who lobby around the halls of the Legislature are covered under this amendment. Maybe the gentleman from Fayette has not read the bill.

Mr. CAVALCANTE. Mr. President, what I do not understand is this, the bill states "employment shall include all employes of a corporation, community chest fund, foundation organized to operate" and so forth—it shall include it if no substantial part of the activities of it is carrying on propaganda or otherwise attempting to influence legislation.

Who is going to determine when the amount of propaganda is a substantial part of the employe's work?

Mr. HEYBURN. Mr. President, when you say, "otherwise attempting to influence legislation" that seems to me all inclusive. The gentleman from Fayette is reading this act wrong. He is reading from a section dealing with exemptions, where are exempted employes of community chests, religious societies, and so forth, provided no substantial part of their activities is carrying on propaganda or otherwise attempting to influence legislation.

Mr. CAVALCANTE. Well, Mr. President, it seems to me that it is on page eleven that we should start to read, where it says:

"The word 'employment' shall not include" and so forth, and enumerates those exceptions, and one of the exclusions is in the part that I have read, that employment does not include service performed in the employ of a corporation, community chest fund or foundation organized and operated exclusively" for these charitable purposes, if no substantial part of their activities is carrying on propaganda or otherwise attempting to influence legislation.

My question was aimed at eliciting from the gentleman from Delaware the reason why he makes a distinction between corporations and so forth engaged in charitable purposes and corporations that are engaged in other industries.

Mr. HEYBURN. Mr. President, the Senator from Fayette has not read this amendment properly—"services performed in the employ of a corporation, community chest fund or foundation"—you have got "corporation" in there, the corporation is in there, whether you are talking about Sun Oil or anything else.

Mr. CAVALCANTE. But it means, Mr. President, a corporation organized and operated exclusively for religious, charitable, scientific, literary and educational purposes.

Mr. HEYBURN. Does the gentleman from Fayette think they should be taxed?

Mr. CAVALCANTE. In other words, Mr. President, the way this bill reads now, religious, charitable, scientific, literary or educational corporation can not engage in the art of propaganda or otherwise attempt to influence legislation, but the United States Steel and the oil companies and the other industrial corporations can do so.

Mr. HEYBURN. Mr. President, I am sorry, but the Senator from Fayette is very wrong, and there is no use of carrying this thing on any further. I will be glad to meet him tonight and tell him what the bill is all about. Mr. President, he is very wrong, he has not read the bill, I regret to say.

And the question recurring,

Will the Senate agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Bartlett,	DiSilvestro,	Kephart,	Stiefel,
Becker,	Ealy,	Lanius,	Tallman,
Carr,	Edmonds,	Letzler,	Thomas,
Cavalcante,	Farrell,	Mallery,	Tyler,
Chapman,	Frey,	McCreesh,	Wade,
Coleman,	Geltz,	McGinnis,	Walker,
Cox,	Haluska,	Miller,	Watkins,
Crider,	Heyburn,	Ruth,	Wilson, H. I.,
Crowe,	Homsher,	Shapiro,	Wilson, T. B.,
Deitrick,	James,	Snowden,	Woodward,
Dent,	Jaspan,	Stevenson,	Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 46, entitled:

An Act authorizing the Governor of the Commonwealth of Pennsylvania upon certain request and with the approval of the Delaware River Navigation Commission and the Department of Wharves Docks and Ferries of the City of Philadelphia to suspend for a limited time the operation of laws regulating or relating to the movement loading, lightering, docking, anchorage of vessels carrying or having on board certain explosives insofar as the same relate to small arms ammunition or ammunition which contains the projectile and the explosive in one container or shell.

And said bill having been read at length the third time,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

RECONSIDERATION OF SENATE BILL No. 46

Mr. KEPHART. Mr. President, I move that the Senate do now reconsider the vote by which the bill passed second reading.

The PRESIDENT. How did the Senator vote?

Mr. KEPHART. Mr. President, I voted "aye".

Mr. GELTZ. Mr. President, I second the motion?

The PRESIDENT. How did the Senator vote?

Mr. GELTZ. Mr. President, I voted "aye".

The motion was agreed to.

And the question recurring,

Will the Senate agree to the bill on second reading?

Mr. KEPHART. Mr. President, I desire to offer amendments.

The Clerk read the amendments as follows:

Amend Title, line 3, after the word "and" and before the word "Department", by adding the following words: "where the Port of Philadelphia is concerned;" Amend Section 1, page 2, line 2, after the word "and" and before the word "the", by adding the following words: "where the Port of Philadelphia is concerned."

On the question,

Will the Senate agree to the amendment?

Mr. EDMONDS. Mr. President, there have been two sets of amendments prepared, both intended to meet the same condition. I have prepared one set and the gentleman from Philadelphia, Senator Kephart, has prepared the other but neither of us seem to have known the other had prepared amendments. Frankly I think mine are better and more complete than his.

Mr. President, I would like to offer these amendments and move that they be adopted, instead of those submitted by the gentleman from Philadelphia, Mr. Kephart.

The PRESIDENT. The gentleman from Montgomery does not want me to be the umpire?

Mr. EDMONDS. No, Mr. President, but I think the Senate can be the umpire.

The PRESIDENT. The question before the Senate is consideration of the amendments offered by the gentleman from Philadelphia, Mr. Kephart.

Mr. EDMONDS. It would seem to me that it would be unfortunate if the Senate should vote on those amendments without having the alternate amendments before them in order that they may consider them.

Mr. EALY. Mr. President, on account of this difference I suggest that we have both amendments read, as they are short, and perhaps we can get together, after which a motion can be made as to which amendment shall be adopted.

Mr. SHAPIRO. Mr. President, I suggest that action on the amendments just offered by the gentleman from Philadelphia be suspended until the Senator from Montgomery presents his amendments, which he has a right to do.

Mr. CHAPMAN. Mr. President, I second that.

It was agreed to.

Mr. EDMONDS. I present the following amendments and ask their immediate adoption.

The amendments were read as follows:

Amend Section 1, page 2, line 2, by inserting between the words "and" and "the" the following: "where the port of Philadelphia is concerned upon the additional recommendation of;" Amend title, page 1, line 3, by inserting before the word Department the following: "in certain cases of the."

Mr. EDMONDS. Mr. President, may I say in explanation that this has to do with the explosives bill, and as the bill came out from the committee, it provided that the Governor upon the approval of the Navigation Commissioners and also the Director of Wharves, Docks and Ferries, might suspend certain acts relating to explosives when the Federal Government either through the army or navy or the Maritime Commission requested the suspension.

The difficulty about that, Mr. President, is that the Delaware River is a navigable river covering a great many more counties than the County of Philadelphia. The Philadelphia channel goes up as far as Bucks and other counties, and therefore it was thought that the Director of Wharves Docks and Ferries ought to be limited to those cases in which the Port of Philadelphia is concerned, and that is the object of this amendment. If the amendment should govern, it would provide then that the Governor might suspend laws relating to explosives upon approval of the Navigation Commissioners, and, where the Port of Philadelphia is concerned, the Director of Wharves, Docks and Ferries, but it would not make it necessary to get the consent of the Director for anything that had to do with the Port of Bristol or some place below Philadelphia and yet be in the Delaware River channel, and that is the reason the amendment has been framed in this way.

Mr. SHAPIRO. Mr. President, I am inclined to agree from the point of English, that the amendments submitted by the gentleman from Montgomery are better than the amendments suggested by the gentleman from Philadelphia.

I think both of them, however have placed their amendments, for the purpose of clarity, in the wrong place. It should be after the word "ferries" on line two, that this amendment ought to come in.

However, Mr. President, it strikes me that there is something faulty with the whole bill and I should like to interrogate the Senator from Montgomery.

The PRESIDENT. Will the gentleman from Montgomery permit himself to be interrogated?

Mr. EDMONDS. With pleasure, Mr. President.

Mr. SHAPIRO. Will the gentleman from Montgomery state whether it is not true that the Delaware River Navigation Commission would have authority over the whole river?

Mr. EDMONDS. It would, Mr. President, that is, the navigable waters.

Mr. SHAPIRO. Therefore, I should like to inquire further why it is the Director of Wharves, Docks and Ferries has to be given special privilege over some other community.

Mr. EDMONDS. Because in Philadelphia, Mr. President, that director has supervision of the docks, and in the case of loading explosives from the docks that would com

nder his supervision, and there have been cases which ave already risen, short as the war time has been, in hich it has been necessary to really breach the existing aw by having explosives taken on docks in order that hey may be readily loaded.

Mr. SHAPIRO. Mr. President, I should like to further nterrogate the gentleman from Montgomery and I should ike to inquire whether there are not any other docks on he Delaware River that are within the jurisdiction of the Director of Wharves, Docks and Ferries of Philadelphia.

Mr. EDMONDS. No, Mr. President, no docks that are ig enough for this kind of work. The big docks are all in Philadelphia unless you consider further down the Delaware River, below the Sun Shipyards.

Mr. SHAPIRO. Mr. President, over the weekend I nade some inquiries on this subject and I have found, irst, that this law was passed originally after one of our earlier wars, to prevent insurrections and to prevent people rom coming up the river with explosives and causing another revolution. That is an old law but at the present time it is interfering with the hauling of important lend-lease ammunition that is being shipped abroad, and due mainly to the stubbornness of the Director of Wharves, Docks and Ferries, there has been a great deal of difficulty in getting this stuff loaded.

The only reason, Mr. President, in my opinion, for including the Director of Wharves, Docks and Ferries, is because he will not permit it to be done unless he is satisfied.

With the Delaware River Navigation Commission, impartial as they are, I think we cover the subject sufficiently. I am quite sure, when this bill is passed, we are going to have difficulty because we are taking one man along the Delaware River and saying to him the Delaware River Navigation Commission will act for everybody else, but in Philadelphia they will have to have the additional recommendation of the Director of Wharves, Docks and Ferries and it seems to me that is not a method of helping the Federal Government in war.

I say, first of all, it is my personal opinion that the Federal Government does not need the approval of any of them, because the Supreme Court has already said that the Delaware River, being a navigable river, is subject to jurisdictional action by Congress—maybe it will be necessary to get an act of Congress, but I do not think this bill is necessary—I am not going to put my opinion of the law ahead of theirs and I am glad to vote for the bill—but I certainly do not think that Philadelphia should be given preference and have some one individual say you can not get this work done unless I approve it. That to me seems to be ridiculous, because you have a commission covering the river and I would like to know why it is necessary that the Director of Wharves, Docks and Ferries have that authority, even though there are docks there.

Mr. EDMONDS. Mr. President, I think the answer to the query of the gentleman from Philadelphia is perfectly clear. There are those old laws on our statute books. I do not know historically whether the gentleman from Philadelphia remembers the old Battle of the Kegs on the Delaware River, which probably gave rise to the original law, which provided that no boat carrying more than five hundred pounds of gun powder should come north of a certain point. That is the law now on the statute books and it was never repealed, and the Director of Wharves, Docks and Ferries in Philadelphia is enforcing it.

We are now proposing to authorize the Governor, under certain circumstances, to suspend that law and that to my mind is what we ought to do. This leaves the Director of Wharves, Docks and Ferries without any law which he feels he has got to obey, and I think that is the right thing for us to do, and the object of this particular amendment is simply to limit his authority to that which is under the control of the City of Philadelphia, those wonderful docks the City of Philadelphia built during the period of the first World War.

AMENDMENTS WITHDRAWN

Mr. KEPHART. Mr. President, there seems to be some dispute as to which amendments are the best. I have read both sets of amendments and although I do not think one is better than the other, I do not think it makes much difference, and I will be glad to withdraw my amendments. They both accomplish the same purpose.

Therefore, Mr. President, I withdraw my amendments.

Mr. SHAPIRO. Mr. President, I am going to vote for this bill because I believe it may be a necessary bill, but I think the House ought to take out the provision making Philadelphia a special case. I think that is the only way to handle that.

Mr. EDMONDS. As I understand it, Mr. President, there is now no objection to the one set of amendments which I have introduced, as the gentleman from Philadelphia has withdrawn the one set of amendments.

And the question recurring,

Will the Senate agree to the bill on second reading?

The first section was read.

On the question,

Will the Senate agree to the section?

Mr. EDMONDS. Mr. President, I desire to offer an amendment.

The Clerk read the amendment as follows:

Amend Section 1, page 2, line 2, by inserting between the words "and" and "the" the following: "where the port of Philadelphia is concerned upon the additional recommendation of;"

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The title was read.

On the question,

Will the Senate agree to the title?

Mr. EDMONDS. Mr. President, I desire to offer an amendment.

The Clerk read the amendment as follows:

Amend title, page 1, line 3, by inserting before the word Department the following: "in certain cases of the."

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the title as amended?

It was agreed to.

And said bill as amended having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 47, as follows:

An Act to suspend existing law providing for and requiring certain contracts or purchases made by the Commonwealth or any political subdivision thereof to be made with and from the lowest responsible bidder after notice by advertisement insofar as they apply to certain contracts and purchases and regulating the letting of contracts and the making of purchases by political subdivisions

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 In order to expedite the making of contracts and purchases by the State Government and its political subdivisions which are necessary to further the defense efforts thereof the provisions of any Acts of Assembly providing for and requiring certain contracts or purchases made by the Commonwealth or any political subdivision thereof to be made with and from the lowest responsible bidder after notice thereof by advertisement in a newspaper are hereby suspended during the continuance of the war in which the United States is now engaged insofar as such laws apply to contracts or purchases involving supplies and materials which are being rationed or sales of which are being directly or indirectly controlled by the Federal Government or any of its agencies Before any such supplies and materials shall be purchased or contract let therefor by any political subdivision under the provisions of this act the legislative body of the political subdivision shall pass a motion by a majority vote of all its members stating that an emergency exists requiring immediate action and that the contract proposed to be let or the purchase proposed to be made involves materials and supplies which are being rationed or the sale of which is being directly or indirectly controlled by the federal government or any of its agencies

Section 2 This act shall become effective immediately upon final enactment and shall remain in force during the period in which the United States of America is engaged in war and for six months thereafter

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Bartlett,	DiSilvestro,	Kephart,	Stiefel,
Becker,	Ealy,	Lanius,	Tallman,
Carr,	Edmonds,	Letzler,	Thomas,
Cavalcante,	Farrell,	Mallery,	Tyler,
Chapman,	Frey,	McCreesh,	Wade,
Coleman,	Geltz,	McGinnis,	Walker,
Cox,	Haluska,	Miller,	Watkins,
Crider,	Heyburn,	Ruth,	Wilson, H. I.,
Crowe,	Homsher,	Shapiro,	Wilson, T. B.,
Deitrick,	James,	Snowden,	Woodward,
Dent,	Jaspan,	Stevenson,	Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL OVER IN ORDER

Mr. MALLERY. Mr. President, I ask unanimous consent that Senate Bill No. 52, on third reading, entitled:

An Act to aid in the prevention of sabotage by making the larceny of articles rationed by the Federal Government and necessary in national defense, a felony and prescribing penalties.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 58, as follows:

An Act to further amend section seven hundred two to amend section seven hundred nineteen and to further amend section eight hundred and six of the act approved the third day of June one thousand nine hundred and thirty-seven (P. L. 1225) entitled "An act concerning game and other wild birds and wild animals and amending revising consolidating and changing the law relating thereto" by vesting in the Pennsylvania Game Commission the power to adjust hours for hunting training of dogs and carrying certain firearms and ammunition

Whereas A recently enacted Federal law advances Standard Time one hour daily for the duration of the war in which our Nation is engaged and for a period of six months thereafter and

Whereas Said time change adversely affects the safety and health of the many thousands of our citizens in this Commonwealth who enjoy the sport of hunting for recreation and pleasure by allowing an hour of hazardous hunting in the morning and denying the right to hunt during an hour of daylight at the end of the day contrary to the intent of the General Assembly as established in the Game Law and otherwise affects privileges granted to the lovers of the chase by our statutes and

Whereas Since our Federal authorities deem it essential to the successful prosecution of the war to bolster and maintain the morale and health of our citizens by providing maximum recreational opportunities therefore

In order to vest in the Pennsylvania Game Commission the proper authority to make such time adjustments in our Game Law as may be found necessary to cope with the foregoing situation

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section seven hundred two of the act approved the third day of June one thousand nine hundred and thirty-seven (P. L. 1225) entitled "An act concerning game and other wild birds and wild animals and amending revising consolidating and changing the law relating thereto" as amended by the act approved the twenty-fourth day of June one thousand nine hundred and thirty-nine (P. L. 810) is hereby further amended to read as follows

Section 702 Hunting on Sunday and at Night It is unlawful for any person to hunt for shoot at chase catch or kill or attempt to shoot at chase catch or kill with or without dogs any game except in defense of person or property upon the first day of the week commonly called Sunday except for dog training or trial purposes as hereinafter provided or to hunt for shoot at catch or kill or attempt to hunt for shoot at catch or kill any game between five o'clock post meridian of one day and seven o'clock antemeridian eastern standard time of the day following [or during such hours as shall be further restricted by resolution of the commission on

the first day of any open season for game of any kind] except that raccoons may be hunted for and killed any time during the open season day or night and that woodchucks or other game then in season may be hunted for and killed between July first and September thirtieth between the hours of six o'clock antemeridian and seven-thirty o'clock postmeridian eastern standard time Sunday except Provided however (a) That the commission may by resolution further restrict the hours hereinbefore set forth on the first day of any open season for hunting and (b) the commission may by resolution change the daily hours stipulated in this section to make adjustment for time changes or time designations established by Federal law or by any regulations promulgated under Federal law This section shall not prohibit the removal of raccoons or fur-bearing animals from traps or deadfalls on Sunday when lawfully caught

Any person violating any of the provisions of this section shall be liable to the fine hereinafter provided

Section 2 Section seven hundred nineteen of said act is hereby amended to read as follows

Section 719 Training of Dogs on Certain Game Exception for Fox Hunting Except as otherwise provided in this act or in defense of person or property it is unlawful for the owner of any dog or a dog under his control to permit such dog to chase pursue or follow upon the track of any wild bird or wild animal either day or night between the first day of April and the nineteenth day of August next following Provided however That the commission upon receipt of a petition signed by two hundred and fifty (250) or more residents of a county who held hunting licenses of the previous year or who are farmers or sheep raisers whether licensed to hunt or not shall by resolution notice of which shall be published as required by this act designate any county or part thereof in which hunting foxes with dogs at any time either day or night shall be lawful throughout the entire year except for such sixty-day period as the commission may designate when complying with the provisions of this act relative to hunting licenses or permits

During the hours from sunrise to nine o'clock postmeridian eastern standard time dogs when accompanied by and under control of their owner or handler may be trained upon any game in this Commonwealth except elk deer or bear or wild turkey from the twentieth day of August to the thirty-first day of March next following unless said period be further restricted by resolution of the commission so long as no firearms usually raised at arm's length and fired from the shoulder are carried and no injury is inflicted upon said animals or birds except that during the foregoing period and under the conditions stipulated it shall be lawful to train dogs upon raccoon from sunrise to midnight eastern standard time Provided however (a) That it shall be unlawful to train dogs on Sunday unless the consent of the owner of the land where such training is being done has first been secured but no such consent shall be required in the case of State and National forest lands and (b) that the commission may by resolution change the daily hours designated in this section to make adjustment for time changes or time designations established by Federal law or any regulations promulgated under Federal law

"Under control" is hereby defined to mean within call except when actually on a trail or track of legal game

Any person who shall train a dog or dogs or permit a dog or dogs under his control to pursue or follow upon the track of any small game or bear contrary to the foregoing provisions shall upon conviction be sentenced to pay a fine of ten dollars and costs of prosecution for each offense

Section 3 Section eight hundred six of said act as amended by the act approved the twenty-fourth day of June one thousand nine hundred and thirty-nine (Pamphlet Laws 810) is hereby further amended to read as follows

Section 806 Possession of Loaded Firearms and Certain Ammuntion Restricted (a) Except as otherwise provided by law it is unlawful for any person to have in his possession a loaded rifle or loaded shotgun or a rifle or shotgun from the magazine of which all shells and cartridges have not been removed in or on any vehicle conveyance or its attachments while standing upon or along or being driven upon or along any public highway or a highway open to use or used by the public within this Commonwealth Provided however That except as hereafter provided between five o'clock postmeridian of one day and seven o'clock antemeridian eastern standard time of the day following any unloaded rifle being lawfully carried in accordance with the foregoing provisions which is capable of discharging a cartridge larger than a .22 calibre long rifle shall be so carried only when in a case or taken apart and securely wrapped but this requirement relative to carrying certain rifles in cases or securely wrapped shall not apply during the period extending from the day before to the second day following any open season for big game

(b) Except during the open season for big game it is unlawful for any person to have in possession in or on any vehicle conveyance or its attachments while standing upon or along or being driven upon or along any public highway or a highway open to use by the public within this Commonwealth except as hereinafter provided between five o'clock postmeridian of one day and seven o'clock antemeridian eastern standard time of the day following any rifle cartridge larger than a .22 calibre long rifle or any shotgun shell containing either a single bullet or pellets larger than a B B unless all such cartridges or shells are carried in unbroken original cartons or securely wrapped

(c) Provided however (a) that during the period from July first to September thirtieth inclusive of each year the foregoing requirements relative to carrying certain unloaded firearms and ammunition shall be applicable only from eighty-thirty o'clock postmeridian to five o'clock antemeridian eastern standard time and (b) that the commission may by resolution change the daily hours stipulated in subsections (a) (b) and (c) of this section to make adjustment for time changes or time designations established by Federal law or by any regulations promulgated under Federal law

(d) The provisions of this section shall not be construed to apply to a public police officer engaged in the performance of his official duty or to an officer whose duty it is to enforce the game law and engaged in the performance of his official duty

(e) Any person violating any of the provisions of this section while the vehicle is in motion or is being used as a blind from which to kill or attempt to kill game while the vehicle is not in motion shall upon conviction be sentenced to pay a fine of twenty-five dollars and costs of prosecution Any other violation of the provisions of this section shall upon conviction subject the person responsible therefor to a fine of ten dollars and costs of prosecution

An said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—43

Bartlett,	DiSilvestro,	Kephart,	Tallman,
Becker,	Ealy,	Lanius,	Thomas,
Carr,	Edmonds,	Letzler,	Tyler,
Cavalcante,	Farrell,	Mallery,	Wade,
Chapman,	Frey,	McCreesh,	Walker,
Coleman,	Geltz,	McGinnis,	Watkins,
Cox,	Haluska,	Miller,	Wilson, H. I.,
Crider,	Heyburn,	Ruth,	Wilson, T. B.,
Crowe,	Homsher,	Snowden,	Woodward,
Deitrick,	James,	Stevenson,	Ziesenheim,
Dent,	Jaspan,	Stiefel,	

NAYS—1

Shapiro,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL OVER IN ORDER

Mr. WALKER. Mr. President, I ask unanimous consent that Senate Bill No. 37, on third reading, entitled:

An Act relating to air raid precautions, including blackouts; conferring certain powers and duties upon the State Council of Defense, local and district Councils of defense, political subdivisions, members of certain municipal and volunteer agencies and civilians necessary for the safety, defense and protection of civilians and property in the Commonwealth; providing for the mobilization, coordination and use of certain municipal agencies and volunteer agencies, including their personnel and equipment; providing for immunity from liability for injury or death to persons or damage to property under certain circumstances; and providing penalties.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 48, entitled:

An Act to add section one thousand one hundred and nine to the Act approved the twenty-fourth day of June, one thousand nine hundred and thirty-nine (P. L. 872), entitled "An act to consolidate, amend, and revise the Penal Laws of the Commonwealth," as amended, by prescribing additional penalties in the case of the commission of certain crimes during blackouts or air-raids and the confusion resulting thereafter.

And said bill having been read at length the second time.

On the question,

Will the Senate agree to the bill?

The first section was read.

On the question,

Will the Senate agree to the section?

Mr. KEPHART. Mr. President, I desire to offer amendments.

The Clerk read the amendments as follows:

Amend Section 1, page 2, lines 3 to 29, both inclusive, by underscoring all the words in said lines; Amend Section 1, page 3, lines 1 to 26, both inclusive, by underscoring all the words in said lines.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The title was read and agreed to.

And said bill as amended having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 49, entitled:

An Act suspending for a limited time all laws of the Commonwealth requiring the registration of trailers insofar as they require the registration of certain wagons or agricultural machinery drawn by a motor driven vehicle for certain purposes.

And said bill having been read at length the second time.

On the question,

Will the Senate agree to the bill?

Mr. SHAPIRO. Mr. President, I understand the gentleman from Lancaster, Senator Homsher, is the sponsor of Senate Bill No. 49, and I should like to interrogate him.

The PRESIDENT. Will the gentleman from Lancaster permit himself to be interrogated?

Mr. HOMSHER. Yes, Mr. President.

Mr. SHAPIRO. The preamble of this bill leads me to believe that it is the intent to avoid the necessity of tags, for the purpose of saving material necessary in the defense program. Is that correct?

Mr. HOMSHER. Mr. President, I should like the gentleman from Philadelphia to repeat the interrogation.

Mr. SHAPIRO. I understand from the preamble of Senate Bill No. 49, that its purpose is to avoid the necessity of having tags on farm vehicles, in order to save steel for the war defense program. Is that correct?

Mr. HOMSHER. That is the implied purpose, Mr. President.

Mr. SHAPIRO. I thought that was the implied purpose, because I find the bill also avoids the necessity of registering those vehicles. I can not see how that saves steel.

Will the gentleman from Lancaster tell us how the failure to register those vehicles will save steel for the defense program.

Mr. HOMSHER. Mr. President, it will indirectly cause a saving and it will save not only the amount of steel used in license plates, but indirectly it will save a lot of rubber; farmers can not get rubber for tires for trailer purposes.

Mr. SHAPIRO. Will the gentleman from Lancaster state how the failure to register vehicles will save rubber?

Mr. HOMSHER. There will be a saving of rubber because the farmer will be able to use an ordinary farm wagon instead of a rubber tired tractor, without the necessity of requiring a license to use that wagon. At one time a farmer will use one wagon for a certain purpose, to go one place, and the next time he will use another or smaller wagon to go for something else, and he is now required to get a trailer license for each one of those vehicles.

Mr. SHAPIRO. Is it the purpose then, Mr. President, to save the license fee to the farmer?

Mr. HOMSHER. It would save a license fee, no doubt about that.

Mr. SHAPIRO. Mr. President, it seems to me that this bill goes far beyond its purpose. However, I have called my suggestion to the attention of the gentleman from Lancaster, because I think if he wants the real purpose

of the bill preserved, some of us are willing to vote for the bill and will vote for this bill if the word "registration" is taken out and it is restricted merely to the purpose of avoiding the necessity for tags.

Mr. HOMSHER. At the present time, Mr. President, a farmer may at any time take a wagon over the road without having any trailer license for that wagon, excepting when he draws it by a tractor which is licensed; if he wants to use his tractor to do it, he can not do that under the present law, he would have to take a pair of horses to draw that wagon.

Mr. SHAPIRO. Or take out registration, Mr. President.

Mr. HOMSHER. Yes, for the wagon.

And the question recurring,

Will the Senate agree to the bill on second reading?

It was agreed to.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 56, (House Bill No. 8), on second reading, entitled:

An Act to further amend section two of and to add Sections four and five to the act, approved the seventh day of June, one thousand nine hundred seventeen (P. L. 600), entitled "An act providing that appointive officers and employes, employed by the Commonwealth of Pennsylvania in its civil service, or by any department, bureau, commission, or office thereof, or by any county, municipality, township, or school district, shall not be deemed or held to have resigned or abandoned their offices or employments by reason of enlistment, enrollment, or draft in the military or naval service of the United States or any branch or unit thereof, in time of war or contemplated war; prohibiting the removal from their offices or employments of such officers and employes during the period of their service in the Army or Navy; directing that one-half of the salaries or wages of such officers or employes as have dependent wives, children, or parents, and not exceeding two thousand dollars per annum, be paid during the term of their service in the Army or Navy to such dependents; authorizing the employment during said term of substitutes to perform the duties theretofore performed by such officers or employes, respectively, and providing for the compensation of such substitutes," by more fully defining amounts payable limiting the time such amounts are payable and limiting the conditions of resumption of office or employment.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL SIGNED

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) announced that the Chief Clerk having reported that the following bill had passed both houses of the General Assembly and the same being correct, the title was publicly read as follows:

Senate Bill No. 28, entitled:

An Act to further amend Section 801 of the act, approved the fifth day of May, one thousand nine hundred and thirty-three (P. L. 457), entitled "An act relating to the business of building and loan associations; providing for the organization and voluntary dissolution of such associations; defining the rights, powers, duties, liabilities, and immunities of such associations, and of their officers, directors, shareholders, solicitors, and other employes; prohibiting the transaction of business in this Commonwealth by foreign building and loan associations; conferring powers and imposing duties upon the courts, recorders of deeds, and certain State departments, commissions, and officers; establishing limitations of actions; imposing penalties; and repealing certain acts and parts of acts," by authorizing building and loan associations to act as fiscal agents of the United States Government for the sale of United States Defense Bonds and Defense Stamps, and permitting such associations to pledge their assets for the faithful performance of their duties as such agents.

Whereupon,

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the presence of the Senate signed the same.

REPORT FROM COMMITTEE

Mr. STIEFEL. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. STIEFEL, from the Committee on Appropriations reported as committed, Senate Bill No. 64, entitled:

A Supplement to the act approved March eleventh, one thousand nine hundred forty-two entitled "An act to provide for the expenses of the Extraordinary Session of the Legislature assembled February seventeenth, one thousand nine hundred forty-two in pursuance of the proclamation of the Governor of the Commonwealth dated February tenth, one thousand nine hundred forty-two, and the supplement thereto."

MOTION TO READ BILL THE FIRST TIME

Mr. GELTZ. Mr. President, I move that the Senate do now proceed to the first reading of all bills reported from committees for the first time at today's session.

Mr. EALY. Mr. President, I second the motion.

The motion was agreed to.

BILL ON FIRST READING

Agreeably to order.

The Senate proceeded to the first reading and consideration of Senate Bill No. 64, entitled:

A Supplement to the act approved March eleventh, one thousand nine hundred forty-two, entitled "An act to provide for the expenses of the Extraordinary Session of the Legislature assembled February seventeenth, one thousand nine hundred forty-two in pursuance of the proclamation of the Governor of the Commonwealth dated February tenth, one thousand nine hundred forty-two, and the supplement thereto."

And said bill having been read at length the first time.

Ordered, To be laid aside for second reading.

ADJOURNMENT

Mr. GELTZ. Mr. President, I move that the Senate do now adjourn until Tuesday, March 24, 1942, at 2:00 o'clock, p. m. Eastern War Time.

Mr. MILLER. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 6:29 o'clock, p. m. Eastern War Time until Tuesday, March 24, 1942, at 2:00 o'clock, p. m. Eastern War Time.

HOUSE OF REPRESENTATIVES

MONDAY, March 23, 1942

The House met at 9 p. m.
The SPEAKER (Elmer Kilroy) in the Chair.

PRAYER

The Chaplain Rev. Donald McFall offered the following prayer:

Almighty God, again we look to Thee in prayer in this place, to express the gratitude of our hearts unto Thee for our safe-keeping, not only as individuals but as a nation.

While there is discord and distress round about us, we beseech Thee to ever help us to be at peace with Thee, our God and Father. Enfold in Thy Grace all those to whom this war has brought distress and suffering. Be Thou everywhere a strong help and consolation.

Grant that according to Thy will we may do our duty toward our government, both State and National, to Thy glory. Rouse us from all sleep and weariness, that we may be better able to serve Thee, and those who call us friends. Give to each one of us a clear understanding of Thy will that we may be governed by it in all our decisions and actions.

We ask it all in the name of Jesus, the Christ. Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of Wednesday, March 18, 1942.

The Clerk proceeded to read the Journal of Wednesday, March 18, 1942, when, on motion of Mr. RANK, unanimously agreed to, the further reading was dispensed with and the Journal approved.

BILLS INTRODUCED AND REFERRED

By Mr. READINGER. HOUSE BILL No. 78.

An Act to amend section six of the act, approved the twenty-fourth day of June, one thousand eight hundred ninety-five (P. L. 212), entitled "An act to establish an intermediate court of appeal; regulating its constitution, officers, jurisdiction, powers, practice, and its relation to the Supreme Court and other courts; providing for the reports of its decisions, the compensation of the judges and other officers and the practice and costs on appeals from its judgments," by making further provision as to the preparation, custody and disposition of plates used in the printing of Superior Court Reports.

Referred to the Select Committee on Special Session Legislation.

By Mr. READINGER. HOUSE BILL No. 79.

An Act to further amend section seven of the act, approved the twelfth day of June, one thousand eight hundred seventy-eight (P. L. 201), entitled "An act to provide for the publication of the decisions of the supreme Court and the appointment of a state reporter," disposition of plates used in the printing of Supreme Court reports and Supreme Court advance sheets.

Referred to the Select Committee on Special Session Legislation.

By Messrs. HARE and STAMBAUGH. HOUSE BILL No. 80.

An Act requiring the Secretary of Health to purchase and install adequate equipment and hire sufficient employes, to enable the Bureau of Vital Statistics to speedily record birth records and issue birth certificates; authorizing the said secretary to temporarily suspend certain existing laws and making an appropriation.

Referred to the Select Committee on Special Session Legislation.

By Mr. AUKER. HOUSE BILL No. 81.

An Act making an appropriation to the State Council of Defense for allocation, on application of local councils of defense, to and expenditure by political subdivisions for the purpose of hiring guards for public and private water sheds, waterworks, reservoirs and other places of water supply.

Referred to the Select Committee on Special Session Legislation.

RESOLUTION INTRODUCED AND REFERRED

By Mr. ROSENFELD. RESOLUTION No. 33.

In the House of Representatives, March 18, 1942.

Whereas, The Pennsylvania State Defense Council adopted a resolution on July 29, 1941, requesting Pennsylvania employers to hire defense workers without regard to race, color, or creed, and recommended that "no discriminatory regulations be involved against any class, race or creed in placing men and women in defense industries," and that "the American spirit of equal opportunity for all and personal qualifications be made the sole criterion in all jobs," and

Whereas, Many public spirited organizations have for many years been engaged in combating such discrimination against workers in industry and have during these years accumulated a wealth of practical experience and information pertaining to this problem, and are ready and willing to render their services to the Commonwealth by placing at the command of the Council the knowledge and experience so gained; and

Whereas, Notwithstanding the efforts of said organizations and the resolution adopted by the Council, the obnoxious evil of discrimination still exists in our economic life; and

Whereas, No further effort by the Council has been made to eradicate this evil, and the Federal and State Employment Services still require applicants to indicate their religious affiliations and are not avoiding to offer to fill preferential needs (race, color or creed) of employers engaged in defense industries; therefore be it

Resolved, That the House of Representatives hereby directs the State Council of Defense to create a Board of Commissioners to deal with the problem of discrimination in employment in defense industries; to cooperate with the Federal and State Employment Services and such organizations which have made a study of this problem; to investigate and keep a record of all complaints, and make public its findings with regard thereto; and be it further

Resolved, That a copy of this resolution be transmitted by the Chief Clerk to the Director of the State Council of Defense, for immediate action.

Referred to the Select Committee on Special Session Legislation.

PETITIONS AND COMMUNICATIONS

The SPEAKER laid before the House the following communications which were read by the Clerk.

SCHOOLS

A resolution adopted by The Pennsylvania State Society of the Daughters of the American Revolution emphasizing the history and government of Pennsylvania in our school program.

Referred to the Select Committee on Special Session Legislation.

EMPLOYMENT

A communication from the Allied Motion Picture Theatre Owners of Western Pennsylvania, urging amendment to the Child Labor Laws.

Referred to the Select Committee on Special Session Legislation.

SENATE MESSAGE

AMENDED SENATE BILL CONCURRED IN BY SENATE

Th Clerk of the Senate being introduced informed that the Senate has concurred in the amendments made by the House of Representatives to Senate Bill numbered and entitled as follows, viz:

SENATE BILL No. 28

An Act to further amend Section 801 of the act, approved the fifth day of May, one thousand nine hundred and thirty-three (P. L. 457), entitled "An act relating to the business of building and loan associations, providing for the organization and voluntary dissolution of such associations; defining the rights, powers, duties, liabilities, and immunities of such associations, and of their officers, directors, shareholders, solicitors, and other employes; prohibiting the transaction of business in this Commonwealth by foreign building and loan associations; conferring powers and imposing duties upon the courts, recorders of deeds, and certain State departments, commissions, and officers; establishing limitations of actions; imposing penalties; and repealing certain acts and parts of acts", by authorizing building and loan associations to act as fiscal agents of the United States Government for the sale of United States Defense Bonds and Defense Stamps, and permitting such associations to pledge their assets for the faithful performance of their duties as such agents.

BILL SIGNED BY SPEAKER

Bill numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the title was publicly read as follows:

SENATE BILL No. 28

An Act to further amend Section 801 of the act approved the fifth day of May one thousand nine hundred and thirty-three (P. L. 457) entitled "An act relating to the business of building and loan associations providing for the organization and voluntary dissolution of such associations defining the rights powers duties liabilities and immunities of such associations and of their officers directors shareholders solicitors and other employes prohibiting the transaction of business in this Commonwealth by foreign building and loan associations conferring powers and imposing duties upon the courts recorders of deeds and certain State departments commissions and officers establishing limitations of actions imposing penalties and repealing certain acts and parts of acts" by authorizing building and loan associations to act as fiscal agents of the United States Government for the sale of United States Defense Bonds and Defense Stamps and permitting such associations to pledge their assets for the faithful performance of their duties as such agents

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

PERMISSION TO ADDRESS HOUSE

Mr. DIX asked and obtained unanimous consent to address the House.

Mr. Speaker, evidently the loud speaker next to the gentleman from Allegheny, Mr. Moran, who does not need any, is in working order while we on the other side where the Bible Belt resides do need one. Evidently it is a conspiracy so that I cannot defend myself.

Last week, Mr. Speaker, you made some remarks in regard to a certain member of the Bible Belt, charging that he had strayed from the narrow path and had fallen by the wayside. You inferred, Mr. Speaker, that all the members of the Bible Belt were all of like character. We feel over there that a cloud of suspicion has been raised upon the corner in which this Bible Belt sits and we believe no one can remove that suspicion except the Chair.

Mr. Speaker, I want to say "To err is human but to forgive is divine." We have forgiven our Member who has fallen by the wayside, and we would like to have the Chair at least explain to the Members of the House why he made the charge he did against the Bible Belt, and also if the Speaker feels he has hit below the belt he should be charitable enough to give us a clean bill.

I would thank the Speaker very much if he would explain, and would be glad to pause at this time to allow the Chair to make his defense.

The SPEAKER. The Chair could not hear the gentleman very well, but the reason the gentleman was classed as one of the Bible Belt was because the Minority Floor Leader, and the Majority Floor Leader, the Speaker and several others were in his home town, and of course, the places we visited did not know him.

Does that answer the question of the gentleman from Wayne?

Mr. DIX. It does, Mr. Speaker.

My real reason for arising here tonight was not in particular defense of the Bible Belt but to pay a tribute to American's greatest General, General MacArthur. As you all know he is the only man who has been able to stand up and make a defense against the armies of the Rising Sun. While the forces of Hong Kong, Singapore and the Dutch East Indies fell before the onslaught of the Japanese, General MacArthur was able to put up such a defense that Japan was stalemated and I think he deserves not only a tribute here in the hall of this House, but it would be a signal opportunity to pay this tribute to the General, because Pennsylvania is proud of him, Wayne County is proud of him and I am sure all of the people of America are proud of him.

I have written a few verses which I would like to read.

MacArthur at Bataan

The soldiers of the Rising Sun
Had victory gained on every field,
And with their nation's plaudits won
Would never any battle yield,
Flaunting the challenge at Bataan
To meet the army of Japan.

There, all day long, MacArthur's men
Had held the Japanese at bay,
And all day long by field and fen
The battle raged till close of day,
And when the bloody sun had set
The Filipinos held them yet.

And when night came, in row on row,
Dead men, with faces toward the sky,
Showed where they met their mortal foe,
And taught the living how to die,
For though outnumbered one to ten
Our heroes fought like valiant men.

At dawn a brigade to the right
Charged forward thru the cannon's smoke,
And drove the enemy to flight
As o'er the ridge the battle broke,
Till precious blood of heroes ran
In that famous Battle of Bataan.

The Japanese imbued with hate,
Came on and on, and in the air
Their pilots, daring death and fate,
Gathered like swarms of locust there,
But that Goliath soon was slain
And all their courage was in vain.

And now, whate'er the Future holds,
Long will the coming ages tell,
As Time its endless scroll unrolls,
How men, like martyrs, bravely fell,
And kept, as only Freemen can,
The rocky ridges of Bataan.

And in the annals of all Time,
There shall be long emblazoned there
A sacrifice that was sublime,
A soldier's epic, showing where
MacArthur proved himself a man
And wrecked the army of Japan.

PERMISSION TO ADDRESS HOUSE

Mr. AUKER asked and obtained unanimous consent to address the House.

Mr. Speaker, I will take just as short a time as I can on this very important subject of the delegation of legislative authority, because it has been a perplexing question among many minds on both sides of the Capitol as to just how to reach a solution.

On February 17th when His Excellency, the Governor, in his speech to the special session in his first supplemental call asked for "legislation authorizing the suspension or modification of existing laws that interfere with the prosecution of any war in which this nation is or may become engaged", I dare say I was as shocked as any other member of this House.

Since that time five weeks of special session have been held. The House and Senate and individual members therein have given much thought, study and consultation toward solving the problem of the Governor's first supplemental call, realizing that as time went on there is a real problem to be faced and to be met in order that the state of Pennsylvania, one of the foremost key industrial states in our war effort, should not be impeded or delayed in any way.

On March 12th, His Excellency, the Governor, addressed a communication to each Senator and Assemblyman, in which, by reason of his office which enables His Excellency to obtain a more comprehensive and all-over view of this particular subject than any Assemblyman, Senator, or group of Senators or Assemblymen, or department head can do, he listed twenty-two different subjects under which the laws pertaining to those subjects might or would have to be suspended or modified in order that Pennsylvania's war effort might not be impeded or delayed in any way. As one carefully reads and analyzes this communication it can readily be seen how complex, how far reaching and how gigantic would be the work of this special session in trying to repeal or modify the laws relating to these twenty-two subjects and the subsubjects thereunder.

I presume every member of this House has thoroughly studied and analyzed that letter. If not, I certainly now urge you to do so. In fact, I say it is impossible for this special session to do so. From my talks with many members of this House, of both parties, as well as some Senators, I believe this conclusion is well founded.

Not only is this true of these twenty-two different subjects but also of subjects that could not be foreseen by the Governor at the time the communication was written. Let me cite an outstanding example of this very thing.

In a recent conversation with Mr. Thomas, Acting Secretary of Mines, he informed me that Secretary Ickes had called on Pennsylvania for the mining of ten million additional tons of bituminous coal. Mr. Thomas further stated that approximately seven to eight per cent of the miners have been already called to the armed forces with no chance of deferment in sight. He stated to me that it would be impossible to increase the coal tonnage under present existing laws pertaining to mining, and that the production of coal would probably decrease owing to loss of manpower, and that the situation could not be helped unless certain laws relating to mining would be suspended during the time of the war effort. Here is a very concrete example why this special session or any other special session or recessed session cannot adequately cover the situation and solve the problem.

Mr. Speaker, I do not want to take the time of any Member of this House to go down over these twenty-two subjects but as an example I draw the attention of the Members of the House to Page 3 of this paper containing the supplemental subjects, Item 13, which takes into consideration all the subjects which might come under the Public Utility Commission and very many laws under the Public Utility Commission's jurisdiction that might have to be suspended in the future. As a concrete example of that, I have been informed recently that Secretary Ickes has called upon Pennsylvania to mine ten million additional tons of bituminous coal in order to keep the industries' war effort here in Pennsylvania rolling. I have been further reliably informed that about eight per cent of the miners in Pennsylvania have been taken into the armed forces of the country. How can Pennsylvania mine ten million additional tons of coal unless there are some suspensions of the mining laws. I know that we have to give up something and the miners and everybody else will have to give up something if we are going to make the right use of the war effort in Pennsylvania. Here is a very important example of why this special session or any other special session or recessed session cannot adequately cover the situation and solve the problem.

I am therefore submitting herewith a bill by which the Legislature will delegate that authority to a legis-

lative committee to suspend or modify laws after a hearing is held, and with the right of appeal to the courts by any aggrieved party or parties. However, after looking up the constitutional requirements, I find that the Legislature cannot delegate its authority to modify laws but it can delegate its authority in my opinion to suspend laws.

This solves the objection of delegating the legislative authority outside its own body. It solves the objection that a dictatorship is being reared or dictatorial powers are being requested. The decision of the committee would be unanimous and would be controlled by four Democrats and four Republicans. The time of the grant is limited to the next regular session, a short time of eight months. We are keeping the power within our own body. This may not be the solution. I only offer it for the consideration of the members for what it is worth. I am of the same conclusion, as are many others, that there must be some delegation of authority in order to properly do the job. Most certainly it is not the proper way to solve the problem if we are going to delegate the power or any powers of suspension or modification in any respect to any departmental head.

Last week, Mr. Speaker, or the week before there was introduced a bill concerning the Highway Department. That bill conferred power on the Secretary of Highways to suspend laws. I say that that is bad legislation. I most certainly do not and could not support such legislation, giving power to any departmental head to suspend laws.

That is worse than giving it to either the State Defense Council or to the Governor. Yet, there is one bill here in the House and on the calendar, House Bill No. 66, Printer's No. 25, in which the Secretary of Highways would be given authority and power for temporary suspension of laws relating to highways and motor vehicle traffic. That is bad legislation. I most certainly will not vote for such a bill and would do everything in my power to defeat it for that is even going way beyond that for which the Governor has asked. A departmental head is not even an elective officer but only an appointive officer and it is futile now to describe the injuries, harm, and disastrous results that might follow such a bill's becoming a law. The bill which I am about to present I believe is at least a step in the right direction and to my mind is the solution of this very vexing problem considering all the many, many, ramifications contained therein. I submit it with the urgent hope and plea that the idea contained therein will at least receive very earnest consideration at the hands of the Special Committee. Possibly the bill may have to be amended. Possibly a new bill redrafted in somewhat more comprehensive form. I do not care how it happens just so it happens and that this problem is solved so that the legislature will not have to sit here indefinitely at great cost to the people of Pennsylvania, or be continually recalled to the session after recesses with untold delays and at great expense to the state if we do not solve the problem in such way as expressed in this bill or some other similar bill.

Mr. Speaker, I earnestly plead with the Special Committee to think very carefully over this bill and the subject it approaches, and if they can find it within their discretion to report it out to the floor of this House, I most certainly urge that they do so, so that every Member of the House may have the right of saying whether this may or not be the proper solution.

With those thoughts in mind I am only offering this Bill so that we in some way may approach this problem, which is a very vexing problem, in the proper light. I thank you very much.

PERMISSION TO ADDRESS HOUSE

Mr. NAGEL asked and obtained unanimous consent to address the House.

Mr. Speaker, we are here at this time on serious business. We are here in the defense of our country whether we known it or not. All these bills before us pertain to national defense and I believe there is not a Member of this House present this evening who is not patriotic enough to give up his own life in the defense of our country. But it seems to me that we as American people do things sometimes that we should not do. We do dumb things in a dumb way. We are cautioned not to tell things that we ought not to tell, that might fall into the hands of the enemy and give them valuable information that would be ruinous to our cause in future times.

I want to call to the attention of the Members of this House an advertisement appearing in one of our magazines, none other than the Liberty Magazine, the issue of March 28th of this year. This is an advertisement placed in this magazine by the Greyhound Bus Corporation.

Before reading this advertisement let me preface my remarks, or preface the reading of this advertisement, by stating that I believe this corporation meant no harm in doing it, but I am going to read the advertisement for the information of this House. It is an innocent looking thing and no doubt there are but few members who have read it. They are interested in the editorials and the other articles in this magazine. This advertisement reads as follows:

> "This brings full-color defense map of America.
>
> Just off the press, lithographed in full colors—fit for framing. A defense map of America, showing hundreds of principle army, navy, marine camps and bases—also information on military insignia, rank of officers and men. Just mail this coupon to nearest Greyhound Information Office listed above."

It seems to me that this in effect says, "Here, Japs, we have prepared for you a map beforehand. It will save your spies the work of coming to this country and looking for these places, locating the points at which our boys are assembled in the defense of our country, and you can go ahead and bomb them without very much trouble."

I think this is wrong, and I think this advertisement should be condemned. I throw it out as a challenge to our newspapers of which we have reporters in this room this evening, that they print editorials condemning such advertisements, regardless of the fact that they are always glad to get advertisements. I am opposed to such work; I want to be patriotic, I want to serve my country and I know that every Member of this House is just as patriotic as I am, but I condemn such procedure. I thank you.

SENATE MESSAGE

TIME OF NEXT MEETING

The Clerk of the Senate being introduced presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, March 23, 1942.

Resolved (if the House of Representatives concur), That when the Senate adjourns this week, it reconvene on Monday, March 30, 1942, at four o'clock p.m., and when the House of Representatives adjourns this week, it reconvene on Monday, March 30, 1942, at nine o'clock p.m.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

On the question,

Will the House concur in the resolution of the Senate?

It was unanimously concurred in.

Ordered, That the Clerk inform the Senate accordingly.

BILL INTRODUCED AND REFERRED

By Mr. MODELL. HOUSE BILL No. 82.

An Act authorizing citizens committees during the war in which the United States is now engaged, to solicit and collect money and other property from the public for the use of air raid wardens, fire wardens and auxiliary police in defense activities; defining certain powers and duties of the chairmen of local defense councils, and suspending the operation of inconsistent laws.

Referred to the Select Committee on Special Session Legislation.

SENATE MESSAGE

SENATE BILLS FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence bills numbered and entitled as follows:

SENATE BILL No. 41. (HOUSE BILL No. 83).

An Act to further amend the act approved the fifth day of December, one thousand nine hundred and thirty-six (P. L. 2897, 1937), entitled "An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry and its existing and newly created agencies, with personnel (with certain exceptions) selected on a civil service basis, requiring employers to keep records and make reports and certain employers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons, providing procedure and administrative details for the determination, payment and collection of such contributions and the payment of such compensation, providing for cooperation with the Federal Government and its agencies, creating certain special funds in the custody of the State Treasurer and prescribing penalties," changing the provisions thereof and the rights, obligations and procedure thereunder.

Referred to the Select Committee on Special Session Legislation.

SENATE BILL No. 47. (HOUSE BILL No. 84).

An Act to suspend existing law providing for and requiring certain contracts or purchases made by the Commonwealth or any political subdivision thereof to be made with and from the lowest responsible bidder after notice by advertisement insofar as they apply to certain contracts and purchases and regulating the letting of contracts and the making of purchases by political subdivisions.

Referred to the Select Committee on Special Session Legislation.

SENATE BILL No. 58. (HOUSE BILL No. 85).

An Act to further amend section seven hundred two, to amend section seven hundred nineteen, and to further amend section eight hundred and six of the act, approved the third day of June, one thousand nine hundred and thirty-seven (P. L. 1225), entitled "An act concerning game and other wild birds and wild animals; and amending, revising, consolidating, and changing the law relating thereto," by vesting in the Pennsylvania Game Commission the power to adjust hours for hunting, training of dogs, and carrying certain firearms and ammunition.

Referred to the Select Committee on Special Session Legislation.

BILL INTRODUCED AND REFERRED

By Mr. FINNERTY. HOUSE BILL No. 86.

A Joint Resolution proposing an amendment to article nine of the Constitution of the Commonwealth of Pennsylvania, by adding section twenty thereto.

Referred to the Select Committee on Special Session Legislation.

BILL ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 58, entitled:

An Act authorizing the Department of Property and Supplies, with the approval of the Board of Commissioners of Public Grounds and Buildings to adopt certain rules and regulations governing purchases, sales and contracts of the Department of Property and Supplies on behalf of the Commonwealth during the continuation of the present war, and for six months thereafter, and suspending certain statutory provisions inconsistent with such rules and regulations.

The first section was read.

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. ACHTERMAN. Mr. Speaker, I move that this bill be recommitted to the Select Committee on Special Session Legislation for the purpose of further study and possible amendment.

The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 66, entitled:

An Act authorizing as a temporary emergency war measure the construction, repair, relocation, abandonment and vacation of certain roads, streets, highways, bridges and viaducts by the Department of Highways without complying with inconsistent existing laws relative thereto, and the temporary suspension of such laws by the Secretary of Highways.

The first section was read.
On the question,
Will the House agree to the section?

BILL RECOMMITTED

Mr. STANK. Mr. Speaker, I move that this bill be recommitted to the Select Committee on Special Session Legislation for the purpose of further study and possible amendment.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,
The House proceeded to the second reading and consideration of House Bill No. 64, entitled:

An Act suspending and modifying for the period of the present war and for a time thereafter the provisions of section two hundred fifty-one of the act, approved the second day of May, one thousand nine hundred and twenty-five (P. L. 448), entitled "An act relating to fish; and amending, revising, consolidating, and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth," and its amendments in so far as they authorize the Board of Fish Commissioners, when necessary to conserve the future fish supply, to close or open seasons and authorizing the closing and opening of seasons by said board for any emergency during said period.

And said bill having been read at length the second time and agreed to,
Ordered, To be transcribed for third reading.

Agreeably to order,
The House proceeded to the second reading and consideration of House Bill No. 68, entitled:

An Act to amend section two of the act, approved the tenth day of July, one thousand nine hundred thirty-five (P. L. 645), entitled "An act imposing certain requirements on certain hospitals receiving state aid; authorizing the withholding of appropriations; and imposing duties on the Department of Welfare," by providing that, during the present war and six months thereafter, funds shall not be withheld from hospitals for violation of such act, if the Secretary of Welfare determines that the constant attendance of a licensed physician or resident interne cannot be secured by such hospitals because of the war emergency.

And said bill having been read at length the second time and agreed to,
Ordered, To be transcribed for third reading.

Agreeably to order,
The House proceeded to the second reading and consideration of House Bill No. 65, entitled:

An Act suspending for the period of the present war emergency and for a time thereafter, the provisions of section six hundred three of the act, approved the third day of June, one thousand nine hundred thirty-seven (P. L. 1225), entitled "An act concerning game and other wild birds and wild animals; and amending, revising, consolidating, and changing the law relating thereto," and its amendments, in so far as they require traps or deadfalls used in the taking or killing of fur-bearing animals or predators to be marked with a metallic plate or tag, and providing for the use of other types of plates or tags as the commission may determine.

The first section was read.
On the question,
Will the House agree to the section?

BILL RECOMMITTED

Mr. ACHTERMAN. Mr. Speaker, I move that this bill be recommitted to the Select Committee on Special Session Legislation for the purpose of further study and possible amendment.

The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,
The House proceeded to the second reading and consideration of House Bill No. 72, entitled:

An Act authorizing, as a temporary emergency war measure, the making available of the facilities of state teachers' colleges for vocational or defense education purposes, and the temporary suspension of laws inconsistent therewith, upon findings by the board of trustees of the state teachers' college, the State Council of Education and the State Council of Defense.

And said bill having been read at length the second time and agreed to,
Ordered, To be transcribed for third reading.

Agreeably to order,
The House proceeded to the second reading and consideration of House Bill No. 61, (Senate Bill No. 42), entitled:

An Act to suspend and modify existing law providing for and requiring the use of plates or tags as evidence of the payment of any license or registration fee insofar as such laws require the use of plates or tags manufactured of metal and by authorizing the use of other material in whole or in part.

The first section was read.
On the question,
Will the House agree to the section?

Messrs. WINNER and TARR offered the following amendments:

Amend Sec. 1, page 1, line 5, by inserting after the word "of" where it first appears in said line, the following: "(1)".

Amend Sec. 1, page 1, line 6, by inserting after the word "fee" where it appears the second time in said line, the following: "or (2) in compliance with any other legal requirement".

Amend Sec. 1, page 2, line 8, by inserting after the word "tags" the following: "or charged with the administration of any law requiring such use or display".

Amend Sec. 1, page 2, line 13, by inserting after the word "licensing" the following: "or compliance with any other legal requirement".

They were agreed to.
The section was agreed to as amended.
The title was read.
On the question,
Will the House agree to the title?

Messrs. WINNER and TARR offered the following amendments:

Amend title, page 1, line 2 of title, by inserting after the word "of" at the end of said line, the following: "(1)".

Amend title, page 1, line 3 of title, by inserting after the word "fee" the following: "or (2) in compliance with any other legal requirement".

They were agreed to.

The title was agreed to as amended.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 42, entitled:

An Act to further amend section eight of the act, approved the nineteenth day of March, one thousand nine hundred nine (P. L. 46), entitled "An act to regulate the practice of osteopathy in the State of Pennsylvania; to provide for the establishment of a State Board of Osteopathic Examiners; to define the powers and duties of said Board of Osteopathic Examiners to provide for the examining and licensing of osteopaths in this State; and to provide penalties for the violation of this act," by further regulating for a limited period the time necessary for graduation and for admission to practice as osteopathic physicians and surgeons in this State.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for third reading.

BILL ON FINAL PASSAGE

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 24, as follows:

An Act relating to air raid precautions including blackouts conferring certain powers and duties upon the State Council of Defense local and district Councils of Defense political subdivisions members of certain municipal and volunteer agencies and civilians necessary for the safety defense and protection of civilians and property in the Commonwealth providing for the mobilization coordination and use of certain municipal agencies and volunteer agencies including their personnel and equipment providing for immunity from liability for injury or death to persons or damage to property under certain circumstances and providing penalties

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Whereas the supreme emergency of the world-wide war has resulted in conditions of imminent danger to the lives and property of the citizens of the United States and of this Commonwealth from air raids calling for a state preparedness to meet such danger and

Whereas an adequate defense to air raids is vital to the protection and security of persons and property and the furtherance of the prosecution of the war and

Whereas an united and coordinated effort to civilians and state local and volunteer agencies and facilities is essential in formulating and complying with precautionary measures to meet the emergency

Section 1 This act shall be known and may be cited as the "Air Raid Precautions Act"

Section 2 The following words and phrases shall have the meaning ascribed to them in this section

"Attack" shall mean all conditions of hostile air raid attack

"Drill" shall mean air raid drill and practice blackout

"During attack or drill" shall mean immediately prior to during and immediately subsequent to an air raid drill practice blackout or all actual conditions of hostile air raid attack

"Local and District Councils of Defense" shall mean such councils established under the provisions of the act approved the nineteenth day of March one thousand nine hundred and forty-one (P. L. 6)

"Municipal agencies" shall mean and include police fire sanitation sewer water engineering and all other regular municipal agencies manned by officers and employes of a political subdivision of the Commonwealth charged with duties and responsibilities in connection with civilian protection

"Political subdivision" shall mean any county city borough incorporated town and township

"State Council of Defense" shall mean such council established under the provisions of the act approved the nineteenth day of March one thousand nine hundred and forty-one (P. L. 6)

"Volunteer agencies" shall mean and include air raid wardens auxiliary police auxiliary firemen bomb squads rescue squads medical forces nurses' aides repair crews decontamination corps demolition crews and all other civilian protection forces and services charged with duties and responsibilities in connection with civilian protection

Section 3 (a) The State Council of Defense shall during the continuance of the existing state of war between the United States and any foreign country have the power and its duty shall be to take such precautionary measures as may be necessary for the safety defense and protection of the civilian population of the Commonwealth and property within the Commonwealth with respect to air raids In furtherance of this power and duty the State Council of Defense shall have power to adopt promulgate and enforce rules regulations and orders for this purpose The State Council of Defense shall cause such rules regulations and orders to be published and disseminated in the Commonwealth in such manner and to such extent as it shall deem necessary and advisable Such rules regulations and orders adopted by the State Council of Defense shall have the same force as if they formed a part of this act Subject to the provisions of this act and without limiting the general power conferred above the State Council of Defense shall have the power and its duty shall be to make rules regulations and orders regarding

(1) The organization recruiting training maintenance and operation of aircraft warning services observation and listening posts information and control centers including the location thereof and such other services and facilities as may be necessary for the prompt reception and transmission of air raid warnings and drills

(2) The formulation and execution of plans for the carrying out of practice blackouts air raid drills and warnings and of all precautionary measures under actual conditions of hostile air raids or enemy attack

(3) The organization recruiting training conduct and duties and powers of volunteer agencies

(4) The effective screening or extinguishment of all lights and lighting devices and appliances

(5) The conduct of civilians and the movement and cessation of pedestrian and vehicular traffic during attack or drill

(6) The evacuation of civilian populations from dangerous or damaged areas

(7) The mobilization and coordination of municipal and volunteer agencies and the use of the personnel and equipment of such agencies wherever needed in the Commonwealth

(b) Local and district Councils of Defense shall have the power to adopt promulgate and enforce rules regulations and orders not inconsistent with rules regulations and orders adopted by the State Council of Defense with respect to the foregoing matters Provided however That no rule regulation or other order of any local or district council of defense shall become effective unless and until it shall have received the prior approval of the State Council of Defense

Section 4 It shall be the duty of every local and district Council of Defense to execute and enforce such plans rules regulations and orders as the State Council

of Defense shall adopt and promulgate The State Council of Defense is hereby authorized to designate and require agencies to aid and assist the council in the discharge of one or more of its powers and duties under this act and to grant authority to such agencies as may be deemed necessary for the effective accomplishment of any of its functions powers and duties

Section 5 The State Council of Defense in providing for the mobilization and coordination of municipal and volunteer agencies shall have power to make the personnel and equipment of such agencies available for duty and use in any political subdivision other than the political subdivision in which such personnel and equipment are normally used employed or act Unless existing or future voluntary agreements between political subdivisions require otherwise the use of personnel and equipment of any municipal agencies in any political subdivision other than the political subdivision in which they normally are used employed or act shall be without charge or expense to such political subdivision Whenever any part of the regular personnel of any municipal agency of any political subdivision are engaged under the provisions of this act in rendering services in another political subdivision such personnel shall have the same powers duties rights privileges and immunities as if they were performing their duties in the political subdivision in which they are normally employed or act

Section 6 Whenever the United States or any agency or officer thereof shall offer equipment supplies materials or funds for or relating to air raid defense activities to the Commonwealth or to any political subdivision thereof the Commonwealth or political subdivision is hereby authorized to accept such offer and the State Council of Defense shall have power and its duties shall be to adopt promulgate and enforce rules regulations and orders for the use of such equipment supplies materials and funds subject to the terms of the offer and subject also to the rules and regulations of the Federal agency making the offer

Section 7 Neither the Commonwealth or any political subdivision thereof nor their agents or representatives nor any member of a municipal or volunteer agency nor any individual partnership association corporation trustee receiver or any of the agents thereof in good faith carrying out complying with or attempting to comply with any law or duly promulgated rule regulation or order relating to blackouts air raid drills or other activities connected with the protection of the civil population from air raids or enemy attacks shall be liable for any injury or death to persons or damage to property as the result of such activity The foregoing shall not affect the right of any person to receive benefits to which he might otherwise be entitled under the Workmen's Compensation Law any pension law nor the right of any member of a volunteer agency to receive any benefits or compensation under any act of Congress

Section 8 The provisions of this act and rules regulations and orders adopted and promulgated under the provisions of this act shall be enforced by the State Council of Defense local and district councils of defense political subdivisions and municipal and volunteer agencies Subject to limitations contained in rules regulations and orders of the State Council of Defense members of volunteer agencies shall have the powers of peace officers for the purpose of enforcing rules regulations and orders adopted and promulgated for the purpose of enforcing this act provided however that such powers shall not be exercised or performed by them except while they are on active duty and displaying an authorized identifying badge or other insignia during an air raid drill or attack

Section 9 Any person violating any of the provisions of this act or any of the rules regulations and orders adopted and promulgated under this act by the State Council of Defense or any local or district council of defense or who shall fail to comply with any instructions lawfully given by any member of a municipal or volunteer agency or any person who shall without authority wear or display any official insignia authorized by the State Council of Defense or a local or district council of defense for use by members of any municipal or volunteer agency shall upon conviction thereof in a summary proceeding be sentenced to pay a fine of not exceeding two hundred dollars ($200) or imprisonment not exceeding ninety (90) days or both

Section 10 Whoever shall knowingly and wilfully utter any false air raid alarm signal or warning or who shall simulate any official air raid signal or warning or shall wilfully break injure or remove any mechanical warning or signal device used therefor shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1,000) or imprisonment for a term not exceeding two (2) years or both Provided however That any air raid alarm signal or warning uttered by any person in connection with any duly authorized air raid drill or practice blackout shall not be deemed to be a false air raid alarm signal or warning within the meaning of this section

Section 11 This act shall become effective immediately upon its final enactment and shall continue in full force and effect during the continuance of the existing state of war between the United States and any foreign country

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pas finally?

Agreably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Foor,	Malloy,	Rosenfeld,
Auker,	French,	Marks,	Royer,
Baker,	Gallagher,	Maxwell,	Rush,
Balthaser,	Gates,	McClanaghan,	Sarge,
Baugher,	Gerard,	McClester,	Sarraf,
Bentley,	Gillan,	McDermott,	Scanlon,
Bentzel,	Goodwin,	McDowell,	Schwab,
Boles,	Greenwood,	McFall	Serrill,
Boney	Gross,	McGrath,	Shaffer,
Boorse,	Gryskewicz,	McIntosh,	Shaw,
Bower,	Gyger,	McKinney,	Shepard,
Bradley,	Habbyshaw,	McLanahan,	Simons,
Breth,	Haberlen,	McLane,	Skale,
Bretherick,	Haines,	McMillen,	Snyder,
Brown,	Hall,	McSurdy,	Sollenberger,
Brunner, C H.,	Hamilton,	Melchiorre,	Sorg,
Brunner, P. A.,	Hare,	Mihm,	Stambaugh,
Burns,	Harmuth,	Modell,	Stank,
Burris,	Harris,	Monks,	Stine,
Cadwalader,	Heatherington,	Mooney,	Stockham,
Chervenak,	Helm,	Moran,	Tarr,
Chudoff,	Hering,	Moul,	Tate,
Cochran,	Herman,	Muir,	Taylor,
Cohen, M. M.,	Hersch,	Munley,	Thompson, E. F.,
Cohen, R. E.,	Hewitt,	Nagel,	Thompson, R. L.,
Cook,	Hirsch,	Nunemacher,	Trout,
Cooper,	Holland,	O'Brien,	Turner,
Cordier,	Huntley,	O'Connor	VanAllsburg,
Corrigan,	Imbrie,	O'Dare,	Verona,
Croop,	James,	O'Mullen,	Vincent,
Cullen,	Jefferson,	O'Neill,	Vogt,
Dalrymple,	Jones, G. E.,	Owens,	Voldow,
Dennison,	Jones, P. N.,	Petrosky,	Wagner,
DiGenova,	Keenan,	Pettit,	Watkins,
Dix,	Kenehan,	Polaski,	Weingartner,
Dolon,	Kline,	Polen,	Weiss,
D'Ortona,	Knoble,	Powers,	Welsh, E. B.,
Duffy,	Kolankiewicz,	Prosen,	Welsh, M. J.,
Early,	Komorofski,	Rank,	Wilkinson,
Eckels,	Krise,	Rausch,	Williams,
Elder,	Lee, E. A.,	Readinger,	Winner,
Elliott,	Lee, T. H.,	Reagan,	Wolf,
Ely,	Leisey,	Reese, D. P.,	Wood, L. H.,
Falkenstein,	Leonard,	Reese, R. E.,	Wood, N.,
Finestone,	Lesko,	Regan,	Woodring,
Finnerty,	Levy,	Reynolds,	Wright,
Fisher,	Leydic,	Rhea,	Yeakel,
Fiss,	Lichtenwalter,	Riley,	Yester,
Fleming,	Longo,	Rooney,	Young,
Fletcher,	Lovett,	Rose, S.,	Kilroy,
Flynn,	Lyons,	Rose, W. E.,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL ON THIRD READING

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. MELCHIORRE.

The House resumed the consideration on third reading of House Bill No. 29, as follows:

An Act relating to air raid precautions and the prevention of sabotage in cities of the first class creating a Board of Inspection in the Department of Public Works in such cities imposing powers and duties on such boards and any lessee of water and gas mains owned by such cities and repealing inconsistent legislation

Whereas The probability of serious damage to gas and water facilities in cities of the first class by reason of sabotage and air raids creates a menace to the health morals and welfare of the people of said cities and

Whereas Constant inspection replacement and repair of said facilities will minimize the danger and the damage that may be caused thereby it is therefore declared to be the policy of this General Assembly that in its considered judgment the public good and general welfare of the citizens of cities of the first class require legislation relating to the prevention of such damage by sabotage and air raids therefore

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 There is hereby created in all cities of the first class a Board of Inspection consisting of five members to be appointed by the Director of Public Works whose duty and function shall be to inspect or investigate complaints concerning gas and water mains and order and effect replacements or repairs to all gas or water mains or any and all connections thereof found to be in a defective or dangerous condition The board shall consist of a civil engineer from the Department of Public Works and four employes of the Department of Public Works and shall receive no additional compensation for performing their duties in accordance with the provisions of this act

Section 2 The Board of Inspection shall supervise the activities of all employes of the Department of Public Works charged with the duty of inspecting and repairing or replacing all water mains or any connections thereof and shall keep records of all complaints received from citizens of such cities from all sources These records shall be open to the public for inspection All complaints affecting gas mains or connections thereof shall be immediately forwarded to any and all lessees of any municipally owned gas works and a record thereof kept and the Board of Inspection shall require any such lessee to immediately notify it of any complaints or any pertinent information such lessee shall have received relative to the condition of any gas or water main or connections thereof All such records shall be public documents and shall be kept for a period of five years by the board

Section 3 Immediately after the effective date of this act the said Board of Inspection shall cause inspection of all mains thirty years old or over to be made immediately and thereafter once every year to determine whether such mains or connections thereof are in a safe condition and not hazardous to the public and shall also test soundings in cases of all mains relative to which complaints have been filed by any citizen or official of such first class city Where such mains are found to be defective and require repairs or replacements the board shall immediately order such repairs or replacements to be made In the case of any gas works or water works leased by the city to others the board shall order such lessee in conformity with such contract of lease to make all necessary repairs and replacements or shall take other immediate steps that such dangerous or defective condition shall be immediately corrected

Section 4 The Board of Inspection shall employ all recent and modern methods available to insure proper inspection of all mains or connections thereof in accordance with best engineering practice

Section 5 The said Board of Public Inspection shall be charged with the duty of conducting all investigations into complaints relative to the condition of such gas or water mains or connections thereof as quickly as possible and of effectuating all repairs or replacements as soon as it is possible for such repairs or replacements to be made

Section 6 The provisions of this act shall be severable and if any of the provisions shall be held to be unconstitutional such decision shall not affect the validity of any of the remaining provisions of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provision not been included therein

Section 7 All acts and parts of acts inconsistent with the provisions of this act are hereby repealed

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

QUESTION OF INFORMATION

Mr. MORAN. Mr. Speaker, I rise to a question of information.

The SPEAKER. The gentleman from Allegheny will state his question of information.

Mr. MORAN. Mr. Speaker, does this bill affect first class cities only?

The SPEAKER. Will the gentleman from Philadelphia, Mr. Melchiorre, permit himself to be interrogated?

Mr. MELCHIORRE. I shall, Mr. Speaker.

The SPEAKER. The gentleman from Allegheny, Mr. Moran, will please repeat his question.

Mr. MORAN. I would like, Mr. Speaker, to ask the gentleman from Philadelphia, Mr. Melchiorre, whether or not this bill affects only first class cities?

Mr. MELCHIORRE. Mr. Speaker, that is correct.

Mr. MORAN. That is all, Mr. Speaker.

Mr. TURNER. Mr. Speaker, I desire to interrogate the gentleman from Philadelphia, Mr. Melchiorre.

The SPEAKER. Will the gentleman from Philadelphia permit himself to be interrogated?

Mr. MELCHIORRE. I shall, Mr. Speaker.

Mr. TURNER. Mr. Speaker, will the gentleman from Philadelphia explain the purpose of this bill?

Mr. MELCHIORRE. Mr. Speaker, this bill is similar to the one that was passed by this House at the last session of the legislature without a dissenting vote. It requires the Department of Highways in the City of Philadelphia to have inspections of the gas and water mains at least once a year for the purpose of seeing whether or not the pipes are in good condition.

Mr. TURNER. Mr. Speaker, does the gentleman from Philadelphia believe that this comes within the call of the Governor?

Mr. MELCHIORRE. Mr. Speaker, I believe that it does.

Mr. TURNER. In what way, Mr. Speaker?

Mr. MELCHIORRE. Mr. Speaker, this is a defense measure, as I see it. With the gas and water mains exploding as they have in the past in the City of Philadelphia and with the war going on, it does not make conditions any better, but makes them worse. We think that a measure of this kind should prevail during the period of the war and for all time.

Mr. TURNER. Mr. Speaker, even if this bill does pertain to national defense how does it come within the call?

Mr. MELCHIORRE. Mr. Speaker, we all have different interpretations as to what the Governor's call should include and as to what measures we would like to introduce. In my opinion this measure comes within the call, and the Legislative Reference Bureau has prepared the bill for me and my colleague from my district and we have introduced it.

Mr. TURNER. Mr. Speaker, as coming from a great constitutional lawyer from Philadelphia, I will have to accept it in that way, I suppose.

Mr. HERING. Mr. Speaker, I desire to interrogate the gentleman from Philadelphia, Mr. Melchiorre.

The SPEAKER. Will the gentleman from Philadelphia permit himself to be interrogated?

Mr. MELCHIORRE. I shall, Mr. Speaker.

Mr. HERING. Mr. Speaker, I would like to ask the gentleman if he knows just how many miles of water lines are involved in this bill?

Mr. MELCHIORRE. I do not know, Mr. Speaker.

Mr. HERING. Mr. Speaker, will the gentleman from Philadelphia take my amount of piping as a correct amount?

Mr. MELCHIORRE. Mr. Speaker, I will take the gentleman's figures as being the correct amount if he knows it, but I do not see what reference the gentleman's question has to this measure.

Mr. HERING. Mr. Speaker, will the gentleman from Philadelphia, Mr. Melchiorre, say that twelve hundred miles of piping are involved which are thirty years old or over?

Mr. MELCHIORRE. Mr. Speaker, I do not know, I am not a plumber.

Mr. HERING. Mr. Speaker, will the gentleman from Philadelphia, Mr. Melchiorre, also say that there are twelve hundred of miles of gas piping in Philadelphia?

Mr. MELCHIORRE. Mr. Speaker, I certainly do not know that.

Mr. HERING. Mr. Speaker, how would the gentleman expect the Gas Company to inspect the gas mains?

Mr. MELCHIORRE. Mr. Speaker, under the Board set up in this act.

Mr. HERING. Mr. Speaker, how would the gentleman expect the board to inspect the pipe?

Mr. MELCHIORRE. It is up to the Highway Department, Mr. Speaker, to set up a method.

Mr. HERING. Mr. Speaker, does not the gentleman mean the Department of Public Works?

Mr. MELCHIORRE. I am sorry, yes, the Department of Public Works.

Mr. HERING. Mr. Speaker, would the gentleman say that the digging up of the gas and water mains would be the correct way of inspecting them?

Mr. MELCHIORRE. Mr. Speaker, I think that the question is a little bit too deep, and the pipes are a little bit too deep.

Mr. HERING. Mr. Speaker, would the gentleman from Philadelphia then agree that it would cost three dollars per foot to dig up the gas mains and three dollars per foot to dig up the water mains in order to inspect them?

Mr. MELCHIORRE. Mr. Speaker, this bill as I understand it, does not mean if it is passed and is signed by the Governor that the department to which is delegated this power would have to tear up all the streets in Philadelphia in order to find out whether the gas or water mains have leaks in them. Only where complaints come in would they take up the question of finding out what is wrong and what is necessary to replace and fix the gas and water mains.

Mr. HERING. Mr. Speaker, does the sponsor of this bill believe that after a person has been killed, which I believe is the reason for his introducing this bill,—does the sponsor think such a person is capable of making a complaint?

Mr. MELCHIORRE. Mr. Speaker, I can only answer that by saying if the gentleman from Philadelphia, Mr. Hering, was in one of those explosions he would not be able to explain it either.

Mr. HERING. Mr. Speaker, I would be the last one to ever rise on this floor and ask any Member to explain a bill in detail but this happens to be a bill in which I have a great deal of interest. One of the reasons I have quite a great interest in this bill is because I very well realize what the taxpayers and what the gas consumers and what the property owners would have to pay if it should become a law, because the proper way to inspect gas and water mains would be to dig up the streets. If the street has a double car track on it, from my dealings with the city, I would say that probably for three months the streets would be dug up and the P.T.C. would have to come along and remove the car tracks and put them on another street. Under the present emergency where you have to have a priority, when you have to wait so long for materials, I would say that at least three months more would be consumed before your street would be filled up and restored to use by the public.

Mr. Speaker, what causes most of the gas and water mains to break? Not the length of time they have been in the ground but frost and the poor sewerage system we have in Philadelphia. If one were to look at the sewerage system in Philadelphia, they would find many streets where they have had a cavein and the Department of Highways of the city comes along and continually dumps more dirt in the hole. Finally the pressure becomes so great that a crack occurs. At this time of the year particularly, there is a great amount of pressure by the heavy trucks and the continual removal of the ground that has been filled in in some way or another. I can see no sense for passing a bill like this that would probably mean an expenditure of fifteen million dollars by the city and fifteen million dollars by the gas company,—and I

would say that would be a very small figure, even if it could be accomplished, with the trouble we have today to get men to do the work, and with the trouble we have of getting materials. I cannot see the idea of passing the bill at this time and I am going to ask the Members of this House, much as I dislike to do so, to vote against it.

Mr. D'ORTONA. Mr. Speaker, as to the purpose of introducing this Bill after that terrible tragedy in Philadelphia last year, not so long ago, about two months ago, you gentlemen no doubt read in the newspapers where through a gas leak in a gas main in the street three people went to bed at eight o'clock at night and they were found dead the next morning. Only two weeks ago the coroner's jury found that the cause of death was through a leak in the gas main. If my good friend from Philadelphia, Mr. Hering, would read through the Bill he would recall that in our investigation when we asked for the records of the U.G.I. and the City of Philadelphia they said in all repairs that were made they did not keep any records. Our bill calls for records to be kept of all repairs for at least a period of five years.

Mr. Speaker, if we are going to place money above lives of people then I say that you should vote against this Bill, but it is our solemn duty to our people back home to show them that we are here to do something to protect their lives.

Also, Mr. Speaker, about three weeks ago, at Twenty-second Street and Lehigh Avenue, through your gas mains you had explosions. It is lucky that those explosions happened in the streets because if those explosions had happened as they did on Greenwich Street in the homes there, we probably would have had the same tragedy that we had on February 11, 1941. I want to say to the members of the House, regardless of what it would cost the U.G.I. or Philadelphia, I would say that people's lives come first. We are doing everything in this war to try to save the lives of the people and this is one measure by which we can save the lives of some of the people in the City of Philadelphia, and I say lives come before money.

Mr. TURNER. Mr. Speaker, I said a few moments ago I would accept the opinion of the constitutional lawyer of Philadelphia, my good friend, Mr. Melchiorre. That is the first time in my acquaintance with him that he has fooled me.

I am in sympathy with the desires of the gentlemen from Philadelphia to prevent breaks in the mains which are causing death and which cause great damage not only to property of individuals who are directly concerned but also to the property of others. I would therefore stretch many a point to help these people to protect themselves. But this is not a question on the merits of the measure, as I see it. While the title of this bill says it has something to do with air raids and sabotage, if you will read the bill itself there is nothing in the bill that pertains to air raids and sabotage. The bill provides for the setting up of a board to receive complaints and to inspect, as the gentleman from Philadelphia just said, and to keep a record of the breaks and of the complaints. There is nothing within the call of the Governor which provides for any such legislation. If the bill had been written so that it said that this commission or committee had something to do with sabotage or in the event of air raids to take care of the condition of the streets that would seem to me to be a part of the work of the Department of Public Affairs or Public Streets in the city of Philadelphia and not part of some separate commission to be created, which would mean a dual commission.

Therefore, Mr. Speaker, because it seems to me it would be a shame to defeat a bill with such a high purpose just because we may think it was outside of the call, I ask the gentleman if he would not agree to place the bill on the postponed calendar for the present.

Mr. EDWIN A. LEE. Mr. Speaker and members of the House, this bill has nothing to do with sabotage. I am from Germantown where thousands of homes of people are heated by steam heat. Every once in a while something goes off up in the air but no one gets killed and I do not think we have the right to place the costs of this inspection either upon the city of Philadelphia or upon the gas works of the city of Philadelphia. If we are to create a board under this bill, let us make it a board that will have jurisdiction over accidents caused by live steam.

Mr. TURNER. Mr. Speaker, I desire to interrogate the gentleman from Philadelphia, Mr. Melchiorre.

The SPEAKER. Will the gentleman from Philadelphia permit himself to be interrogated?

Mr. MELCHIORRE. I shall, Mr. Speaker.

Mr. TURNER. Mr. Speaker, in view of the fact that it appears to me clearly that the bill is not within the call of the Governor, I am wondering whether the gentleman from Philadelphia would not place this bill upon the postponed calendar for the present.

Mr. MELCHIORRE. Mr. Speaker, this bill has been on the calendar for quite some time and I specifically placed it on the postponed calendar because some of the individual members did not like the bill in its present form and wanted to offer amendments, but up to the present time none of those individuals have offered amendments. I cannot see any reason why we should continue the bill on the postponed calendar.

CONSTITUTIONAL POINT OF ORDER

Mr. TURNER. Mr. Speaker, I rise to a constitutional point of order.

The SPEAKER. The gentleman will state his constitutional point of forder.

Mr. TURNER. Mr. Speaker, I raise the constitutional question that this bill is not within the call of the Governor.

The SPEAKER. The gentleman from Delaware, Mr. Turner, raises the constitutional point of order that House Bill No. 29, Printer's No. 10 is unconstitutional and violates Article 3, Section 25 of the Constitution. Under Rule 4 the Speaker is required to submit questions affecting the constitutionality of a bill to the House for decision, which the Chair now does.

On the question,

Will the House sustain the constitutional point of order?

Mr. MELCHIORRE. Mr. Speaker, before asking for a roll call I would like to state to the gentleman from Delaware, Mr. Turner, when he says that this Bill does not come within the Governor's call that I believe in my own humble opinion under the supplemental proclamation of the Governor, Point 4, which reads as follows: "Legislation providing for and facilitating the mobilization and use of fire fighting forces and equipment for na-

tional defense purposes," this bill comes under that section of the supplemental proclamation of the Governor and is within the Governor's call.

To the individuals who may think I am very foolish in making this statement, I will say that if they happend to be in any of the streets in the city of Philadelphia and a gas main exploded, and they found that the fire plug did not work as was the case during the last explosion which we had in Philadelphia, they would not think it would be so funny not to have water with which to fight the fire.

Mr. Speaker, I ask for a roll call on the point of order raised by the gentleman from Delaware, Mr. Turner.

Mr. TURNER. Mr. Speaker, I regret very much to raise this point on a bill which I know the gentleman from Philadelphia has introduced with the idea that it is going to be helpful in a situation in Philadelphia which is intolerable. However, no matter where my sympathies may be, I certainly would hate to be accused of doing anything that would prevent the fire fighting equipment of Philadelphia from receiving all the water is necessary and all the equipment and help is necessary to fight fires. Certainly if there were an air attack and pipes were broken by reason of that, it would not have any relation to the question of an ordinary break but would be caused by the explosion of bombs that were directed towards the city of Philadelphia.

Mr. Speaker, there isn't anything in this Bill that pertains to clause No. 4. The gentleman has been very adroit in raising the question of legislation providing for and facilitating the mobilization and use of fire fighting forces and equipment for national defense purposes. I do not believe that anybody can say that mobilization of fire fighting equipment means pipes or fire plugs or water supplies. We all know that the question involved has been one which the Civilian Defense Council has had before it since the beginning of civilian defense, and that is the ability to take fire fighting equipment from one community to another.

This Bill merely sets up a Board of Inspection consisting of five members, and their duty and function shall be to inspect and to investigate complaints concerning gas and water mains, and make replacements and repairs to all gas and water mains found to be in a defective or dangerous condition.

How can you get that within the call? It seems to me that if we permit our feelings to run away with us in legislation and in all the matters in which we may be interested just because they may have some sentimental attachment or because we feel some patriotic fervor to help them along, we will be in a lot of trouble in this session of the legislature.

Therefore, Mr. Speaker, much as I regret it, I ask the members of the House to vote to sustain the point of order.

Mr. D'ORTONA. Mr. Speaker, in clause 4 of the Governor's proclamation, he refers to "legislation relating to air-raid precautions and blackouts". I say this bill would come under the call of the Governor because if during a blackout a gas explosion should occur it would be very dangerous to the citizens of our City.

In this morning's editorial in the Philadelphia Inquirer we find that Philadelphia's storage of water is so low that the people have been asked to use as little as possible because there is a water shortage by reason of leaks. I do not know how many people here have ever seen a fire where water could not be gotten. I do not know how many people here have seen people run out of their homes, and although there was a fire plug right near the home, they could not get any water from that plug, and they had to go two blocks from there, and before they got water the place had burned down. I do not see any reason why any one should be against a bill of this type, because the purpose of this bill is to save the lives of people and not to have people scared to death, not knowing when the next explosion is going to happen.

I might say, Mr. Speaker, that during our investigation the engineers of the U.G.I. Company stated that the frost line in the City of Philadelphia is three feet deep but they had their gas mains only two feet deep. Then you wonder why in cold weather we have these breaks in the mains. It is a statement from their own engineers, that the frost line is three feet but they only have their pipes two feet deep.

Mr. O'BRIEN. Mr. Speaker, not under the guise of the constitutionality of this bill but as a taxpayer in the city of Philadelphia and as a member of this House, I would like to interrogate the gentleman from Philadelphia, Mr. Hering.

The SPEAKER. Will the gentleman from Philadelphia permit himself to be interrogated?

Mr. HERING. I shall, Mr. Speaker.

Mr. O'BRIEN. Mr. Speaker, the gentleman from Philadelphia, Mr. Hering, pointed out the fact that all this cost would in all probability fall on the taxpayers, the innocent taxpayers, in the city of Philadelphia. I would like to know from the gentleman from Philadelphia how he places that cost on the taxpayers, the real estate taxpayers.

Mr. HERING. Mr. Speaker, after all, any expenses that are incurred by the Water Department of the city of Philadelphia have to be paid by somebody. I believe the taxpayers are the ones who have to foot the bill.

Mr. O'BRIEN. Mr. Speaker, the gentleman has specifically mentioned the fact that there would be fifteen million dollars spent by the gas company which would in turn have to be paid by the real estate taxpayers. I would like to know how, where and why the gentleman from Philadelphia would figure this real estate tax out.

Mr. HERING. Mr. Speaker, let us say that they are not the taxpayers. We will say the consumers of gas.

Mr. O'BRIEN. Mr. Speaker, my reason for asking this is because the Philadelphia Inquirer today, which has certainly been very friendly with the present administration in Philadelphia, has pointed out that the income is so great to the City of Philadelphia that there is no need to continue this terrific wage tax which we in Philadelphia have to pay. I certainly feel in all justification, as the Philadelphia Inquirer has pointed out, there is no need for this terrific wage tax, and there is not much likelihood of the real estate taxpayers having to pay any money that might be expended through this particular bill. I think that the anticipated income from the terrific wage tax in the city of Philadelphia would offset any anticipated expenditures in relation to the correcting of these gas mains and water mains in the city. That is the only thing I wanted to correct.

The SPEAKER. The gentlemen have gone far afield on the question of the constitutionality of this bill.

CONSTITUTIONAL POINT OF ORDER WITHDRAWN

Mr. TURNER. Mr. Speaker, in order to give the gentleman from Philadelphia, Mr. Melchiorre, an opportunity to place the bill on the postponed calendar, to see whether he can amend it, I ask leave to withdraw my point of order raising the constitutional question.

The SPEAKER. The gentleman from Delaware, Mr. Turner, withdraws his constitutional point of order on House Bill No. 29, Printer's No. 10.

Mr. MELCHIORRE. Mr. Speaker, I will agree to leave the bill on the postponed calendar to see if we can work out some amendments.

The SPEAKER. It is necessary for the gentleman to make a motion.

On the question recurring,

Shall the bill pass finally?

BILL POSTPONED

Mr. MELCHIORRE. Mr. Speaker, I move that this bill be placed on the postponed calendar.

The motion was agreed to.

FORMER MEMBER WELCOMED

The SPEAKER. The Chair welcomes to the House this evening a former member from Fayette County, Mr. J. Harold Arnold.

RESOLUTION

RECALLING HOUSE BILL No. 10 FROM THE GOVERNOR

Mr. CHERVENAK offered the following resolution which was twice read, considered and adopted:

In the House of Representatives, March 23, 1942.

Resolved (if the Senate concur), that House Bill No. 10, Printer's No. 3, entitled "An act to further amend section six hundred twenty-eight and to amend section six hundred twenty-nine of the act approved the third day of June one thousand nine hundred thirty-seven (P. L. 1333) entitled 'An act concerning elections including general municipal special and primary elections the nomination of candidates primary and election expenses and election contests creating and defining membership of county boards of elections imposing duties upon the Secretary of the Commonwealth courts county boards of elections county commissioners imposing penalties for violation of the act and codifying revising and consolidating the laws relating thereto and repealing certain acts and parts of acts relating to elections' extending the time within which writs of election may issue for holding special elections to fill vacancies occurring in either house of the General Assembly and the time within which nominations therefor may be filed", be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk present the same to the Senate for concurrence.

CONDOLENCE RESOLUTION

Messrs. RAUSCH and McDERMOTT offered a resolution and asked and obtained unanimous consent for its immediate consideration.

The resolution was twice read, considered and adopted as follows:

In the House of Representatives, March 23, 1942.

It is with deep regret that the House of Representatives has learned of the death in Europe of Robert Riedy, formerly of Allentown, Pennsylvania, and lately Sergeant-Pilot with the Royal Canadian Air Force in England. The telegram received by Sergeant Riedy's parents, Mr. and Mrs. Harvey C. Riedy, informed them that their son had been killed in action March 18, 1942.

Robert Riedy was an honor student at the Allentown High School, graduating at the age of 18 years. He then turned to the study of aeronautical engineering at the Curtis Wright Technical Institute, Los Angeles. After graduating from that institution in 1940, he was employed by several different aircraft corporations. He then terminated his civilian employment in order to enlist in the Royal Canadian Air Force. Last fall he ferried an American made bomber to England, and remained there since.

While in Allentown, Robert Riedy was an active member of St. Paul's Lutheran Church, taking an active part in young people's activities. He was also affiliated with the Boy Scout Movement and with Y. M. C. A. functions; therefore be it

Resolved, That this House of Representatives notes with sorrow the death of one of the promising young citizens of the Commonwealth who was killed in action while fighting for the democratic ideals which he had grown to love; and be it further

Resolved, That a copy of this resolution be forwarded to Robert Riedy's parents, Mr. and Mrs. Harvey C. Reidy, 828 Jackson Street, Allentown, Pennsylvania, and also that this resolution be duly entered upon the Journal of the House.

CONDOLENCE RESOLUTION

Mr. O'NEILL offered a resolution and asked and obtained unanimous consent for its immediate consideration.

The resolution was twice read, considered and adopted as follows:

In the House of Representatives, March 23, 1942.

The House of Representatives has learned with sorrow of the death early Saturday, March 21, 1941, of Mrs. James W. Vail, mother of Brigadier-General Robert M. Vail, now Adjutant General of the Commonwealth of Pennsylvania.

Mrs. Vail had attained the unusual age of ninety-three years, more than sixty of which were spent as a resident of Scranton Pennsylvania. During her long and active life, she was devoted to her family, her church and her community. Until a few days before her death, she maintained a keen interest in current world affairs, reading books and newspapers extensively. As a result of her advanced years, she was enabled to encourage and follow the long and distinguished military career of her son, Brigadier-General Robert M. Vail, and to experience that great satisfaction that comes to a mother when her son attains a position of great honor and responsibility among his fellow-men, therefore be it

Resolved, That this House of Representatives mourns with sincere sympathy the passing of a great lady and an exemplary citizen of the Commonwealth, Mrs. James W. Vail; and be it further

Resolved, That a copy of this resolution be sent to the members of the bereaved family and that it be duly entered upon the Journal of the House.

RESOLUTIONS

Mr. POWERS offered a resolution which was laid over for printing under the Rules.

Mr. FALKENSTEIN offered a resolution which was laid over for printing under the Rules.

PERMISSION TO ADDRESS HOUSE

Mr. TURNER asked and obtained unanimous consent to address the House.

Mr. Speaker, last week the members of this House were kind enough to mark a period of service of myself in this House, and I am deeply grateful to them for that, but I feel that I would be lacking in courtesy and due regard for the feelings of a lot of other people if I did not call to the attention of this House that another Member of this House is terminating this year about forty years of public service.

Mr. Speaker, I refer to the gentleman from Lawrence, Mr. Weingartner. He was first elected to the House of Representatives in 1904 and served in the session of 1905 and 1906. The sessions of 1909 and 1911 he spent in the Senate. He did not run for any office again until 1919 when he was elected as a County Commissioner of Lawrence County. In 1923 he was reelected but resigned after eleven months of his second term to reenter the Senate. He served until 1932 in the Senate. Then in 1940 he was reelected to the House of Representatives. He has served in the Legislative Halls under Governors Pennypacker, Stewart, Tener, Pinchot, both terms, Fisher and now James.

In all the years he has been a candidate he has never been defeated. He was elected to every office for which he was a candidate. I think that is a fine record, and I wanted to take this opportunity of placing it in the Legislative Journal in order that his fine family and his friends in Lawrence County might have for all time a record of the fine public service of George T. Weingartner of Lawrence County.

PERMISSION TO ADDRESS HOUSE

Mr. WEINGARTNER asked and obtained unanimous consent to address the House.

Mr. Speaker, I confess I am somewhat in an embarrassing position. I had no intimation whatever that the minority floor leader proposed to make this statement. I am, however, grateful to him and grateful to this House for the many courtesies they have shown me.

Mr. Speaker, I might digress for just a moment to discuss a few things that happened before many of you came here. I was in Harrisburg attending a session of the Legislature the night the old theatre building burned down on the site where the Penn Harris Hotel now stands. In the Session of 1905, the new capitol was in course of construction, they were plastering the downstairs of the building. The only thing that was finished was a stairway. That was all. Governor Pennypacker's office was in what is now the old state museum. Matthew Stanley Quay and Boise Penrose were then the United States Senators. The whole scene has changed in all these years.

For your information I am not a candidate for re-election. I expect to devote a little of my time to my friends and my family. I have most certainly enjoyed these eighteen years of association. A great many of the associates I have known during that time have passed on to the other side.

Mr. Speaker, I recall in the Senate very distinctly Israel W. Durham, who was in the Senate with me; James McNichol, the elder Vares, Governor Sproul, John S. Fisher, and Willam E. Crow who was afterwards United States Senator. I want to say to you members of this House who are here, looking back over a period of a third of a century of public affairs that the friends you make here are worth while, that you will be able to go into practically any small community in Pennsylvania for years and years and find some colleague with whom you have served here in this House.

My service, while it may have been small, has to me been worth while. It has imbued in me confidence in the American people, confidence in the American system of government, that must prevail.

As I leave this Session after all of these years, I want to say to you gentlemen that the spirit of democracy and of free government, the right to govern ourselves and dictate our own policies and preserve our own institutions is still alive in this Commonwealth and must forever prevail.

The SPEAKER. The Chair wishes the gentleman from Lawrence many more years of happy life and good health.

PERMISSION TO ADDRESS HOUSE

Mr. NAGEL asked and obtained unanimous consent to address the House.

Mr. Speaker, I certainly feel grateful to our good friend, the gentleman from Delaware, Mr. Turner, for saying the nice things he did about my good friend, Mr. Weingartner.

Now, Mr. Speaker, I come this evening to claim just a little honor. I well recall the time when Mr. Weingartner aspired to election to this House. It was in 1903, or possibly in 1904. Even though he was a registered Republican, I thought so much of him, he being a friend of mine and his people being friends of my mother's, that I hitched old dolly to the buck board, and in that campaign all over Perry Township and Clay Township introduced him to my friends and recommended him very highly. I do not know whether that recommendation was the cause of his election, but I do claim the honor of helping and supporting this great man, who has made such history in our state. I wish him a great future.

COMMITTEE MEETING

There will be a meeting of the Select Committee on Tuesday, March 24th at 12:00 noon in Room 327.

ANNOUNCEMENT

The following members are requested to meet in the New House Caucus Room on Tuesday, March 24th at 11:30 a. m.; Messrs. Boorse, Dennison, Fisher, Fleming, Hewitt, Knoble, McSurdy, Weingartner, Auker, Bower, Cooper, Dalrymple, Eckels, Lee, Thomas, Lyons, McClester, Serrill, Elder, Rank, Taylor, Wood, Norman, Wood, Lloyd, Cook, Foor, Gillan, Imbrie, Jones, George, Kline, Cadwalader, Ely, Greenwood, Gyger, Hall, Leydic, Reagan, Stambaugh.

ADJOURNMENT

Mr. MUIR. Mr. Speaker, I move that this House do now adjourn until Tuesday, March 24, 1942, at 1 p. m.

The motion was agreed to, and (at 10.33 p. m.) the House adjourned.

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal.

Extraordinary Session of 1942.

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SENATE

TUESDAY, March 24, 1942

The Senate met at 2:00 o'clock, p. m.

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the Chair.

PRAYER

The Chaplain, Rev. EDWIN S. WALLACE offered the following prayer:

To the only wise God, our Savior, be glory and majesty, dominion and power. These attributes of Thine are revealed to us in the works of creation. Nearer to us is Thy loving regard for Thy children, so manifest in the providences of our daily lives. May we be in awe of Thy majesty and in sincere gratitude for Thy love.

We thank Thee for our country, founded by our Fathers in faith in god and dedicated to the principles of religious freedom, equality of all before the law, and the brotherhood of man. Insofar as it is in our power to preserve these principles, give us, we pray Thee, the faith and the courage to do so.

For the President of the nation and the Governor of our state we pray Thy support and guidance.

Protect and bless with success all officers and men in the armed service of our country.

And to Thy name be all praise, world without end. Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. MALLERY and Mr. GELTZ, the further reading was dispensed with, and the Journal was approved.

LEAVE OF ABSENCE

Mr. Thomas asked and obtained leave of absence for the Senator from Dauphin, Mr. TAYLOR.

HOUSE MESSAGES

HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives being introduced presented for concurrence bill of the House, as follows:

House Bill No. 24, (Senate Bill No. 67), entitled:

An Act relating to air raid precautions, including blackouts; conferring certain powers and duties upon the State Council of Defense, local and district Councils of Defense, political subdivisions, members of certain municipal and volunteer agencies and civilians necessary for the safety, defense and protection of civilians and property in the Commonwealth; providing for the mobilization, coordination and use of certain municipal agencies and volunteer agencies, including their personnel and equipment; providing for immunity from liability for injury or death to persons or damage to property under certain circumstances; and providing penalties.

Which was committed to the Committee on State Government.

House Bill No. 42, (Senate Bill No. 68), entitled:

An Act to further amend section eight of the act, approved the nineteenth day of March, one thousand nine hundred nine (P. L. 46), entitled "Osteopathic Practice Law" by further regulating the time necessary for graduation and for admission to practice as osteopathic physicians and surgeons in this State.

Which was committed to the Committee on Public Health.

House Bill No. 64, (Senate Bill No. 69), entitled:

An Act suspending and modifying for the period of the present war and for a time thereafter the provisions of section two hundred fifty-one of the act, approved the second day of May, one thousand nine hundred and twenty-five (P. L. 448), entitled "Fish Law of 1925" and its amendments in so far as they authorize the Board of Fish Commissioners, when necessary to conserve the future fish supply, to close or open seasons and authorizing the closing and opening of seasons by said board for any emergency during said period.

Which was committed to the Committee on Forests and Waters, Game and Fish.

House Bill No. 68, (Senate Bill No. 70), entitled:

An Act to amend section two of the act, approved the tenth day of July, one thousand nine hundred thirty-five (P. L. 645), entitled "An act imposing certain requirements on certain hospitals receiving State aid; authorizing the withholding of appropriations; and imposing duties on the Department of Welfare," by providing that, during the present war and six months thereafter, funds shall not be withheld from hospitals for violation of such act, if the Secretary of Welfare determines that the constant attendance of a licensed physician or resident interne cannot be secured by such hospitals because of the war emergency.

Which was committed to the Committee on Welfare, Public Assistance and Pensions.

House Bill No. 72, (Senate Bill No. 71), entitled:

An Act authorizing, as a temporary emergency war measure, the making available of the facilities of state teachers' colleges for vocational or defense education purposes, and the temporary suspenison of laws inconsistent therewith, upon findings by the board of trustees of the state teachers' college, the State Council of Education and the State Council of Defense.

Which was committed to the Committee on Education.

TIME OF NEXT MEETING

He also informed the Senate that the House has concurred in resolution from the Senate as follows:

In the Senate, March 23, 1942.

Resolved (if the House of Representatives concur), That when the Senate adjourns this week, it reconvene on Monday, March 30, 1942, at four o'clock, p. m., and when the House of Representatives adjourns this week, it reconvene on Monday, March 30, 1942, at nine o'clock, p. m.

RESOLUTION RECALLING FROM THE GOVERNOR HOUSE BILL No. 10

He also presented extract from the Journal of the House of Representatives, which was twice read as follows, considered and agreed to:

In the House of Representatives

Resolved (if the Senate concur), That House Bill No. 10, Printer's No. 3, entitled:

An Act to further amend section six hundred twenty-eight, and to amend section six hundred twenty-nine of the act approved the third day of June, one thousand nine hundred thirty-seven (P. L. 1333), entitled "Pennsylvania Election Code," extending the time within which writs of election may issue for holding special elections to fill vacancies occurring in either house of the General Assembly, and the time within which nominations therefor may be filed.

be recalled from the Governor for the purpose of amendment.

REPORT FROM COMMITTEE ON EXECUTIVE NOMINATIONS

Mr. JAMES. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. JAMES, from the Committee on Executive Nominations, reported with a favorable recommendation the following nominations, made by His Excellency, the Governor of the Commonwealth:

JUSTICE OF THE PEACE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 18, 1942.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate James R. Newton, Everson, Fayette County, for appointment as Justice of the Peace in and for the Township of Upper Tyrone, Fayette County, until the first Monday in January, 1944, to fill a vacancy.

ARTHUR H. JAMES.

COMMISSIONER OF DEEDS

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 3, 1942.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate William Cawley, 3620-16th Street, N. W., Washington, D. C., for appointment as Commissioner of Deeds for the Commonwealth of Pennsylvania, with residence in Washington, District of Columbia, for the term of five years, to compute from the date of confirmation.

ARTHUR H. JAMES.

MEMBERS OF THE BOARD OF TRUSTEES OF CALIFORNIA STATE TEACHERS' COLLEGE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 3, 1942.

Harry E. Price, Charleroi, from September 23, 1941, for the term of four years, and until his successor is qualified.

Ben G. Binns, Donora, from September 23, 1941, for the term of four years, and until his successor is qualified.

Earl W. Taylor, California, from September 23, 1941, for the term of four years, and until his successor is qualified.

(Mrs.) Margaret B. Thompson, Washington, from September 23, 1941, for the term of four years, and until her successor is qualified.

Jacob B. Schrock, Berlin, from September 23, 1941, for the term of four years, and until his successor is qualified.

Robert Williams, Fayette City, from September 23, 1941, for the term of four years, and until his successor is qualified.

D. C. Longanecker, Waynesburg, from September 23, 1941, for the term of four years, and until his successor is qualified.

Wilbur Van Bremen, South Greensburg, from September 23, 1941, for the term of four years, and until his successor is qualified.

ARTHUR H. JAMES.

EXECUTIVE SESSION

By unanimous consent,

A motion was made by Mr. JAMES and Mr. GELTZ,

That the Senate do now resolve itself into Executive Session, for the purpose of acting on the foregoing nominations.

Which was agreed to.

Whereupon,

A motion was made by Mr. JAMES and Mr. THOMAS,

That the Senate do advise and consent to said nominations.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—43

Barr,	DiSilvestro,	Lanius,	Tallman,
Bartlett,	Ealy	Letzler,	Thomas,
Becker,	Farrell,	Mallery,	Tyler,
Carr,	Frey,	McCreesh,	Wade,
Cavalcante,	Geltz,	McGinnis,	Walker,
Chapman,	Haluska,	Miller,	Watkins,
Coleman,	Heyburn,	Scarlett,	Wilson, H. I.,

Cox,	Homsher,	Shapiro,	Wilson, T. B.,
Crider,	James,	Snowden,	Woodward,
Crowe,	Jaspan,	Stevenson,	Ziesenheim,
Dent,	Kephart,	Stiefel,	

NAYS—0

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

EXECUTIVE SESSION RISES

Mr. JAMES. Mr. President, I move that the Executive Session do now rise.

Mr. THOMAS. Mr. President, I second the motion.

The motion was agreed to.

BILLS INTRODUCED

Mr. MALLERY read in his place and presented to the Chair Senate Bill No. 72, entitled:

An Act to further amend section nine of the act, approved the thirty-first day of May, one thousand nine hundred and thirty-three (P. L. 1108), entitled "An act providing for the appointment, promotion, reduction, removal and reinstatement of paid officers, firemen and employes of fire departments and of fire alarm operators and fire box inspectors in the bureaus of electricity in cities of the second and third class; defining the powers and duties of civil service commissions for such purposes; and fixing penalties," by permitting applications to be made for such positions by persons forty-five years of age or under.

Which was committed to the Committee on Municipal Government.

He also read in his place and presented to the Chair Senate Bill No. 73, entitled:

An Act to suspend for the duration of the present war and for six months thereafter any law ordinance or regulation of the Commonwealth of Pennsylvania or of any municipal subdivision thereof limiting the age of appointees to any civil service position in any municipal subdivision of the Commonwealth.

Which was committed to the Committee on Municipal Government.

CONDOLENCE ON DEATH OF MOTHER-IN-LAW OF SENATOR McQUIDDY

Mr. STIEFEL offered the following resolution which was twice read, considered and agreed to:

In the Senate, March 24, 1942.

Whereas, The members of the Senate of Pennsylvania have learned with sorrow of the death of the beloved mother-in-law of our colleague, Senator J. K. McQuiddy, at her home in New Castle, advanced in years and after a life exemplifying Christian virtues; therefore, be it

Resolved, That the Senate extend to Senator McQuiddy its heartfelt sympathy in the great loss he has sustained and express the hope that he and his family may derive solace and comfort from the esteem in which she was held by her neighbors and many friends.

The Secretary of the Senate is directed to forward a copy of this resolution to Senator McQuiddy.

CALENDAR

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 37, entitled:

An Act relating to air raid precautions, including blackouts; conferring certain powers and duties upon the State Council of Defense, local and district Councils of Defense, political subdivisions, members of certain municipal and volunteer agencies and civilians necessary for the safety, defense and protection of civilians and property in the Commonwealth; providing for the mobilization, coordination and use of certain municipal agencies and volunteer agencies, including their personnel and equipment; providing for immunity from liability for injury or death to persons or damage to property under certain circumstances; and providing penalties.

And said bill having been read at length the third time,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

Mr. WALKER. Mr. President, I have just been requested by the gentleman from Fayette, Senator Cavalcante, who has been called to the telephone, to ask that Senate Bill No. 37 go over in order temporarily. I think that the Senator from Fayette feels a speech coming on.

BILL OVER IN ORDER

Mr. WALKER. Mr. President, at the request of Mr. CAVALCANTE, I ask unanimous consent that Senate Bill No. 37, on third reading go over in its order, temporarily.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 46, as follows:

An Act authorizing the Governor of the Commonwealth of Pennsylvania upon certain request and with the approval of the Delaware River Navigation Commission and in certain cases of the Department of Wharves Docks and Ferries of the City of Philadelphia to suspend for a limited time the operation of laws regulating or relating to the movement loading lightering docking and anchorage of vessels carrying or having on board certain explosives insofar as the same relate to small arms ammunition or ammunition which contains the projectile and the explosive in one container or shell

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The Governor of the Commonwealth at the request of the Army or Navy of the United States or the United States Maritime Commission and upon the recommendation of the Delaware River Navigation Commission and where the port of Philadelphia is concerned upon the additional recommendation of the Department of Wharves Docks and Ferries of the City of Philadelphia is hereby authorized to suspend from time to time and for a limited time during the continuance of the war in which the United States is now engaged any laws or parts of laws of the Commonwealth regulating or relating to the movement loading lightering docking or anchorage of vessels in the Delaware River carrying or having on board gunpowder guncotton or other explosive insofar as the same regulates or relates to the movement loading lightering docking or anchorage of vessels in said river

carrying or having on board small arms ammunition or ammunition which contains the projectile and the explosive in one container or shell

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—43

Barr,	DiSilvestro,	Lanius,	Tallman,
Bartlett,	Ealy	Letzler,	Thomas,
Becker,	Farrell,	Mallery,	Tyler,
Carr,	Frey,	McCreesh,	Wade,
Cavalcante,	Geltz,	McGinnis,	Walker,
Chapman,	Haluska,	Miller,	Watkins
Coleman,	Heyburn,	Scarlett,	Wilson, H. I.,
Cox,	Homsher,	Shapiro,	Wilson, T. B.,
Crider,	James,	Snowden,	Woodward
Crowe,	Jaspan	Stevenson,	Ziesenheim,
Dent,	Kephart,	Stiefel,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 48, as follows:

An Act to add section one thousand one hundred and nine to the Act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (P. L. 872) entitled "An act to consolidate amend and revise the Penal Laws of the Commonwealth" as amended by prescribing additional penalties in the case of the commission of certain crimes during blackouts or air-raids and the confusion resulting thereafter

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section eleven of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-nine (P. L. 872) entitled "An act to consolidate amend and revise the Penal Laws of the Commonwealth" as amended is hereby amended by adding thereto after section one thousand one hundred and eight a new section to read as follows

Section 1109 Whenever it shall be charged in any indictment charging the commission of any of the following crimes murder of the first and second degree voluntary manslaughter involuntary manslaughter robbery robbery by assault and force robbery with accomplice or while armed or by violence robbery of bank vaults train robbery assault and battery aggravated assault and battery assault with intent to kill attempts with intent to kill assault with intent to maim maiming by means of explosives explosives or corrosive substances with intent to maim mayhem rape assault with intent to ravish kidnapping for extortion aiding and abetting kidnappers kidnapping child from persons having custody larceny larceny of bank bills securities and documents larceny of horse larceny of motor vehicle larceny of growing property larceny of coal and iron ore burglary burglary with explosives burglary of railroad cars prison breach obstructing officer in the execution of process aiding prison breach aiding prisoner to escape aiding inmates of institutions to escape falsely impersonating an officer falsely impersonating persons and officers privately employed riots routs assemblies and affrays riotous destruction of property carrying deadly weapons carrying bombs and explosives tramps entering dwellings et cetera serenading with guns or explosives violation of Uniform Firearms Act commission of crime when armed with machine gun pollution of drinking water false fire alarm throwing articles on highway pointing deadly weapons larceny of electric equipment tampering with electrical apparatus illegally wearing insignia illegally wearing military insignia illegally wearing military uniform forcible entry disorderly conduct assault with intent to commit sodomy public indecency arson burning to defraud insurer firing personal property attempt to commit arson malicious mischief malicious injury to property malicious injury to railroads malicious interference with journal boxes and air appliances of railroad obstructing tracks interference with property of gas company injuring fire apparatus injury to fire alarm systems and malicious mischief to public grounds that such crime was committed during a blackout or air-raid or within twenty-four hours after the last past all-clear signal following an actual air-raid the court shall in imposing sentence for the aforementioned crime include therein a fine or term of imprisonment or both as the case may be in addition to the fine imprisonment or both that could have been imposed had no such blackout air-raid or confusion or destruction existed No such additional fine or term of imprisonment shall exceed the maximum fine or imprisonment fixed by law for the particular crime of which the accused shall have been convicted

And said bill having been read at length the third time.

And the amendments made thereto having been printed as required by the Constitution.

On the question,

Will the Senate agree to the bill?

Mr. SHAPIRO. Mr. President, this bill gives the court the right to impose a double sentence, a sentence equivalent to the original sentence in addition to the sentence now fixed by law in the penal code, for the commission of enumerated crimes committed not only during a blackout but for twenty-four hours after the all clear signal.

First of all, there are a number of crimes, particularly the crime on page three, line four, which I never heard of being committed in broad daylight; I seldom heard of the crime on page two, line twelve, being committed in broad daylight; thirdly, on line twenty-five the crime is called tramps entering dwelling, et cetera. Fourthly, serenading is also a crime, provided you serenade with guns; throwing articles on the highway is a crime now under this act, for which you can get double punishment; that would include the distribution of newspapers or the throwing of a newspaper on the highway. What this has to do with blackouts I fail to understand, and if it is so important, why permit it to go on during the next few months? Why not now? Section 2 of this bill, which is the effective date section and which made it effective immediately upon passage, is now taken out. My recollection is that it will be June under the act, the construction act, when it will become effective. It seems to me, Mr. President, if we are going to permit the imposition of a double penalty by the bill, some of the crimes that are listed here have no place in this bill, some of them may be misinterpreted, and somebody may misuse this bill for their own purpose.

I do not know that assembling is a crime, but under this bill, on line twenty-three, anybody who is guilty of assembling during a blackout becomes subject to the imposition of a double sentence, and it seems to me this legislation ought to be corrected before we vote on it.

Mr. KEPHART. Mr. President, I do not claim to be an expert on criminal law, in fact I do not practice criminal law and know very little about it. However Mr. President, Section 2, providing for the effective date of this act, was eliminated because, as I understand it, under the statutory construction act, an act passed to amend another act at a Special Session goes into effect immediately anyhow, so that answers that question of the genleman from Philadelphia.

Relative to the crimes which are included in this bill the chairman of the Committee on Judiciary General wrote to practically every district attorney in the Commonwealth and practically all of the replies received from those district attorneys were unanimously in favor of such a bill as this, and suggested the inclusion of the crimes mentioned in this bill. Maybe some of those crimes are not defined in the bill but the reason for that is that they are defined in the penal code, to which this is an amendment, and if the Senator from Philadelphia will read the particular sections defining these crimes which are enumerated here, he will find out exactly what the crimes are. His objection should be leveled against that rather than at this bill amending an act to provide for double penalties.

Mr. SHAPIRO. Mr. President, the mistake I find with this bill is that the "et cetera" is in the wrong place; it should have appeared after the word "manslaughter"—anybody guilty of manslaughter, et cetera—then you would have covered the subject more quickly.

I can understand the attitude of mind of district attorneys who will approve a bill with an "et cetera" in it so that if you enter a dwelling house, et cetera, you would be guilty of a crime.

I am quite sure the statement of my colleague from Philadelphia, Senator Kephart, shows that he does not practice criminal law, because there is nothing in the criminal code which can not be interpreted by a court. Assembling has been interpreted in various ways; riotous assembly is one thing, but this act makes assembling in a blackout a crime, but there is no other such crime in the criminal code. It has never been a crime to assemble, but now it is a crime to assemble in a blackout. That is the way I read the bill and for that reason I shall vote against it.

Mr. WALKER. Mr. President, I would like to say in confirmation of the statement made by the gentleman from Philadelphia, Senator Kephart, when this bill was referred to committee, I wrote to the district attorneys of sixty-seven districts in the Commonwealth and I received about fifty replies, and all but one or two of them were favorable towards the bill. However, I noticed that a lot of the letters suggested various amendments to the bill, and those letters were turned over to the sponsor of the bill for his information.

I might also say that the committee, in carrying out the grave responsibilities thrust upon it by the introduction of the bill, discussed the matter with quite a number of members of the bench, and a number of the judges were firmly of the opinion that if a crime were committed under the penal code and it happened to be committed during a blackout, that the judge sentencing a defendant found guilty could take care of the situation very ably under the present sentences set forth in the code, and that, as a rule, most of the crimes have a minimum and a maximum sentence, but in the vast majority of cases the judge sentencing the defendant, never, in the parlance, hits with the book, but gives him the minimum sentence, and the judge can take care of a defendant, if he were found guilty of committing a crime in a blackout, as compared with committing a crime just in the ordinary course of events.

Another suggestion, made by a number of judges with whom I discussed this bill, was that it might have the psychological effect of prohibiting crime during blackouts, if a criminal knew that the sentence would be much more severe if he were apprehended in the commission of a crime during such a blackout, yet judges also agree that they never have found any instance where the severity of the punishment for a crime had any influence on a prospective criminal.

I for one, Mr. President—and I make this statement rather hesitantly, due to the remarks we have had off the record regarding this bill—propose to vote against the bill because I am convinced, or rather these judges have convinced me, that they can very ably handle the situation themselves without the addition of this bill.

Mr. SHAPIRO. Mr. President, I desire to interrogate the Senator from Philadelphia, Mr. Kephart.

The PRESIDENT. Will the Senator from Philadelphia permit himself to be interrogated?

Mr. KEPHART. I will, Mr. President.

Mr. SHAPIRO. What is the purpose of including the words "Such crime was committed within twenty-four hours after the last past all-clear signal?

Mr. KEPHART. Mr. President, if the gentleman from Philadelphia will read further he will see it says "after the last past all clear signal following an actual air-raid."

Mr. SHAPIRO. That is right.

Mr. KEPHART. Mr. President, during an air-raid it is assumed that bombs will be dropped and that there will be a great deal of confusion for at least twenty-four hours, and that is the reason that was put in, during that period of twenty-four hours crime could be very prevalent on account of that confusion.

Mr. SHAPIRO. Will the gentleman from Philadelphia state whether it would make any difference whether sodomy were committed twenty-four hours after or twenty-four hours before an air-raid, as to punishment?

Mr. KEPHART. The crime is assault with intent to commit sodomy. It seems to me that there is more chance that such an assault might occur during a blackout, or during confusion when the police department have duties to clear up the confusion of an air-raid, than would occur in normal times.

And the question recurring,

Will the Senate agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—37

Barr,	Dent,	Kephart,	Stevenson,
Bartlett,	Ealy,	Lanius,	Stiefel,
Becker,	Farrell,	Letzler,	Tallman,
Carr,	Frey,	Mallery,	Thomas,

Cavalcante,	Geltz,	McCreesh	Tyler,
Chapman,	Haluska,	McGinnis,	Watkins,
Coleman,	Heyburn,	Miller,	Wilson, H. I.,
Cox,	Homsher,	Scarlett,	Wilson, T. B.,
Crider,	James,	Snowden,	Ziesenheim,
Crowe,			

NAYS—4

DiSilvestro,	Jaspan,	Shapiro,	Walker,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 49, as follows:

An Act suspending for a limited time all laws of the Commonwealth requiring the registration of trailers insofar as they require the registration of certain wagons or agricultural machinery drawn by a motor driven vehicle for certain purposes

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 In order to make more steel and other materials used in the manufacture of trailers available for war needs all laws of the Commonwealth requiring the registration of trailers and the payment of a registration fee therefor and the display thereon of a registration plate are hereby suspended during the continuance of the war in which the United States is now engaged insofar as such laws require that wagons or agricultural machinery drawn by a tractor truck or other motor driven vehicle for the purpose of hauling produce food fertilizer or other material to or from a farm be registered as trailers or that registration plates be displayed thereon

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill?

Mr. SHAPIRO. Mr. President, this is the bill to which I called attention yesterday, where, in the interest of conserving metal the necessity for registering and paying a license fee for a trailer was removed from the provisions of the bill.

I had prepared amendments to this bill which I was going to offer, but in view of the fact that I found that Senate Bill No. 42, introduced by the gentleman from Montgomery, Senator Edmonds and which passed this Senate on the 16th of March, was on the calendar today in the House, and I understand it passed the House finally, which provides for all automobiles in taking care of the situation from the point of view of defense, and that makes this bill entirely unnecessary.

In other words, Mr. President, the Edmonds bill provides that the law requiring the use of metal tags on all automobiles or trailers shall be suspended and they may use some other method to indicate that the automobile has been licensed or there may be used a smaller plate to show re-registration of the car. It seems to me that bill covers the whole situation. This bill has no place in the Senate nor in the Legislature insofar as registration is concerned, because registration of cars has nothing to do with the defense program. The metal tag proposition is correct, but it certainly does not seem to me to be correct that if cars were required to be registered before, they should not be registered now, because there is a war on; on the contrary, I think all of these registration acts should be complied with unless the compliance interferes with the progress of the war.

I see no reason for the passage of this bill and I shall vote against it.

And the question recurring,

Will the Senate agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—33

Bartlett,	Frey,	Letzler,	Thomas,
Becker,	Geltz,	Mallery,	Tyler,
Carr,	Haluska,	McGinnis,	Wade,
Chapman,	Heyburn,	Miller,	Walker,
Cox,	Homsher,	Scarlett,	Watkins,
Crider,	James,	Snowden,	Wilson, H. I.,
Crowe,	Kephart,	Stevenson,	Wilson, T. B.,
Ealy,	Lanius,	Tallman,	Ziesenheim,
Farrell,			

NAYS—9

Barr,	Dent,	Jaspan,	Shapiro,
Cavalcante,	DiSilvestro,	McCreesh,	Stiefel,
Coleman,			

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL POSTPONED

Mr. GELTZ. Mr. President, I move that further consideration of Senate Bill No. 52, on third reading, entitled:

An Act to aid in the prevention of sabotage by making the larceny of articles ratoined by the Federal Government and necessary in national defense, a felony and prescribing penalties.

be postponed for the present.

Mr. MILLER. Mr. President, I second the motion.

The motion was agreed to.

SENATE BILL No. 37 ON THIRD READING AND FINAL PASSAGE CALLED UP

Mr. GELTZ. Mr. President, I now call up Senate Bill No. 37, on third reading and final passage, page one of the Calendar, which went over in its order temporarily.

Mr. WALKER. Mr. President, I second the motion.

It was agreed to.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 37, as follows:

An Act relating to air raid precautions including blackouts conferring certain powers and duties upon the State Council of Defense local and district Councils of Defense political subdivisions members of certain municipal and volunteer agencies and civilians necessary for the safety defense and protection of civilians and property in the Commonwealth providing for the mobilization coordination and use of certain municipal agencies and volunteer agencies including their personnel and equipment providing for immunity from liability for injury or death to persons or damage to property under certain circumstances and providing penalties

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Whereas the supreme emergency of the world-wide war has resulted in conditions of eminent danger to the lives and property of the citizens of the United States and of this Commonwealth from air raids calling for a state of preparedness to meet such danger and

Whereas an adequate defense to air raids is vital to the protection and security of persons and property and the furtherance of the prosecution of the war and

Whereas an united and coordinated effort of civilians and state local and volunteer agencies and facilities is essential in formulating and complying with precautionary measures to meet the emergency.

Section 1 This act shall be known and may be cited as the "Air Raid Precautions Act"

Section 2 The following words and phrases shall have the meaning ascribed to them in this section

"Attack" shall mean all conditions of hostile air raid attack

"Drill" shall mean air raid drill and practice blackout

"During attack or drill" shall mean immediately prior to during and immediately subsequent to an air raid drill practice blackout or all actual conditions of hostile air raid attack

"Local and District Councils of Defense" shall mean such councils established under the provisions of the act approved the nineteenth day of March one thousand nine hundred and forty-one (P. L. 6)

"Municipal agencies" shall mean and include police fire sanitation sewer water engineering and all other regular municipal agencies manned by officers and employes of a political subdivision of the Commonwealth charged with duties and responsibilities in connection with civilian protection

"Political subdivision" shall mean any county city borough incorporated town and township

"State Council of Defense" shall mean such council established under the provisions of the act approved the nineteenth day of March one thousand nine hundred and forty-one (P. L. 6)

"Volunteer agencies" shall mean and include air raid wardens auxiliary police auxiliary firemen bomb squads rescue squads medical forces nurses' aides repair crews decontamination corps demolition crews and all other civilian protection forces and services charged with duties and responsibilities in connection with civilian protection

Section 3 (a) The State Council of Defense shall during the continuance of the existing state of war between the United States and any foreign country have the power and its duty shall be to take such precautionary measures as may be necessary for the safety defense and protection of the civilian population of the Commonwealth and property within the Commonwealth with respect to air raids In furtherance of this power and duty the State Council of Defense shall have power to adopt promulgate and enforce rules regulations and orders for this purpose The State Council of Defense shall cause such rules regulations and orders to be published and disseminated in the Commonwealth in such manner and to such extent as it shall deem necessary and advisable Such rules regulations and orders adopted by the State Council of Defense shall have the same force as if they formed a part of this act Subject to the provisions of this act and without limiting the general power conferred above the State Council of Defense shall have the power and its duty shall be to make rules regulations and orders regarding

(1) The organization recruiting training maintenance and operation of aircraft warning services observation and listening posts information and control centers including the location thereof and such other services and facilities as may be necessary for the prompt reception and transmission of air raid warnings and drills

(2) The formulation and execution of plans for the carrying out of practice blackouts air raid drills and warnings and of all precautionary measures under actual conditions of hostile air raids or enemy attack

(3) The organization recruiting training conduct and duties and powers of volunteer agencies

(4) The effective screening or extinguishment of all lights and lighting devices and appliances

(5) The conduct of civilians and the movement and cessation of pedestrian and vehicular traffic during attack or drill

(6) The evacuation of civilian populations from dangerous or damaged areas

(7) The mobilization and coordination of municipal and volunteer agencies and the use of the personnel and equipment of such agencies wherever needed in the Commonwealth

(b) Local and district Councils of Defense shall have the power to adopt promulgate and enforce rules regulations and orders not inconsistent with rules regulations and orders adopted by the State Council of Defense with respect to the foregoing matters Provided however That no rule regulation and order of any local or district council of defense shall become effective unless and until it shall have received the prior approval of the State Council of Defense

Section 4 It shall be the duty of every local and district Council of Defense to execute and enforce such plans rules regulations and orders as the State Council of Defense shall adopt and promulgate The State Council of Defense is hereby authorized to designate and require agencies to aid and assist the council in the discharge of one or more of its powers and duties under this act and to grant authority to such agencies as may be deemed necessary for the effective accomplishment of any of its functions powers and duties

Section 5 The State Council of Defense in providing for the mobilization and coordination of municipal and volunteer agencies shall have power to make the personnel and equipment of such agencies available for duty and use in any political subdivision other than the political subdivision in which such personnel and equipment are normally used employed or act Unless existing or future voluntary agreements between political subdivisions require otherwise the use of personnel and equipment of any municipal agencies in any political subdivision other than the political subdivision in which they normally are used employed or act shall be without charge or expense to such political subdivision Whenever any part of the regular personnel of any municipal agency of any political subdivision are engaged under the provisions of this act in rendering services in another political subdivision such personnel shall have the same powers duties rights privileges and immunities as if they were performing their duties in the political subdivision in which they are normally employed or act

Section 6 Whenever the United States or any agency of officer thereof shall offer equipment supplies materials or funds for or relating to air raid defense activities to the Commonwealth or to any political subdivision thereof the Commonwealth or political subdivision is hereby authorized to accept such offer and the State Council of Defense shall have power and its duties shall be to adopt promulgate and enforce rules regulations and orders for the use of such equipment supplies materials and funds subject to the terms of the offer and subject also to the rules and regulations of the Federal agency making the offer

Section 7 Neither the Commonwealth or any political subdivision thereof nor their agents or representatives nor any member of a municipal or volunteer agency nor any individual partnership association corporation trustee receiver or any of the agents thereof in good faith carrying out complying with or attempting to comply with any law or duly promulgated rule regulation or order relating to blackouts air raid drills or other activities connected with the protection of the civil population from air raids or enemy attack shall be liable for any injury or death to persons or damage to property as the result of such activity The foregoing shall not affect the right of any person to receive benefits to which he might otherwise be entitled under the Workmen's Compensation Law any

pension law nor the right of any member of a volunteer agency to receive any benefits or compensation under any act of Congress

Section 8 The provisions of this act and rules regulations and orders adopted and promulgated under the provisions of this act shall be enforced by the State Council of Defense local and district councils of defense political subdivisions and municipal and volunteer agencies Subject to limitations contained in rules regulations and orders of the State Council of Defense members of volunteer agencies shall have the powers of peace officers for the purpose of enforcing rules regulations and orders adopted and promulgated for the purpose of enforcing this act provided however that such powers shall not be exercised or performed by them except while they are on active duty and displaying an authorized identifying badge or other insignia during an air raid drill or attack

Section 9 Any person violating any of the provisions of this act or any of the rules regulations and orders adopted and promulgated under this act by the State Council of Defense or any local or district council of defense or who shall fail to comply with any instructions lawfully given by any member of a municipal or volunteer agency or any person who shall without authority wear or display any official insignia authorized by the State Council of Defense or a local or district council of defense for use by members of any municipal or volunteer agency shall upon conviction thereof in a summary proceeding be sentenced to pay a fine of not exceeding two hundred dollars ($200) or imprisonment not exceeding ninety (90) days or both

Section 10 Whoever shall wilfully utter any false air raid alarm signal or warning or who shall wilfully simulate any official air raid signal or warning or shall wilfully break injure or remove any mechanical warning or signal device used therefor shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1,000) or imprisonment for a term not exceeding two (2) years or both Provided however That any air raid alarm signal or warning uttered by any person in connection with any duly authorized air raid drill or practice black-out shall not be deemed to be a false air raid alarm signal or warning within the meaning of this section

Section 11 This act shall become effective immediately upon its final enactment and shall continue in full force and effect during the continuance of the existing state of war between the United States and any foreign country

And said bill having been read at length the third time,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

Mr. CAVALCANTE. Mr. President, it appears that this bill is one of the bills that deals with a very serious subject, the subject of air raids and blackouts. The bill, if it is studied very carefully, shows that Section one merely states the title of the act, Section two sets forth many definitions, and Section three is the real crux of the whole bill.

Section three, Mr. President, set this forth: "The State Council of Defense shall during the continuance of the existing state of war between the United States and any foreign country, have the power and its duty shall be to take such precautionary measures as may be necessary for the safety, defense and protection of the civilian population of the Commonwealth and properly within the Commonwealth with respect to air-raids."

"In furtherance of this power and duty the State Council of Defense shall have power to adopt, promulgate and enforce rules, and regulations and orders for this purpose.

"The State Council of Defense shall cause such rules, regulations and orders to be published and disseminated in the Commonwealth in such manner and to such extent as it shall deem necessary and advisable. Such rules, regulations and orders adopted by the State Council of Defense shall have the same force as if they formed a part of this act."

Now, Mr. President, the principle involved here is the conferring upon the State Council of Defense of unlimited power to legislate on any subject they deem necessary, for the carrying out of the precautions necessary in an air raid or a blackout but the bill does not specify any conduct that might be inhibited or permitted of a citizen in either an air raid or a blackout. The bill, Mr. President, is in substance a bill like the one that was condemned by our State Superior Court in the case of Kellerman vs. Philadelphia, which is found in 139 Pennsylvania, Superior Court Report at page 569.

In that case the Superior Court held that a statute could not confer upon a board or a department or a commission the power to make rules and regulations which had the the force of a statute but that the Legislature could specify the things that could be done, and then give the department or agency the power to make rules and regulations to enforce the provisions of the act. The court said in the case of O'Neill vs. Insurance Company: "We do not see how a case could be stated that would show a more complete and unconstitutional surrender of the legislative function to an appointee than that presented by the Act of 1891. By its provisions the legislature says in effect to its appointee, (which in this case is the State Council of Defense). Prepare just such a policy or contract as you please. We do not care to know what it is. The Governor shall have no opportunity to veto it. File it in your own office and we will compel its adoption whether it is right or wrong, by the punishment of every company officer or agent who hesitates to use it."

Now, Mr. President, if we paraphrase that language and apply it to this bill we could state that this bill tells the State Council of Defense the following: Prepare just whatever laws you please on this subject of air raids and blackouts; we do not care to know what they are; the Governor shall have no opportunity to veto them; disseminate that throughout the Commonwealth in such manner as you shall deem necessary, and we will compel their obedience, whether they are right or wrong, by the punishment of every citizen who might violate them.

Mr. President, I am satisfied some legislation is necessary to govern the conduct of the citizenry in case of an air raid or a blackout, but as willing as I am for the adoption of legislation of that character, I am not ready to set aside the Constitution in an irregular way, in order to accomplish that purpose. I am firmly of the opinion that a proper bill can be drawn up to cover the situation intended to be covered by this bill, without transgressing the constitutional limitations.

I could well ask the sponsor of this bill, suppose that a rule or regulation that the State Council of Defense adopts would be in opposition or contrary to an Act of Assembly? Since this bill says that the rules and regulations shall have the same force as though they were a part of this act, will it not mean then that an Act of Assembly that is contravened by a rule or regulation will

be repealed by implication or expressly by the rules and regulations of the State Council of Defense. You will find, if you follow the law carefully and the decisions, that it would so operate. In other words, the power here conferred upon the State Council of Defense is so broad and unlimited that by their rules and regulations an Act of Assembly may be set aside and repealed not according to the provisions of the Constitution.

The Governor, on February 26, 1942, addressed a communication to every member of this General Assembly, dealing with powers such as are contained in this bill. We refer to them as war powers. In that communication the Governor made this statement: "For those who like venerable and established precedent, let me recommend that they refresh their minds on the act passed by the Pennsylvania General Assembly, on September 16, 1777, after the British Army had captured Philadelphia. That act established a Council of Defense setting forth that it had become necessary for a limited time to vest fit persons with summary and adequate powers to punish offenders and restrain abuses."

The Governor should also bear in mind, in connection with this statement, that when that Act of Assembly was passed, the Commonwealth of Pennsylvania had declared itself independent from the political system of England, and the Commonwealth at that time possessed all of the sovereign powers of government—all the powers—and the Governor should remember that at that date, the Commonwealth of Pennsylvania, through its chosen representatives, entered into a pact which is known as the Constitution of the United States of America, in which the people of this Commonwealth surrendered certain of those sovereign powers, and one of those powers and kindred powers was the power to make war with foreign countries and to then make peace. I think that we ought to emphasize here the point, that the Commonwealth of Pennsylvania does not have the power to make war against a foreign nation; that power was surrendered to the Federal Government.

Now, Mr. President, in this bill, as well as in many other bills, this Legislature has been dealing with the powers to suspend laws that would impede war and defense activities. Mr. President, there is absolutely no room for us to devote time upon that subject, because the power to make war and to defend the Commonwealth of Pennsylvania against foreign aggression is reposed in the Federal Government, and it would seem to me that logically it is the duty of the Federal Government to determine whether or not an Act of Assembly of the Commonwealth of Pennsylvania would impede war defense activites, and in the matter of these raids and blackouts, I really think that it deals with a subject that is under the jurisdiction of the Federal Government.

Be that as it may be, I am in accord with the adoption of some bill that would give the authorities, the executive department and the judicial department of this Commonwealth, the power to deal with crimes that are committed by individuals in the chaos of an air raid or a blackout, but we ought to do that with the view of preserving our constitutional form of government, and this bill is in direct opposition to our Constitution. It confers powers upon the State Council of Defense to make rules and regulations that will have the force of law, and if this bill is passed and approved by the Governor, there is not a citizen of the State of Pennsylvania who will know what he is going to be required not to do, or what to do, in an air raid or a blackout, until the State Council of Defense has determined that point.

Mr. President, I am sincere in this matter, as I know probably the sponsor of the bill and all of the members of this Senate are, but it is so plain here that this bill is unconstitutional, it is too broad, and I would not like to see the condition arise where we pass a bill of this kind to deal with this subject and then adjourn the Legislature, and when we are at home and the bill is brought before the Appellate Courts or any court of this Commonwealth for a test of its constitutionality and the bill declared unconstitutional, then we have accomplished nothing by the passage of a bill of this kind.

Mr. President, those members of this Senate who have legal training, who have studied and devoted time to constitutional learning and the construction of statutes, surely can see clearly that this bill is unconstitutional, and that we ought to settle down here and draw up this bill, amend it so that there can be no question of its constitutionality, so that when we go away from here, at least we can feel certain that we have done our duty, for we should not expect the Supreme Court of this Commonwealth to stand on its head and turn a flip-flop backwards to approve a bill of this kind, when they so plainly and so specifically have already established the rule or law that a bill of this kind is absolutely unconstitutional. We can amend this bill to make it constitutional, if the sponsor of the bill and the dominant leadership of this Senate is minded to do so.

Mr. WALKER. Mr. President, I want to first say to the gentleman from Fayette that I deeply appreciate his interest in this bill. I know that he is in accord with what we are trying to do, although he disagrees with us slightly in the method in which we are doing it.

I for one am of the opinion that the bill is constitutional. I do not agree with the facts or the law as stated by the gentleman from Fayette. Of course, the members of the Senate are not the least bit interested in a couple of country lawyers arguing the constitutionality of a proposed statute.

I might suggest to the gentleman from Fayette that I am not the least bit perturbed about the Supreme Court bending over backwards or standing on its head in order to arrive at a legal conclusion, after what happened in the Dr. Heeney case, which, I think, should convince all of us that anything can come out of the Supreme Court. If this is once declared to be unconstitutional, there is nothing you and I can do about it, Senator, to change the opinion of that very august body.

I might suggest to the gentleman from Fayette that under the case which he cited, there are a number of

similar citations that he might do well to read. I would like to refer him, if I may, to the case the Supreme Court decided in 310 Pennsylvania 480, Gima vs. Hudson Coal Company, which, I think, is more controlling in this particular instance than the case he cited. Neither one of us is going to convince the Senate or the press or the public as to the reasonableness of our cause here this afternoon. I think the bill is constitutional, and I think that if the gentleman from Fayette has continued serious doubts as to the constitutionality of the bill, he could discuss the matter with the Department of Justice, which has attempted to the best of their ability to draft this legislation. I would like to say at this time that this bill which is now before us, Senate Bill No. 37, is a statute that was adopted by the Office of Civilian Defense at Washington, was very carefully prepared by the Attorney General of the United States, and was submitted to the departments of justice of the various states of the Union, and this bill has been adopted in toto by quite a number of the states, whose Legislatures are in regular or in Special Session at this time, because they have similar responsibilities to meet, that is responsibilities similar to the ones we are faced with right now, and that this bill does, to the best of its ability, attempt to take care of all those responsibilities.

Mr. President, I think the gentleman from Fayette and I both understand and agree that it is impossible to include in this act all the contingencies that might arise during this national emergency, we can not take care of them all, and therefore we must grant to the State Council of Defense the right, under this bill, to promulgate certain rules and regulations. Now, the question as to whether or not, in the delegation of the power to promulgate rules and regulations, we delegate legislative authority, is one that the courts have played with in various cases. The gentleman from Fayette is convinced that it is unconstitutional. I might say that we have discussed this matter very carefully among ourselves and we tried to read some of the law. We are not as well versed in constitutional law or constitutional authority as the gentleman from Fayette, but we are convinced this is constitutional, and I therefore submit to the Senate that we pass this bill today and give the gentleman from Fayette a further opportunity to carry on the discussion and to file briefs, if I may put it that way, with the higher authorities.

Mr. SHAPIRO. Mr. President, I am afraid in this war we are going to have to give up a lot of our constitutional rights, and I am not so much concerned with the constitutionality of this act, first, because as I say, ther are a number of things that we are going to be obliged to give up besides constitutional rights before we are much older.

This bill confines the activities, however, and the rules and regulations of this Defense Board to air raids. I do not know off hand of any law concerning air raids on our statute books today, so that, therefore, I doubt very much that any law would be effected by any regulations this Defense Council will adopt.

However, I do say it is important that we have a bill giving somebody authority to make and enforce regulations during air raids, because every community has a local defense council with no authority and no power to enforce the rules that they set up. I am told today there are about sixty local defense councils in Allegheny County, and certainly under their local laws they have no authority or no enforcing power. This bill gives them authority, gives them the enforcing power and fixes the penalty by a fine up to two hundred dollars and imprisonment of not more than ninety days for violation of the regulations.

Mr. President, what I do object to, however, is the use of this bill for the purpose of protecting insurance companies. As I called attention to yesterday, this bill on page 7, Section 7, deals with a subject which is unimportant and unnecessary to it. If you will read Section 7 and leave out the words to which I objected, you will find that the necessities of the situation are fully covered, and obviously those words were put in and can be taken out bodily, without doing any injury to the bill. There are too many possibilities in the way this bill is drawn to let it go through in that fashion, this bill not only exempts from liability voluntary agencies of the Commonwealth and the localities engaged in carrying out the provisions of the law and the efforts in connection with defense work, but it exempts individuals, partnerships, executors, trustees and receiverships from any liability for their own negligence during an air raid. It is totally unnecessary and certainly unwise, and it is too broad.

There is no reason why companies now carrying insurance against liability for negligence should be exempt from liability for their own negligence in an air raid, whether they are performing an act connected with an air raid or not, and certainly when it goes so far as to say these companies and receiverships and partnerships shall not be liable for any injuries or deathes to persons or damage to property as a result of not only such activities, but as a result of any activities in connection with the protection of civilian population from air raids during an enemy attack, then that goes pretty far, because anybody can use his own judgment in what he should do to protect us from an attack by the enemy, he can go around carrying a gun and handle it carelessly and say he was doing it in an effort to protect us from our enemy and still be free from liability. Many insurance companies have insurance policies which provide that the insurance company pays if the individual is liable. We now say by law that he is not liable, so the insurance companies do not pay. It seems to me a wholly unnecessary provision in a very important act, and for that reason I am going to vote against it.

Mr. WALKER. Mr. President, one of the most everlasting experiences that I have had in my four years in the Senate was serving on the Judiciary General Committee. There are twenty-one members of that committee, and I think nineteen of them are members of the bar. I have never had an opportunity to see those nineteen lawyers agree on much of anything, and to have lawyers disagree on twiddle-dee-dee and twiddle-dee-dum of a bill is nothing unusual.

Mr. President, I hate to disagree and differ with my

learned colleague from Philadelphia, because I have a very high regard for his legal ability, but I would like to suggest to him that this bill does not destroy anybody's cause of action, it merely affirmatively states the defense he would have under the statute—of course, the gentleman from Philadelphia shakes his head in the negative, which shows that two lawyers can not agree.

I have listened during the time I have been a member of this Senate to speeches by the gentleman from Philadelphia with regard to insurance and insurance companies, and he has never had a kind word to say for either insurance or insurance companies. I would suggest that he has a psychological complex against insurance companies, which in effect amounts to a phobia, and he can read into all of these acts a sinister hidden meaning, whereby insurance companies, through adroit maneuvers have been able to remove themselves from any liability whatsoever.

Mr. President. I am not a member of the board of directors of any of these insurance companies—I merely hold policies and pay premiums—but I would like to again suggest to the gentleman from Philadelphia that this bill was drawn up by those in power in Washington, Mr. Biddle's department, at the direction of the Office of Civilian Defense. This is word for word as it has been adopted in half a dozen states, including the State of New York, and as I recall it, the acts of New York have been referred to very triumphantly by the gentleman from Philadelphia during prior sessions, which he thought showed how they pointed the finger at the insurance companies, and I think he is drumming up a ghost that does not exist in the act.

Mr. President, I have no hope of changing his mind or of getting his vote in favor of this bill, I am only sorry that he has read that implied suggestion into the act, because I know down in his heart he wants to vote against this bill, but this dormant phobia against insurance companies prohibits him.

Mr. CAVALCANTE. Mr. President, under the uniform statutory construction act of our Commonwealth, the courts of the Commonwealth are requested, if I may put it that way, to consult the Legislative Journal in order to ascertain what the intention of the Legislature might have been on any given legislation, and it is because of that I have asked permission to speak again.

I want to put another point on the record which tends to show that this bill is not needed at all, but in my opinion it is merely a reaching out for power or a concentration of power under the excuse of war and defense.

Mr. President, no matter how mediocre an attorney may be, he who sits here in this Senate knows that cities and boroughs have the power by resolution to makes rules and regulations for the governing of the citizens of their respective municipalities. There is not a city or a borough in the State of Pennsylvania that can not enact rules and regulations and impose penalties for their violation in relation to this subject of air raids and blackouts. There is very little need for rules and regulations if an air raid is conducted over a farm of some person out in the country; but the experience in the countries at war seems to show that where the regulation is needed in time of air raid and blackouts is in the congested, in the populated sections of the country, that it is the populated centers upon which the enemy looses its air attacks, and I would sooner trust the government of the City of Philadelphia and the power conferred upon it by the Constitution and Acts of Assembly to promulgate and set up rules and regulations for air raids and blackouts, than to concentrate that power in the Council of Defense, no member of which may know anything about the conditions in Philadelphia, and what might be a good rule and regulation in case of an air raid or blackout and what might not be. You pass this act and it means that the power of the City of Philadelphia and the broad power of this Commonwealth as to enacting rules and regulations to deal with the subject will be taken away from them, because the rules and regulations that may be adopted by the State Council of Defense may be in direct opposition to what the borough council or the people of the City of Philadelphia might think proper in their particular locality.

In my opinion, Mr. President, I think it is a whole lot better to leave this power diffused the way it is, in the hands of the boroughs, in the hands of the cities, rather than to concentrate it in the State Council of Defense, for what rules and regulations may be proper and just to meet a situation in Philadelphia may not be the proper rules and regulations to apply, let us say, to a county like Fayette, where we have coke ovens with fires burning all night as a beacon light to air raids and blackouts. We could not blackout the County of Fayette if we would want to, because we have thousands upon thousands of beehive coke ovens that shoot their flare up in the sky. The City of Pittsburgh has furnace after furnace that shoots its glare up into the heavens at every hour of the night, and they can not blackout the City of Pittsburgh. Rules and regulations passed by the State Council of Defense that might apply to a city like Lancaster or some city that does not have beehive ovens or blast furnaces may not be a proper rule for my county or the City of Philadelphia or the City of Pittsburgh.

It might be well, instead of passing this bill, to pass a bill conferring, if the cities and boroughs do not already have that power, the power upon them to make rules and regulations to control blackouts and air raids, and if the township supervisors do not have that power now, they can easily be given the power to adopt resolutions and regulations to govern the conduct of the citizenry in case of an air raid and blackout.

Mr. President, when we sum this thing all up, this bill is really a reaching out for power, a concentration of power in a local agency, something that is diametrically opposed to the principle of democracy, which our boys will be sent to the front to fight for, to make the world safe for democracy. It is not democracy to take the power away from the cities and the boroughs and the people and centralize it here at Harrisburg in a body such as the State Council of Defense.

I say to you, Mr. President, that if we are going to be consistent we should leave this power in the cities and in the boroughs, and if the townships do not have it, let us confer that power upon them, and then this subject of air raids and blackouts will be rightly covered and the powers to make rules and regulations will be left with the people down below who will be the sufferers in case of air raids and blackouts; they are the ones that are vitally concerned. They are not interested in reaching out for power, but they

are interested in protecting their lives, their limbs, their properties and everything that is dear to them, so leave the power there; they will know what to do and when to do it.

And the question recurring,

Will the Senate agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—38

Bartlett,	Edmonds,	Lanius,	Tallman,
Becker,	Farrell,	Letzler,	Thomas,
Carr,	Frey,	Mallery,	Tyler,
Chapman,	Geltz,	McCreesh,	Wade,
Coleman,	Haluska,	McGinnis,	Walker,
Cox,	Heyburn,	Miller,	Watkins
Crider,	Homsher,	Scarlett,	Wilson, H. I.,
Crowe,	James,	Snowden,	Wilson, T. B.,
DiSilvestro,	Jaspan,	Stevenson,	Ziesenheim,
Ealy,	Kephart,		

NAYS—3

Cavalcante,	Shapiro,	Stiefel,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 56, (House Bill No. 8), entitled:

An Act to further amend section two of and to add Sections four and five to the act approved the seventh day of June one thousand nine hundred seventeen (P. L. 600) entitled "An act providing that appointive officers and employes employed by the Commonwealth of Pennsylvania in its civil service or by any department bureau commission or office thereof or by any county municipality township or school district shall not be deemed or held to have resigned or abandoned their offices or employments by reason of enlistment enrollment or draft in the military or naval service of the United States or any branch or unit thereof in time of war or contemplated war prohibiting the removal from their offices or employments of such officers and employes during the period of their service in the Army or Navy directing that one-half of the salaries or wages of such officers or employes as have dependent wives children or parents and not exceeding two thousand dollars per annum be paid during the term of their service in the Army or Navy to such dependents authorizing the employment during said term of substitutes to perform the duties theretofore performed by such officers or employes respectively and providing for the compensation of such substitutes" by more fully defining amounts payable limiting the time such amounts are payable and limiting the conditions of resumption of office or employment.

And said bill having been read at length the second time.

Will the Senate agree to the bill?

The first section was read.

On the question,

Will the Senate agree to the section?

Mr. MILLER. Mr. President, I desire to offer amendments.

The Clerk read the amendments as follows:

Amend Section 1, page 5, line 4, by striking out the dark-faced bracket before the word "not"; Amend Section 1, page 5, line 5, by inserting a dark-faced bracket before the word "and".

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The second section was read.

On the question,

Will the Senate agree to the section?

Mr. HOMSHER. Mr. President, I desire to offer amendments.

The Clerk read the amendments as follows:

Amend Section 2, page 5, line 12 by inserting near the end of the line after the word "service" the following: "and Provided further That no benefits under this act shall be paid to any dependent or dependents as herein defined in excess of such sum or sums as such dependent or dependents have been customarily receiving from such officer or employe, or in excess of such sum or sums as such officer or employe has been paying such dependent or dependents under order of a court of competent jurisdiction"; Amend page 5 by inserting between lines 16 and 17 the following: "Section 2. Said act is hereby amended by adding thereto the following new sections."

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The third section was read and agreed to.

The title was read and agreed to.

And said bill as amended having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 64, entitled:

A Supplement to the act approved March eleventh, one thousand nine hundred forty-two, entitled "An act to provide for the expenses of the Extraordinary Session of the Legislature assembled February seventeenth, one thousand nine hundred forty-two in pursuance of the proclamation of the Governor of the Commonwealth dated February tenth, one thousand nine hundred forty-two, and the supplement thereto."

And said bill having been read at length the second time,

On the question,

Will the Senate agree to the bill?

The first section was read.

On the question,

Will the Senate agree to the section?

Mr. CHAPMAN. Mr. President, I desire to offer an amendment.

The Clerk read the amendment as follows:

Amend Section 1, page 2, line 12, by inserting after line 12, the following:

For the payment of the expenses of the Committee on Appropriations of the Senate in examining and analyzing requests of the various departments boards and commissions of the Commonwealth for appropriations and for clerical assistance and other necessary expenses in connection with the work of said committee during and for the completition of the work of the session the sum of two thousand dollars ($2,000) to be paid on warrant of the Auditor General in favor of the chairman of said committee on the presentation of his requisition

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The title was read and agreed to.

And said bill as amended having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

REPORT FROM COMMITTEE

Mr. BARTLETT. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. BARTLETT, from the Committee on Public Health, reported as committed, Senate Bill No. 65, entitled:

An Act to amend section twenty-one as amended, of the act, approved the seventh day of June, one thousand nine hundred and fifteen (P. L. 900), entitled "An act to provide for the immediate registration of all births and deaths throughout the Commonwealth of Pennsylvania, by means of certificates of births and deaths, and burial or removal permits; requiring prompt returns to the Central Bureau of Vital Statistics, as required to be established by the State Department of Health; and, in order to secure prompt and faithful registration of births, marriages, deaths, and diseases of practitioners of medicine, and surgery, or midwives, nurses, and undertakers, and of all persons whose occupation is deemed to be of importance in obtaining complete registration of births, deaths, marriages, and diseases throughout the State, as provided in section ten of an act, entitled 'An act creating the Department of Health and defining its powers and duties,' approved the twenty-seventh day of April, nineteen hundred and five, and providing penalties for violations of this act," by further regulating the giving of certified copies of birth certificates to soldiers, sailors and marines and war nurses.

NOMINATIONS BY THE GOVERNOR

NOTARIES PUBLIC

The Secretary to the Governor being introduced, presented in writing from His Excellency, the Governor of the Commonwealth, nominations for appointment as Notaries Public.

CONSIDERATION OF NOTARIES PUBLIC

Mr. JAMES. Mr. President, I move that the Senate do now proceed to the consideration of nominations for appointment as Notaries Public, sent to the Senate March 24, 1942, by His Excellency, the Governor of the Commonwealth.

Mr. GELTZ. Mr. President, I second the motion.

The motion was agreed to.

The nominations were read as follows:

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 24, 1942.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

Miss Mary D. Bochicchio, Pittsburgh, 546 N. Homewood Ave.

Wade Johnston, Pittsburgh, 435 Sixth Ave.

Mrs. Charlotte B. Winters, Pittsburgh, 62d and Butler Streets.

CRAWFORD COUNTY

Miss Catherine Mengele, Meadville.

LANCASTER COUNTY

Norman A. Buhrman, Lancaster.

William K. Davis, Manheim Twp., R. D. No. 3, Lititz Pike, Lancaster.

LUZERNE COUNTY

Miss Ceal M. Brennan, Hazleton.

LYCOMING COUNTY

Edward R. Dwyer, Williamsport.

MONTGOMERY COUNTY

Fred H. Henning, Cheltenham Twp., P. O. Box 4323, Waverly Road, Chestnut Hill.

PHILADELPHIA COUNTY

T. A. Brandolini, Philadelphia, 1604 South 16th Street.

William M. Giuliano, Philadelphia, 1523 Morris Street.

Miss Carolyn Peterman, Philadelphia, 1120 Commercial Trust Bldg.

Mrs. Emma B. Welch, Philadelphia, U. S. Naval Hospital.

LEHIGH COUNTY

Edwin C. Bauer, Allentown.

Miss Mary G. Ferry, Allentown.

ARTHUR H. JAMES.

NOMINATIONS FOR NOTARIES PUBLIC

A motion was made by Mr. JAMES and Mr. MILLER,

That the Senate do advise and consent to said nominations.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—42

Bartlett,	Ealy,	Lanius,	Stiefel,
Becker,	Edmonds,	Letzler,	Tallman,
Carr,	Farrell,	Mallery,	Thomas,
Cavalcante,	Frey,	McCreesh,	Tyler,
Chapman,	Geltz,	McGinnis,	Wade,
Coleman,	Haluska,	Miller,	Walker,
Cox,	Heyburn,	Scarlett,	Watkins,
Crider,	Homsher,	Shapiro,	Wilson, H. I.,
Crowe,	James,	Snowden,	Wilson, T. B.,
Dent,	Jaspan,	Stevenson,	Ziesenheim,
DiSilvestro,	Kephart,		

NAYS—0

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

Mr. CAVALCANTE. Mr. President, I suggest to the gentleman from Allegheny, Mr. Geltz, that he should examine Senate Bill No. 37, Printer's No. 33, which we just passed, the air raid and blackout bill, and he will find that on page 6, Section 6, line 18, there is an error which should be corrected, and which I thought I would call to his attention before the bill goes over to the House.

In Section 6, line 18, it says "whenever the United States or any agency of officer"; that word ought to be any agency or officer.

Mr. GELTZ. Mr. President, I thank the gentleman from Fayette.

RECESS

Mr. GELTZ. Mr. President, I move that the Senate do now take a recess for a half hour.

Mr. MALLERY. Mr. President, I second the motion.

The motion was agreed to.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed the Senate will be in order.

HOUSE MESSAGE

SENATE BILL No. 42 RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives being introduced, returned to the Senate, Senate Bill No. 42, entitled:

An Act to suspend and modify existing law providing for and requiring the use of plates or tags as evidence of the payment of any license or registration fee insofar as such laws require the use of plates or tags manufactured of metal and by authorizing the use of other material in whole or in part.

with the information that the House has passed the same with amendments, in which the concurrence of the Senate is requested.

Mr. EDMONDS. Mr. President, I move that Rule 21, which requires amended bills to be noted on the calendar, be in this case dispensed with, and that the Senate proceed to the consideration of the amendments made by the House of Representatives to the foregoing bill.

Mr. MILLER. Mr. President, I second the motion.

It was agreed to.

On the question,

Will the Senate concur in the amendments made by the House of Representatives?

Mr. EDMONDS. Mr. President, I am glad to move that the Senate concur with the House on this amendment. This is the bill relating to the use of other substances than metal for licenses and tags and so on. It has been suggested that a broader phrase is necessary, where perhaps it might not be a license, but nevertheless it may be a tag that is required in some way, and the object of the House amendment is to make it apply to that series of cases.

The amendment to me seems to be good legislation and I therefore urge that the Senate concur in the House amendments.

And the question recurring,

Will the Senate concur in the amendments made by the House?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—38

Bartlett,	Edmonds,	Letzler,	Tallman,
Becker,	Farrell,	Mallery,	Thomas,
Carr,	Geltz,	McGinnis,	Tyler,
Chapman,	Haluska,	Miller,	Wade,
Coleman,	Heyburn,	Scarlett,	Walker,
Cox,	Homsher,	Shapiro,	Watkins,
Crider,	James,	Snowden,	Wilson, H. I.,
Crowe,	Jaspan,	Stevenson,	Wilson, T. B.,
DiSilvestro,	Kephart,	Stiefel,	Ziesenheim,
Ealy,	Lanius,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

REPORTS FROM COMMITTEES

Mr. HOMSHER. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. HOMSHER, from the Committee on Highways, reported as amended, Senate Bill No. 44, entitled:

An Act suspending, for the period of the present war and for a time thereafter, the provisions of article six of the act, approved the first day of May, one thousand nine hundred twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims, registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerk thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscel-

laneous receipts; making an appropriation and providing for refunds," and its amendments, in so far as they require the renewal of operators licenses of and the payment of operator's license fees by, persons in the military or naval service of the United States so as to authorize the issuance of temporary licenses to such persons.

Mr. CROWE. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. CROWE, from the Committee on Forests and Waters, Game and Fish, reported as committed, Senate Bill No. 69, (House Bill No. 64), entitled:

An Act suspending and modifying for the period of the present war and for a time thereafter the provisions of section two hundred fifty-one of the act, approved the second day of May, one thousand nine hundred and twenty-five (P. L. 448), entitled "An act relating to fish; and amending, revising, consolidating, and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth," and its amendments in so far as they authorize the Board of Fish Commissioners, when necessary to conserve the future fish supply, to close or open seasons and authorizeing the closing and opening of seasons by said board for any emergency during said period.

Mr. THOMAS B. WILSON. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. THOMAS B. WILSON, from the Committee on State Government, reported as committed, Senate Bill No. 50, (House Bill No. 28), entitled:

An Act to further amend clause (g) as added to section one thousand one hundred and ten of the act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," suspending during the period of present hostilities and for one year thereafter, the requirement that all electrically operated traffic signals shall be made to conform with provisions of said act and the regulations of the Secretary of Highways.

Mr. SHAPIRO. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. SHAPIRO, from the Committee on Finance, reported as committed, Senate Bill No. 54, (House Bill No. 12), entitled:

An Act prescribing the rights of persons enlisting or being inducted or drafted into the military or naval service of the United States in time of war or preparation for national defense during a national emergency under licenses issued by the Department of Revenue to operate any motor vehicle and providing for the renewals after discharge from such service.

Mr. SNOWDEN, Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. SNOWDEN, from the Committee on Highways reported as amended, Senate Bill No. 60, entitled:

An Act to suspend and modify existing law of the Commonwealth regulating the operation of motor driven vehicles which limit the gross weight or length of such vehicles as are permitted to be operated upon the highways of the Commonwealth and authorizing the Secretary of the Department of Highways to issue permits for the use of over-weight and over-length vehicles in certain cases.

MOTION TO READ BILLS THE FIRST TIME

Mr. GELTZ. Mr. President, I move that the Senate do now proceed to the first reading of all bills reported from committees for the first time at today's session.

Mr. MILLER. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 44, entitled:

An Act suspending for the period of the present war and for a time thereafter, the provisions of article six of the act, approved the first day of May, one thousand nine hundred twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," and its amendments, insofar as they require the renewal of operators licenses of and the payment of operator's license fees by, persons in the military or naval service of the United States so as to authorize the issuance of temporary licenses to such persons.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 50, (House Bill No. 28), entitled:

An Act to further amend clause (g) as added to section one thousand one hundred and ten of the act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, Incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," suspending during the period of present hostilities and for one year thereafter, the requirement that all electrically operated traffic signals shall be made to conform with provisions of said act and the regulations of the Secretary of Highways.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 54, (House Bill No. 12), entitled:

An Act prescribing the rights of persons enlisting or being inducted or drafted into the military or naval service of the United States in time of war or preparation for national defense during a national emergency under licenses issued by the Department of Revenue to operate any motor vehicle and providing for the renewals after discharge from such service.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 60, entitled:

An Act to modify existing law of the Commonwealth regulating the operation of motor driven vehicles which limit the gross weight or length of such vehicles as are permitted to be operated upon the highways of the Commonwealth by authorizing the Secretary of the Department of Highways to issue permits for the use of over-weight and over-length vehicles in certain cases.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 65, entitled:

An Act to amend section twenty-one as amended, of the act, approved the seventh day of June, one thousand nine hundred and fifteen (P. L. 900), entitled "An act to provide for the immediate registration of all births and deaths throughout the Commonwealth of Pennsylvania, by means of certificates of births and deaths, and burial or removal permits; requiring prompt returns to the Central Bureau of Vital Statistics, as required to be established by the State Department of Health; and, in order to secure prompt and faithful registration of births, marriages, deaths, and diseases of practitioners of medicine, and surgery, or midwives, nurses, and undertakers, and of all persons whose occupation is deemed to be of importance in obtaining complete registration of births, deaths, marriages, and diseases throughout the State, as provided in section ten of an act, entitled 'An act creating the Department of Health and defining its powers and duties,' approved the twenty-seventh day of April, nineteen hundred and five, and providing penalties for violations of this act," by further regulating the giving of certified copies of birth certificates to soldiers, sailors and marines and war nurses.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 69, (House Bill No. 64), entitled:

An Act suspending and modifying for the period of the present war and for a time thereafter the provisions of section two hundred fifty-one of the act approved the second day of May one thousand nine hundred and twenty-five (P. L. 448), entitled "An act relating to fish and amending revising and consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" and its amendments in so far as they authorize the Board of Fish Commissioners when necessary to conserve the future fish supply to close or open seasons and authorizing the closing and opening of seasons by said board for any emergency during said period.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

ADJOURNMENT

Mr. GELTZ. Mr. President, I move that the Senate do now adjourn until Wednesday, March 25, 1942, at 12:00 o'clock, noon, Eastern War Time.

Mr. MILLER. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 4:46 o'clock, p. m., Eastern War Time until Wednesday, March 25, 1942, at 12:00 o'clock noon, Eastern War Time.

HOUSE OF REPRESENTATIVES

TUESDAY, March 24, 1942

The House met at 1 p. m.

The SPEAKER (Elmer Kilroy) in the Chair.

PRAYER

The Chaplain, Rev. Donald McFall, offered the following prayer:

Dear God, we have been taught to ask as we pray, "Give us this day our daily bread;" today, we would beseech Thee to give us this day our daily job. Help each one of us to put his heart into the task he may be called upon to perform for Thee. May we remember those less fortunate than we. Give healing to the sick and comfort to the sorrowing. Save us, we pray Thee, from drifting into loveless ways.

Look with favor upon Thy children as they seek to do Thy will. As a nation may we not only say, "God is our refuge, a very present help in time of trouble," but may we look to Thee for guidance, for strength, and for the assurance of Thy blessing in all our undertakings. In Thy name we pray. Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of yesterday.

The Clerk proceeded to read the Journal of yesterday, when, on motion of Mr. ELLIOTT, unanimously agreed to, the further reading was dispensed with and the Journal approved.

BILL INTRODUCED AND REFERRED

By Mr. AUKER. HOUSE BILL No. 87.

An Act creating a Legislative War Committee and authorizing such committee, for a limited period of time, to suspend or modify the operation of laws either in whole or in part under certain circumstances during the existence of a war wherein the United States is engaged; imposing duties and conferring powers upon such committee; and making an appropriation.

Referred to the Select Committee on Special Session Legislation.

RESOLUTIONS INTRODUCED AND REFERRED

By Mr. POWERS. RESOLUTION No. 34.

In the House of Representatives, March 23, 1942.

Whereas, Because of the war emergency, most industries and all government agencies have refused to employ anyone unless a birth certificate is produced; and

Whereas, By reason of this situation thousands of applications for birth certificates have been submitted to the Bureau of Vital Statistics, of the Department of Health; and

Whereas, The Bureau of Vital Statistics is not able to keep up with the aforesaid demand for certificates occasioning long delays, creating unnecessary unemployment, and causing a loss of many labor hours in vital defense industries; therefore be it

Resolved, That it is the sense of this House that whenever an application is made for a birth certificate, the Bureau of Vital Statistics shall issue a receipt therefor, which receipt shall be accepted in lieu of a birth certificate until the Bureau is able to make its search and either issues or refuses to issue its certificate, and be it further

Resolved, That copies of this resolution be submitted to the Secretary of Health, all governmental agencies, and to the State Council of Defense for distribution to all defense industries in the Commonwealth.

Referred to the Select Committee on Special Session Legislation.

By Mr. FALKENSTEIN. RESOLUTION No. 35.

In the House of Representatives, March 23, 1942.

Whereas, For the past two years there has been brought to the attention of the residents of the City of Philadelphia, the fact that many of its fire plugs have deteriorated and cannot be properly utilized for fire fighting purposes; and

Whereas, Because of the possibility of air raids and conflagrations usually caused by such raids this condition becomes even more serious to the residents and the vital war industries in the City of Philadelphia; and

Whereas, The officials of the City of Philadelphia have either failed, neglected or refused to make the necessary additions and replacements which this situation warrants; and

Whereas, One of the duties of the State Council of Defense is to coordinate activities for fire protection and disaster relief; therefore be it

Resolved, That the House of Representatives hereby directs the State Council of Defense to confer with the officials of the City of Philadelphia and adopt such other measures as it may deem necessary to insure to the residents and the industries of the City of Philadelphia sufficient usable fire plugs for their protection in cases of fire; and be it further

Resolved, That a copy of this resolution be transmitted by the Chief Clerk to the Director of the State Council of Defense.

Referred to the Select Committee on Special Session Legislation.

PETITIONS AND COMMUNICATIONS

The SPEAKER laid before the House the following communications which were read by the Clerk.

EMERGENCY LANDING FIELDS

A communication from the American Zinc and Chemical Company, Langeloth;

A communication from the Langeloth Coal Company, Langeloth; and

A communication from the Climax Molybdenum Company of Pennsylvania, Langeloth,

urging passage of House Bill No. 75, authorizing the Pennsylvania Game Commission to lease lands for emergency landing fields.

Referred to the Select Committee on Special Session Legislation.

PUBLIC OFFICERS

A communication from the Pennsylvania Federation of Labor protesting passage of Senate Bill No. 25, prohibiting extension of term or increase or decrease of salaries of public officers.

Referred to the Select Committee on Special Session Legislation.

COMMITTEE APPOINTED—RESOLUTION No. 12

The SPEAKER. In accordance with the provisions of House Resolution No. 12, Printer's No. 19, adopted by the House of Representatives March 18, 1942, the Speaker appoints the following Select Committee: Messrs. Breth, Readinger, Holland, Lovett, Brown, Dolan, Haberlen, Rush, Bentzel, Reuben E. Cohen, Modell, Prosen, Baugher,

Presley, N. Jones, Turner, Sollenberger, Rhea, Elder, Imbrie, Lloyd H. Wood, and Knoble.

REPORTS FROM COMMITTEES

Mr. GERARD, from the Select Committee on Special Session Legislation, reported as committed, House Bill No. 75, entitled:

An Act authorizing the Executive Director of the Pennsylvania Game Commission, with the unanimous approval of the Commission and for a certain limited period of time, to lease lands to political subdivisions or to Federal agencies for use as aviation landing fields; conferring certain powers upon political subdivisions relative to the acceptance and development of such lands; and suspending certain inconsistent legislation.

Mr. BAUGHER, from the Select Committee on Special Session Legislation, reported as committed, House Bill No. 76, entitled:

An Act suspending and modifying for the period of the present war and for a time thereafter the provisions of section one of the act, approved the eighth day of July, one thousand nine hundred and nineteen (P. L. 737), entitled "A supplement to an act, entitled 'An act to establish a Board of Commissioners of Navigation for the River Delaware and its navigable tributaries; regulating their jurisdiction over ships, vessels, and boats, and wharves, piers, bulkheads, docks, slips, and basins; and exempting cities of the first class from certain of its provisions; and making an appropriation therefor,' approved the eighth day of June, Anno Domini one thousand nine hundred seven; authorizing and directing the commissioners to provide and maintain a nautical school for the education and training of pupils from the various counties of the Commonwealth of Pennsylvania in the science and practice of navigation; and making an appropriation for two years from the first day of June, Anno Domini one thousand nine hundred and nineteen, towards its maintenance," and its amendments, in so far as they require the furnishing of accommodations on board a proper vessel for the nautical school, when no such vessel is available and imposing upon the State Council of Defense the duty of furnishing other accommodations.

Mr. WOODRING, from the Select Committee on Special Session Legislation, reported as committed, House Bill No. 55, entitled:

An Act authorizing the Secretary of Internal Affairs to issue patents for lands to be used by the United States for war purposes, upon the payment of the original purchase price without interest accrued thereon, and to temporarily suspend the law requiring the payment of said interest.

Mr. STARK, from the Select Committee on Special Session Legislation, reported as committed, House Bill No. 43, (Senate Bill No. 31), entitled:

An Act making available the services of recipients of general assistance under certain conditions by permitting them to earn a limited amount of money in work essential to the prosecution of the existing war in which the United States of America is engaged without forfeiting their right to assistance or any part thereof.

Mr. LOVETT, from the Select Committee on Special Session Legislation, reported as amended, House Bill No. 57, entitled:

An Act authorizing the secretary of the board of health in the various cities of the third class throughout the Commonwealth, during the continuation of the present war and for six months thereafter, to search and issue certified copies of birth and death records maintained by such cities after the State-wide system for registering vital statistics was established; requiring that such birth and death records be made available to the secretary of the board of health for the purposes of this act; and authorizing the respective city councils to prescribe fees for such services.

WEST READING HIGH SCHOOL CLASS WELCOMED

The SPEAKER. The Chair welcomes to the House this afternoon the Senior Class of the West Reading High School who are the guests of the gentleman from Berks, Mr. Wolf.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 64, as follows:

An Act suspending and modifying for the period of the present war and for a time thereafter the provisions of section two hundred fifty-one of the act approved the second day of May one thousand nine hundred and twenty-five (P. L. 448) entitled "An act relating to fish and amending revising and consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" and its amendments in so far as they authorize the Board of Fish Commissioners when necessary to conserve the future fish supply to close or open seasons and authorizing the closing and opening of seasons by said board for any emergency during said period

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The provisions of section two hundred fifty-one of the act approved the second day of May one thousand nine hundred and twenty-five (P. L. 448) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" and its amendments are hereby suspended and modified in so far as they authorize the Board of Fish Commissioners when in its judgment it becomes necessary to conserve the future fish supply to close or open seasons for the period of the duration of the present war and for six months after the conclusion of hostilities

Section 2 The Board of Fish Commissioners during said period may close or open seasons for any of the inland waters artificial or otherwise boundary lakes and boundary rivers of this Commonwealth as in its judgment it may deem necessary for any emergency and shall not solely be limited in the application of its judgment to the conservation of the future fish supply.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—197

Achterman,	Foor,	Malloy,	Rosenfeld,
Baker,	French,	Marks,	Royer,
Balthaser,	Gallagher,	Maxwell,	Rush,
Baugher,	Gates,	McClanaghan,	Sarge,
Bentzel,	Gerard,	McClester,	Sarraf,
	Gillan,	McDermott,	Scanlon,

Boies,	Goodwin,	McDowell,	Schwab,
Boney,	Greenwood,	McFall,	Serrill,
Boorse,	Gross,	McGrath,	Shaffer,
Bower,	Gryskewicz,	McIntosh,	Shaw,
Breth,	Gyger,	McKinney,	Shepard,
Bretherick,	Habbyshaw,	McLanahan,	Simons,
Brown,	Haberlen,	McLane,	Skale,
Brunner, C. H.,	Haines,	McMillen,	Snyder,
Brunner, P. A.,	Hall,	McSurdy,	Sollenberger,
Burns,	Hamilton,	Melchiorre,	Sorg,
Burris,	Hare,	Mihm,	Stambaugh,
Cadwalader,	Harmuth,	Modell,	Stank,
Chervenak,	Harris,	Mooney,	Stine,
Chudoff,	Heatherington,	Moran,	Stockham,
Cochran,	Helm,	Moul,	Tate,
Cohen, M. M.,	Hering,	Muir,	Taylor,
Cohen, R. E.,	Herman,	Munley,	Thompson, E. F.,
Cook,	Hersch,	Nagel,	Thompson, R. L.,
Cooper,	Hewitt,	Nunemacher,	Trout,
Cordier,	Hirsch,	O'Brien,	Turner,
Corrigan,	Holland,	O'Connor,	Van Allsburg,
Croop,	Huntley,	O'Dare,	Verona,
Cullen,	Imbrie,	O'Mullen,	Vincent,
Dalrymple,	James,	O'Neill,	Vogt,
Dennison,	Jefferson,	Owens,	Voldow,
Di Genova,	Jones, G. E.,	Petrosky,	Wagner,
Dix,	Jones, P. N.,	Pettit,	Watkins,
Dolon,	Keenan,	Polaski,	Weingartner,
D'Ortona,	Kenehan,	Polen,	Weiss,
Duffy,	Kline,	Powers,	Welsh, E. B.,
Early,	Knoble,	Prosen,	Welsh, M. J.,
Eckels,	Kolankiewicz,	Rank,	Wilkinson,
Elder,	Komorofski,	Rausch,	Williams,
Elliott,	Krise,	Readinger,	Winner,
Ely,	Lee, E. A.,	Reagan,	Wolf,
Falkenstein,	Lee, T. H.,	Reese, D. P.,	Wood, L. H.,
Finestone,	Leisey,	Reese, R. E.,	Wood, N.,
Finnerty,	Leonard,	Regan,	Woodring,
Fisher,	Lesko,	Reynolds,	Wright,
Fiss,	Levy,	Rhea,	Yeakel,
Fleming,	Leydic,	Riley,	Yester,
Fletcher,	Longo,	Rooney,	Young,
Flynn,	Lovett,	Rose, S.,	Kilroy,
	Lyons,	Rose, W. E.,	Speaker.

NAYS—5

Auker,	Lichtenwalter,	Monks,	Tarr,
Bradley,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 68, as follows:

An Act to amend section two of the act approved the tenth day of July one thousand nine hundred thirty-five (P. L. 645) entitled "An act imposing certain requirements on certain hospitals receiving State aid authorizing the withholding of appropriations and imposing duties on the Department of Welfare" by providing that during the present war and six months thereafter funds shall not be withheld from hospitals for violation of such act if the Secretary of Welfare determines that the constant attendance of a licensed physician or resident interne cannot be secured by such hospitals because of the war emergency

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section two of the act approved the tenth day of July one thousand nine hundred thirty-five (P. L. 645) entitled "An act imposing certain requirements on certain hospitals receiving State aid authorizing the withholding of appropriations and imposing duties on the Department of Welfare" is hereby amended to read as follows

Section 2 The Department of Welfare shall enforce the provisions of this act and shall withhold the payment of all money or the unpaid balance thereof appropriated or allotted to any hospital failing to comply with the provisions of this act Provided however That during the continuation of the state of war between the United States of America and any foreign country and for six months thereafter no funds appropriated or allotted to any hospital shall be withheld under this act if the Secretary of Welware determines that the constant attendance of a licensed physician or resident interne cannot be secured by such hospital because of the war emergency.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—202

Achterman,	Foor,	Malloy,	Rosenfeld,
Auker,	French,	Marks,	Royer,
Baker,	Gallagher,	Maxwell,	Rush,
Balthaser,	Gates,	McClanaghan,	Sarge,
Baugher,	Gerard,	McClester,	Sarraf,
Bentzel,	Gillan,	McDermott,	Scanlon,
Boies,	Goodwin,	McDowell,	Schwab,
Boney,	Greenwood,	McFall,	Serrill,
Boorse,	Gross,	McGrath,	Shaffer,
Bower,	Gryskewicz,	McIntosh,	Shaw,
Bradley,	Gyger,	McKinney,	Shepard,
Breth,	Habbyshaw,	McLanahan,	Simons,
Bretherick,	Haberlen,	McLane,	Skale,
Brown,	Haines,	McMillen,	Snyder,
Brunner, C. H.,	Hall,	McSurdy,	Sollenberger,
Brunner, P. A.,	Hamilton,	Melchiorre,	Sorg,
Burns,	Hare,	Mihm,	Stambaugh,
Burris,	Harmuth,	Modell,	Stank,
Cadwalader,	Harris,	Monks,	Stine,
Chervenak,	Heatherington,	Mooney,	Stockham,
Chudoff,	Helm,	Moran,	Tarr,
Cochran,	Hering,	Moul,	Tate,
Cohen, M. M.,	Herman,	Muir,	Taylor,
Cohen, R. E.,	Hersch,	Munley,	Thompson, E. F.,
Cook,	Hewitt,	Nagel,	Thompson, R. L.,
Cooper,	Hirsch,	Nunemacher,	Trout,
Cordier,	Holland,	O'Brien,	Turner,
Corrigan,	Huntley,	O'Connor,	Van Allsburg,
Croop,	Imbrie,	O'Dare,	Verona,
Cullen,	James,	O'Mullen,	Vincent,
Dalrymple,	Jefferson,	O'Neill,	Vogt,
Dennison,	Jones, G. E.,	Owens,	Voldow,
Di Genova,	Jones, P. N.,	Petrosky,	Wagner,
Dix,	Keenan,	Pettit,	Watkins,
Dolon,	Kenehan,	Polaski,	Weingartner,
D'Ortona,	Kline,	Polen,	Weiss,
Duffy,	Knoble,	Powers,	Welsh, E. B.,
Early,	Kolankiewicz,	Prosen,	Welsh, M. J.,
Eckels,	Komorofski,	Rank,	Wilkinson,
Elder,	Krise,	Rausch,	Williams,
Elliott,	Lee, E. A.,	Readinger,	Winner,
Ely,	Lee, T. H.,	Reagan,	Wolf,
Falkenstein,	Leisey,	Reese, D. P.,	Wood, L. H.,
Finestone,	Leonard,	Reese, R. E.,	Wood, N.,
Finnerty,	Lesko,	Regan,	Woodring,
Fisher,	Levy,	Reynolds,	Wright,
Fiss,	Leydic,	Rhea,	Yeakel,
Fleming,	Lichtenwalter,	Riley,	Yester,
Fletcher,	Longo,	Rooney,	Young,
Flynn,	Lovett,	Rose, S.,	Kilroy,
	Lyons,	Rose, W. E.,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 72, as follows:

An Act authorizing as a temporary emergency war measure the making available of the facilities of state teachers' colleges for vocational or defense education purposes and the temporary suspension of laws inconsistent therewith upon findings by the board of trustees of the state teachers' college the State Council of Education and the State Council of Defense

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Whenever during the continuance of any war in which this Nation is or may become engaged it shall be found as a fact by the board of trustees of any state teachers' college by the State Council of Education and by the State Council of Defense that the need for making any of the state teachers' colleges available for vocational or defense education interferes with the prosecution of such war such board of trustees with the approval of the State Council of Education shall have power to make the facilities of the state teachers' college under its control available as an area trade and vocational school or to make such other adaptation of the facilities thereof for purposes of vocational or defense education as they shall deem the emergency warrants and to suspend the operation of any law or part of a law of this Commonwealth inconsistent with such action for a period until such board and the State Council of Education shall in like manner find that such action is no longer necessary but in no event longer than one year after the cessation of the hostilities of such war In any such event the State Council of Education shall transfer or reassign to other state teachers' colleges or suspend the members of the faculty and student body of the state teachers' college that has been adapted to vocational or defense educational purposes

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—202

Achterman,	French,	Marks,	Rosenfeld,
Auker,	Gallagher,	Maxwell,	Royer,
Baker,	Gates,	McClanaghan,	Rush,
Balthaser,	Gerard,	McClester,	Sarge,
Baugher,	Gillan,	McDermott,	Sarraf,
Bentzel,	Goodwin,	McDowell,	Scanlon,
Boies,	Greenwood,	McFall,	Schwab,
Boney,	Gross,	McGrath,	Serrill,
Boorse,	Gryskewicz,	McIntosh,	Shaffer,
Bower,	Gyger,	McKinney,	Shaw,
Bradley,	Habbyshaw,	McLanahan,	Shepard,
Breth,	Haberlen,	McLane,	Simons,
Bretherick,	Haines,	McMillen,	Skale,
Brown,	Hall,	McSurdy,	Snyder,
Brunner, C. H.,	Hamilton,	Melchiorre,	Sollenberger,
Brunner, P. A.,	Hare,	Mihm,	Sorg,
Burns,	Harmuth,	Modell,	Stambaugh,
Burris,	Harris,	Monks,	Stank,
Cadwalader,	Heatherington,	Mooney,	Stine,
Chervenak,	Helm,	Moran,	Stockham,
Chudoff,	Hering,	Moul,	Tarr,
Cochran,	Herman,	Muir,	Tate,
Cohen, M. M.,	Hersch,	Munley,	Taylor,
Cohen, R. E.,	Hewitt,	Nagel,	Thompson, E. F.,
Cook	Hirsch,	Nunemacher,	Thompson, R. L.,
Cooper,	Holland,	O'Brien,	Trout,
Cordier,	Huntley,	O'Connor,	Turner,
Corrigan,	James,	O'Dare,	Van Allsburg,
Croop,	Jefferson,	O'Mullen,	Verona,
Cullen,	Jones, G. E.,	O'Neill,	Vincent,
Dalrymple,	Jones, P. N.,	Owens,	Vogt,
Dennison,	Keenan,	Petrosky,	Voldow,
Di Genova,	Kenehan,	Pettit,	Wagner,
Dix,	Kline,	Polaski,	Watkins,
Dolon,	Knoble,	Polen,	Weingartner,
D'Ortona,	Kolankiewicz,	Powers,	Weiss,
Duffy,	Komorofski,	Prosen,	Welsh, E. B.,
Early,	Krise,	Rank,	Welsh, M. J.,
Eckels,	Lee, E. A.,	Rausch,	Wilkinson,
Elder,	Lee, T. H.,	Readinger,	Williams,
Ely,	Leisey,	Reagan,	Winner,
Falkenstein,	Leonard,	Reese, D. P.,	Wolf,
Finestone,	Lesko,	Reese, R. E.,	Wood, L. H.,
Finnerty,	Levy,	Regan,	Wood, N.,
Fisher,	Leydic,	Reynolds,	Woodring,
Fiss,	Lichtenwalter,	Rhea,	Wright,
Fleming,	Longo,	Riley,	Yeakel,
Fletcher,	Lovett,	Rooney,	Yester,
Flynn,	Lyons,	Rose, S.,	Young,
Foor.	Malloy,	Rose, W. E.,	Kilroy, Speaker.

NAYS—2

Elliott,	Imbrie,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 42, as follows:

An Act to further amend section eight of the act approved the nineteenth day of March one thousand nine hundred nine (P. L. 46) entitled "An act to regulate the practice of osteopathy in the State of Pennsylvania to provide for the establishment of a State Board of Osteopathic Examiners to define the powers and duties of said Board of Osteopathic Examiners to provide for the examining and licensing of osteopaths in this State and to provide penalties for the violation of this act" by further regulating for a limited period the time necessary for graduation and for admission to practice as osteopathic physicians and surgeons in this state

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section eight of the act approved the nineteenth day of March one thousand nine hundred nine (P. L. 46) entitled "An act to regulate the practice of osteopathy in the State of Pennsylvania to provide for the establishment of a State Board of Osteopathic Examiners to define the powers and duties of said Board of Osteopathic Examiners to provide for the examining and licensing of osteopaths in this State and to provide penalties for the violation of this act" as amended by section one of the act approved the seventeenth day of May one thousand nine hundred seventeen (P. L. 229) is hereby further amended to read as follows

Section 8 From and after the approval of this act any person not theretofore authorized to practice osteopathy In this State and desiring to enter upon such practice may deliver to the Secretary of the State Board of Osteopathic Examiners upon the payment of a fee of twenty-five dollars a written application for license together with satisfactory proof that the applicant is more than twenty-one years of age is of good moral character has obtained a preliminary education as hereinafter provided and has received a diploma conferring the degree in osteopathy from some legally incorporated reputable osteopathic college of the United States or some foreign country wherein the course of instruction consists of at least three separate years of not less than nine months in each separate year Applicants who receive their degree in osteopathy after the first day of January Anno Domini one thousand nine hundred and twelve must have pursued the study of osteopathy for four [years of at least eight months in each year in four different calendar years] graded courses of not less than thirty-two weeks of not less than thirty-five hours each of actual work in didactic laboratory and clinical studies the work of each [year] course having been successfully passed in some legally incorporated reputable osteopathic college or colleges prior to the granting of said diploma or foreign license Provided fur-

ther That any one who is in the practice of osteopathy in some other State at the time of the approval of this act and who is a graduate from a reputable and legally incorporated college of osteopathy providing a course of study of at least four terms of five months each shall be eligible for examination upon all other terms and conditions provided for applicants for examination under the provisions of this act And provided further That the completion of the regular four years' course and graduation from a reputable literary college in which four years' course two years were devoted to scientific and biological work in the college shall be accepted by the State Board of Osteopathic Examiners as an equivalent for the first year in a recognized reputable osteopathic college Provided That the examinations of the first year of the said osteopathic college have been successfully passed and accepted by the osteopathic college as dealing adequately with chemistry toxicology physics physiology anatomy and the biologic sciences Such proof shall be made if required on affidavit Upon the making of said payment and proof the State Board of Osteopathic Examiners if satisfied with the same shall admit said applicant to examination as to his other qualifications for the practice of osteopathy which examination shall include the subjects of anatomy physiology chemistry toxicology pathology diagnosis hygiene obstetrics and gynecology surgery principles and practice of osteopathy and such other subjects as the board may require On receiving from the committee of examiners delegated to conduct examinations as provided for in section five of this act official report of the examination of any applicant for license the said State Board of Osteopathic Examiners shall issue forthwith to each applicant who shall have obtained a general average of not less than seventy-five per centum and therefore has been returned as having successfully passed said examination and who have been adjudged by the said Board of Examiners to be duly qualified for the practice of osteopathy a license to practice osteopathy in the State of Pennsylvania as provided for in section ten of this act In case of failure at any such examination the candidate after the expiration of six months and within two years shall have the privilege of a second examination Having failed upon a second examination as herein provided application de novo may be made upon complying with the standard of qualification both as to character preliminary and osteopathic education in force at the time of said application and upon the payment of a fee of twenty-five dollars

Section 2 This act shall become effective immediately upon final enactment and shall remain in operation during the period in which the United States of America is at War with any foreign country and for six months thereafter

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—192

Achterman,	Gallagher,	Marks,	Rose, S.,
Baker,	Gates,	Maxwell,	Rose, W. E.,
Balthaser,	Gerard,	McClanaghan,	Rosenfeld,
Baugher,	Gillan,	McClester,	Royer,
Bentzel,	Goodwin,	McDermott,	Rush,
Boney,	Greenwood,	McDowell,	Sarge,
Bower,	Gross,	McFall,	Sarraf,
Bradley,	Gryskewicz,	McGrath,	Scanlon,
Breth,	Gyger,	McIntosh,	Schwab,
Bretherick,	Habbyshaw,	McKinney,	Serrill,
Brown,	Haberlen,	McLanahan,	Shaffer,
Brunner, C. H.,	Haines,	McLane,	Shaw,
Brunner, P. A.,	Hall,	McMillen,	Shepard,
Burns,	Hamilton,	McSurdy,	Simons,
Burris,	Hare,	Melchiorre,	Skale,
Cadwalader,	Harmuth,	Mihm,	Snyder,
Chervenak,	Harris,	Modell,	Sorg,
Chudoff,	Heatherington,	Monks,	Stambaugh,
Cochran,	Helm,	Mooney,	Stank,
Cohen, M. M.,	Hering,	Moran,	Stine,
Cohen, R. E.,	Herman,	Moul,	Stockham,
Cook,	Hersch,	Muir,	Tarr,
Cooper,	Hewitt,	Munley,	Tate,
Cordier,	Hirsch,	Nagel,	Taylor,
Corrigan,	Holland,	Nunemacher,	Thompson, E. F.,
Croop,	Huntley,	O'Brien,	Thompson, R. L.,
Cullen,	Imbrie,	O'Connor,	Trout,
Dalrymple,	James,	O'Dare,	Turner,
Dennison,	Jefferson,	O'Mullen,	Van Allsburg,
Di Genova,	Keenan,	O'Neill,	Verona,
Dix,	Kenehan,	Owens,	Vincent,
Dolon,	Kline,	Petrosky,	Vogt,
D'Ortona,	Knoble,	Pettit,	Voldow,
Duffy,	Kolankiewicz,	Polaski,	Wagner,
Early,	Komorofski,	Polen,	Watkins,
Eckels,	Krise,	Powers,	Weiss,
Elder,	Lee, E. A.,	Prosen,	Welsh, E. B.,
Ely,	Lee, T. H.,	Rank,	Welsh, M. J.,
Falkenstein,	Leisey,	Rausch,	Wilkinson,
Finestone,	Leonard,	Readinger,	Williams,
Finnerty,	Lesko,	Reagan,	Winner,
Fisher,	Levy,	Reese, D. P.,	Wolf,
Fiss,	Leydic,	Reese, R. E.,	Wood, L. H.,
Fleming,	Lichtenwalter,	Regan,	Woodring,
Fletcher,	Longo,	Reynolds,	Wright,
Flynn,	Lovett,	Rhea,	Yeakel,
Foor,	Lyons,	Riley,	Young,
French,	Malloy,	Rooney,	Kilroy, Speaker.

NAYS—10

Auker,	Elliott,	Sollenberger,	Wood, N.,
Boles,	Jones, G. E.,	Weingartner,	Yester,
Boorse,	Jones, P. N.,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 61, (Senate Bill No. 42), as follows:

An Act to suspend and modify existing law providing for and requiring the use of plates or tags as evidence of (1) the payment of any license or registration fee or (2) in compliance with any other legal requirement insofar as such laws require the use of plates or tags manufactured of metal and by authorizing the use of other material in whole or in part

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 In order to make large quantities of metal available for use in the manufacture of materials and supplies for war use the provisions of any acts of assembly requiring the use or display of any plate or tag as evidence of the registration of (1) any vehicle or the payment of any registration fee or license fee or (2) in compliance with any other legal requirement by any person copartnership association or corporation are hereby suspended during the continuance of the war in which the United States is now engaged and for all subsequent registration or licensing years or periods commencing within six months after the termination of such war insofar as such acts require that such plates or tags shall be constructed or manufactured of metal and the department or agency of the State government issuing or requiring the use or display of such plates or tags or charged with the administration of any law requiring such use or display is hereby authorized to specify the use or display of plates or tags manufactured of material other than metal or to provide for the addition or attachment to plates or tags heretofore issued of some mark or substance clearly evidencing the renewal of such registration or licensing or compliance with any other

legal requirement and the payment of the fee required therefor

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. MORAN. Mr. Speaker, is there some one in the House who can explain what this bill does?

The SPEAKER. The Chair recognizes the gentleman from Monroe, Mr. Achterman.

Mr. ACHTERMAN. Mr. Speaker, due to the metal shortage we learn that very likely during the coming year, where the law requires the displaying of metal license plates as the evidence of payment of a license fee, in instances like in the Game Commission, traps must carry metallic tags bearing the names of the owners of the traps, or perhaps where metal must be displayed or used in connection with meeting the requirements of the law, these various departments that have charge of the enforcement of the law learn that it is impossible to comply with the law because of metal shortage or because of priorities. Under this act they will have the right to substitute some other material instead of metal for the purpose of compliance with the law.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—202

Achterman,	French,	Marks,	Rosenfeld,
Auker,	Gallagher,	Maxwell,	Royer,
Baker,	Gates,	McClanaghan,	Rush,
Balthaser,	Gerard,	McClester,	Sarge,
Baugher,	Gillan,	McDermott,	Sarraf,
Bentzel,	Goodwin,	McDowell,	Scanlon,
Boies,	Greenwood,	McFall,	Schwab,
Boney,	Gross,	McGrath,	Serrill,
Boorse,	Gryskewicz,	McIntosh,	Shaffer,
Bower,	Gyger,	McKinney,	Shaw,
Bradley,	Habbyshaw,	McLanahan,	Shepard,
Breth,	Haberlen,	McLane,	Simons,
Bretherick,	Haines,	McMillen,	Skale,
Brown,	Hall,	McSurdy,	Snyder,
Brunner, C. H.,	Hamilton,	Melchiorre,	Sollenberger,
Brunner, P. A.,	Hare,	Mihm,	Sorg,
Burns,	Harmuth,	Modell,	Stambaugh,
Burris,	Harris,	Monks,	Stank,
Cadwalader,	Heatherington,	Mooney,	Stine,
Chervenak,	Helm,	Moran,	Stockham,
Chudoff,	Hering,	Moul,	Tarr,
Cochran,	Herman,	Muir,	Tate,
Cohen, M. M.,	Hersch,	Munley,	Taylor,
Cohen, R. E.,	Hewitt,	Nagel,	Thompson, E. F.,
Cook,	Hirsch,	Nunemacher,	Thompson, R. L.,
Cooper,	Holland,	O'Brien,	Trout,
Cordier,	Huntley,	O'Connor,	Turner,
Corrigan,	Imbrie,	O'Dare,	Van Allsburg,
Croop,	James,	O'Mullen,	Verona,
Cullen,	Jefferson,	O'Neill,	Vincent,
Dalrymple,	Jones, G. E.,	Owens,	Vogt,
Dennison,	Jones, P. N.,	Petrosky,	Voldow,
Di Genova,	Keenan,	Pettit,	Wagner,
Dix,	Kenehan,	Polaski,	Watkins,
Dolon,	Kline,	Polen,	Weingartner,
D'Ortona,	Knoble,	Powers,	Weiss,
Duffy,	Kolankiewicz,	Prosen,	Welsh, E. B.,
Early,	Komorofski,	Rank,	Welsh, M. J.,
Eckels,	Krise,	Rausch,	Wilkinson,
Elder,	Lee, E. A.,	Readinger,	Williams,
Elliott,	Lee, T. H.,	Regan,	Winner,
Ely,	Leisey,	Reese, D. P.,	Wolf,
Falkenstein,	Leonard,	Reese, R. E.,	Wood, L. H.,
Finestone,	Lesko,	Reagan,	Wood, N.,
Finnerty,	Leydic,	Reynolds,	Woodring,
Fisher,	Lichtenwalter,	Rhea,	Wright,
Fiss,	Longo,	Riley,	Yeakel,
Fleming,	Lovett,	Rooney,	Yester,
Fletcher,	Lyons,	Rose, S.,	Young,
Flynn,	Levy,	Rose, W. E.,	Kilroy,
Foor,	Malloy,		Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return it to the Senate with information that the House has passed it with amendments in which the concurrence of the Senate is requested.

REPORTS FROM COMMITTEES

Mr. BAKER, from the Select Committee on Special Session Legislation, reported as committed, House Bill No. 59, entitled:

An Act to amend Section 18.1 of the act, approved the seventh day of June, one thousand nine hundred fifteen (P. L. 900), entitled "An act to provide for the immediate registration of all births and deaths throughout the Commonwealth of Pennsylvania, by means of certificates of births and deaths, and burial or removal permits; requiring prompt returns to the Central Bureau of Vital Statistics, as required to be established by the State Department of Health; and, in order to secure prompt and faithful registration of births, marriages, deaths, and diseases, or practitioners of medicine and surgery, of midwives, nurses, and undertakers, and of all persons whose occupation is deemed to be of importance in obtaining complete registration of births, deaths, marriages, and diseases throughout the State, as provided in section ten of an act, entitled 'An act creating the Department of Health and defining its powers and duties,' approved the twenty-seventh day of April, nineteen hundred and five, and providing penalties for violation of this act," as added, by directing the Department of Health to extend the special birth record file provided for by said section, so as to include birth records of veterans of wars other than the World War and so as to include honorably discharged soldiers, sailors and marines, and providing for the issuance of certified copies of such records without cost.

Mr. MELCHIORRE, from the Select Committee on Special Session Legislation, reported as committed, House Bill No. 78, entitled:

An Act to amend section six of the act, approved the twenty-fourth day of June, one thousand eight hundred ninety-five (P. L. 212), entitled "An act to establish an intermediate court of appeal; regulating its constitution, officers, jurisdiction, powers, practice, and its relation to the Supreme Court and the compensation of the judges and other officers and the practice and costs on appeals from its judgments," by making further provision as to the preparation, custody and disposition of plates used in the printing of Superior Court Reports.

Mr. MELCHIORRE, from the Select Committee on Special Session Legislation, reported as committed, House Bill No. 79, entitled:

An Act to further amend section seven of the act, approved the twelfth day of June, one thousand eight hundred seventy-eight (P. L. 201), entitled "An act to provide for the publication of the decisions of the supreme court and the appointment of a state reporter," by making further provisions relative to the custody and disposition of plates used in the printing of supreme court reports and supreme court advance sheets.

Mr. WOODRING, from the Select Committee on Special

Session Legislation, reported as amended, House Bill No. 56, entitled:

An Act authorizing the Secretary of Revenue of the Commonwealth of Pennsylvania, with approval of the Secretary of Highways during a certain limited period of time, to adopt rules and regulations relative to the use of the highways by motor vehicles, tractors, trailers or other equipment which cannot be fitted with rubber tires or treads, because of the shortage of rubber and providing for the suspension of certain inconsistent legislation.

RESOLUTION INTRODUCED AND REFERRED

By Messrs. CULLEN and RUSH.

(Concurrent) RESOLUTION No. 36.

In the House of Representatives, March 24, 1942.

Whereas, It has recently been announced that the Pennsylvania Maritime Academy, the nautical school maintained for the Commonwealth by the Delaware River Navigation Commission, will cease operating on March 31, 1942, when its training ship will be withdrawn; and

Whereas, Said school has for many years been held in high esteem for its superb training of selected pupils in the science and practice of navigation, its graduates being the mainstay of the Merchant Marine of this country; and

Whereas, It has been announced by the Secretary of Forests and Waters that the cost of continued operation would be prohibitive to this great Commonwealth if it must furnish new accommodations for the pupils of the Academy; and

Whereas, It is agreed that the cost of continued operation would be insignificant, in view of the urgent necessity of nautical training particularly during the present defense emergency; and

Whereas, The State Council of Defense has been empowered by this Legislature to cooperate with other defense agencies engaged in defense activities, and to do all acts in furtherance of such defense activities; and

Whereas, The Governor of this Commonwealth has been empowered by this Legislature in its appropriation to the Department of Military Affairs, to allocate such funds as are needed to the State Council of Defense; now therefore be it

Resolved, By the House of Representatives, That it hereby recognized the vital necessity of the continued maintenance of the Pennsylvania Maritime Academy, and therefore directs the State Council of Defense and the Governor of the Commonwealth to take such steps and make such allocations as will prevent the closing of the Academy, in accordance with the provisions of this resolution; and be it further

Resolved, That copies of this resolution be transmitted to the Governor, the State Council of Defense, the Delaware River Navigation Commission, and the Secretary of Forests and Waters.

Referred to the Select Committee on Special Session Legislation.

BILL ON FIRST READING

Mr. WOODRING asked and obtained unanimous consent for House Bill No. 76 to be read for the first time.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 76, entitled:

An Act suspending and modifying for the period of the present war and for a time thereafter the provisions of section one of the act, approved the eighth day of July, one thousand nine hundred and nineteen (P. L. 737), entitled "A supplement to an act, entitled 'An act to establish a Board of Commissioners of Navigation for the River Delaware and its navigable tributaries; regulating their jurisdiction over ships, vessels, and boats, and wharves, piers, bulkheads, docks, slips, and basins; and exempting cities of the first class from certain of its provisions; and making an appropriation therefor,' approved the eighth day of June, Anno Domini one thousand nine hundred and seven; authorizing and directing the commissioners to provide and maintain a nautical school for the education and training of pupils from the various counties of the Commonwealth of Pennsylvania in the science and practice of navigation; and making an appropriation for two years from the first day of June, Anno Domini one thousand nine hundred and nineteen, towards its maintenance," and its amendments, in so far as they require, the furnishing of accommodations on board a proper vessel for the nautical school, when no such vessel is available and imposing upon the State Council of Defense the duty of furnishing other accommodations.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

RESOLUTION

Mr. FALKENSTEIN offered a resolution which was laid over for printing under the Rules.

REPORT OF SLATE COMMITTEE

Mr. LOVETT offered a report from the Slate Committee which was twice read, considered and adopted as follows:

EMPLOYE OF HOUSE OF REPRESENTATIVES

In the House of Representatives, March 24, 1942.

Resolved, That the following person be elected employe of the House of Representatives effective March, 16, 1942.

CHIEF PAGE

Joseph Keppick, 1121 Monroe Ave., Dunmore, Pa., vice John B. Dougherty, Resignation.

RESOLUTION

Mr. MORAN offered a resolution and asked unanimous consent to have it read for the information of the House.

The SPEAKER. Will the House give its unanimous consent for the reading of the resolution for the information of the House? Is there objection?

Mr. TURNER. Mr. Speaker, I object.

The SPEAKER. The Chair hears objection and consent is not granted.

The resolution will lie over for printing under the Rules.

Mr. MORAN. Mr. Speaker, I more than suspected that there would be objection by the gentleman from Delaware, Mr. Turner.

The SPEAKER. The gentleman got it.

ANNOUNCEMENTS

There will be a meeting of the Democratic Rural Members in Room 325 immediately after today's session.

There will be a meeting of the Stream Pollution Study Committee immediately following today's session in Room 327.

ADJOURNMENT

Mr. JEFFERSON. Mr. Speaker, I move that this House do now adjourn until Wednesday, March 25, 1942, at 12 m.

The motion was agreed to, and (at 1:47 p. m.) the House adjourned.

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal.

Extraordinary Session of 1942.

Vol. 26. HARRISBURG, PA., WEDNESDAY, MARCH 25, 1942. No. 18,

SENATE

WEDNESDAY, March 25, 1942

The Senate met at 12:00 o'clock, noon.

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the Chair

PRAYER

The Chaplain, Rev. EDWIN S. WALLACE offered the following prayer:

O God, our Father, as the shepherd leads and guards his flock so dost Thou lead and guard Thy people who are the sheep of Thy pasture. By Thy leading and because as a nation we have followed that leadership, we have been protected and prospered. In the present testing times we shall continue to be protected and prosper if we follow our Divine Leader.

May each of us now in Thy presence have the faith and the confidence of the poet king of Israel who gave to the world its sweetest song.

"The Lord is my shepherd I shall not want.
He maketh me to lie down in green pastures.
He leadeth me beside the still waters.
He restoreth my soul.
He leadeth me in the paths of righteousness for His Name's sake.
Yea, though I walk through the valley of the shadow of death
I will fear no evil, for Thou art with me,
Thy rod and Thy staff they comfort me,
Thou preparest a table before me in the presence of mine enemies.
Thou anointest my head with oil, my cup runneth over.
Surely goodness and mercy shall follow me all the days of my life,
And I will dwell in the house of the Lord forever."

We pray this in the name of the Good Shepherd. Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. MILLER and Mr. GELTZ, the further reading was dispensed with, and the Journal was approved.

RESOLUTION RECALLING SENATE BILL No. 28 FROM THE GOVERNOR

Mr. GELTZ. Mr. President, I ask unanimous consent to present a resolution at this time recalling a bill from the Governor, which is the bill permitting building and loan associations to sell defense bonds.

We understand that it is the purpose to now change the name of the new issue to war bonds or some other name and the proposed amendment to the bill will allow that change.

RESOLUTION RECALLING SENATE BILL No. 28 (PRINTER'S No. 25) FROM THE GOVERNOR

Mr. GELTZ offered the following resolution which was twice read, considered and agreed to:

In the Senate, March 24, 1942.

Resolved (if the House of Representatives concur), that Senate Bill No. 28, Printer's No. 25, entitled "An act to further amend Section 801 of the act approved the fifth day of May one thousand nine hundred and thirty-one (P. L. 457) entitled 'An act relating to the business of building and loan associations providing for the organization and voluntary dissolution of such associations defining the rights powers duties liabilities and immunities of such associations and of their officers directors shareholders solicitors and other employes prohibiting the transaction of business in this Commonwealth by foreign building and loan associations conferring powers and imposing duties upon the courts recorders of deeds and certain State departments commissions and officers establishing limitations of actions imposing penalties and repealing certain acts and parts of acts' by authorizing building and loan associations to act as fiscal agents of the United States Government for the sale of United States Defense Bonds and Defense Stamps and permitting such associations to pledge their assets for the faithful performance of their duties as such agents"

be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk present the same to the House of Representatives for concurrence.

NOMINATIONS BY THE GOVERNOR

NOTARIES PUBLIC

The Secretary to the Governor being introduced, presented in writing from His Excellency, the Governor of the Commonwealth, nominations for appointment as Notaries Public.

CONSIDERATION OF NOTARIES PUBLIC

Mr. JAMES. Mr. President, I move that the Senate do

now proceed to the consideration of nominations for appointment as Notaries Public, sent to the Senate, March 25, 1942, by His Excellency, the Governor of the Commonwealth.

Mr. MILLER. Mr. President, I second the motion.

The motion was agreed to.

The nominations were read as follows:

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 25, 1942.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

Arthur C. Livermore, Wilmerding.

BUCKS COUNTY

Miss Marian B. Dimmig, Springfield Twp., Springtown.

LACKAWANNA COUNTY

Miss Jean Benjamin, Scranton.

PHILADELPHIA COUNTY

Thomas Maddock, 236 E. Courtland St., Phila.
George J. Schofield, Jr., Land Title Bldg., 100 South Broad St., Phila.
Miss Loretta D. Whinna, Stock Exchange Bldg., 1411 Walnut St., Phila.

ARTHUR H. JAMES.

NOMINATIONS FOR NOTARIES PUBLIC

A motion was made by Mr. MILLER and Mr. JAMES,

That the Senate do advise and consent to said nominations.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—38

Bartlett,	Ealy,	Kephart,	Tallman,
Becker,	Edmonds,	Lanius,	Thomas,
Carr,	Farrell,	Letzler,	Tyler,
Chapman,	Frey,	Mallery.	Wade,
Coleman,	Geltz,	McGinnis,	Walker,
Cox,	Haluska,	Miller,	Watkins,
Crider,	Heyburn,	Snowden,	Wilson, H. I.,
Crowe,	Homsher,	Stevenson,	Woodward,
Dent,	James,	Stiefel,	Ziesenheim,
DiSilvestro,	Jaspan,		

NAYS—0

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

He also presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Executive Nominations.

NOMINATION FOR APPOINTMENT AS MEMBER OF CAMERON COUNTY BOARD OF ASSISTANCE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 24, 1942.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate C. A. Casperson, Fourth Street, Emporium, Cameron County, for appointment as a member of the Cameron County board of Assistance, until December 31, 1944, and until his successor is duly appointed and qualified, to fill a vacancy.

ARTHUR H. JAMES.

JUSTICE OF THE PEACE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 25, 1942.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate J. T. Butler, R. D. No. 1, Aliquippa, Beaver County, for appointment as Justice of the Peace in and for the Township of Independence, Beaver County, until the first Monday in January, 1944, to fill a vacancy.

ARTHUR H. JAMES.

BILL SIGNED

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) announced that the Chief Clerk having reported that the following bill has passed both houses of the General Assembly and the same being correct, the title was publicly read as follows:

Senate Bill No. 42, entitled:

An Act to suspend and modify existing law providing for and requiring the use of plates or tags as evidence of the payment of any license or registration fee insofar as such laws require the use of plates or tags manufactured of metal and by authorizing the use of other material in whole or in part.

Whereupon,

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the presence of the Senate signed the same.

REPORTS FROM COMMITTEES

Mr. STEVENSON, from the Committee on Municipal Government, reported as committed, Senate Bill No. 73, entitled:

An Act to suspend for the duration of the present war and for six months thereafter any law ordinance or regulation of the Commonwealth of Pennsylvania or of any municipal subdivision thereof limiting the age of appointees to any civil service position in any municipal subdvision of the Commonwealth.

Mr. FARRELL, from the Committee on Municipal Government, reported as committed, Senate Bill No. 72, entitled:

An Act to further amend section nine of the act, approved the thirty-first day of May, one thousand nine hundred and thirty-three (P. L. 1108), entitled "An act providing for the appointment, promotion, reduction, removal and reinstatement of paid officers, firemen and employes of fire departments and of fire alarm operators and

fire box inspectors in the bureaus of electricity in cities of the second and third class; defining the powers and duties of civil service commissions for such purposes; and fixing penalties," by permitting applications to be made for such positions by persons forty-five years of age or under.

CALENDAR

BILL OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 56, (House Bill No. 8) on third reading, entitled:

An Act to further amend section two of and to add Sections four and five to the act approved the seventh day of June one thousand nine hundred seventeen (P. L. 600) entitled "An act providing that appointive officers and employes employed by the Commonwealth of Pennsylvania in its civil service or by any department bureau commission or office thereof or by any county municipality township or school district shall not be deemed or held to have resigned or abandoned their offices or employments by reason of enlistment enrollment or draft in the military or naval service of the United States or any branch or unit thereof in time of war or contemplated war prohibiting the removal from their offices or employments of such officers and employes during the period of their service in the Army or Navy directing that one-half of the salaries or wages of such officers or employes as have dependent wives children or parents and not exceeding two thousand dollars per annum be paid during the term of their service in the Army or Navy to such dependents authorizing the employment during said term of substitutes to perform the duties theretofore performed by such officers or employes respectively and providing for the compensation of such substitutes" by more fully defining amounts payable limiting the time such amounts are payable and limiting the conditions of resumption of office or employment.

go over in its order, on account of printer's errors.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 64, as follows:

A Supplement to the act approved March eleventh one thousand nine hundred forty-two entitled "An act to provide for the expenses of the Extraordinary Session of the Legislature assembled February seventeenth one thousand nine hundred forty-two in pursuance of the proclamation of the Governor of the Commonwealth dated February tenth one thousand nine hundred forty-two and the supplement thereto"

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 In addition to the sums appropriated by the act approved the eleventh day of March one thousand nine hundred forty-two entitled "An act to provide for the expenses of the Extraordinary Session of the Legislature assembled February seventeenth one thousand nine hundred forty-two in pursuance of the proclamation of the Governor of the Commonwealth dated February tenth one thousand nine hundred forty-two and the supplement thereto" the following amounts or as much of them as may be necessary are hereby appropriated

To the Senate

For the payment of salaries of Senators the sum of twelve thousand five hundred dollars ($12,500)

For the payment of the mileage of Senators the sum of five thousand two hundred dollars ($5,200)

For the payment of salaries of the officers and employes of the Senate during and for the completion of the work of the session the sum of twenty-two thousand dollars ($22,000)

For the payment of the expenses of the Committee on Appropriations of the Senate in examining and analyzing requests of the various department boards and commissions of the Commonwealth for appropriations and for clerical assistance and other necessary expenses in connection with the work of said committee during and for the completion of the work of the session the sum of two thousand dollars ($2,000) to be paid on warrant of the Auditor General in favor of the chairman of said committee on the presentation of his requisition

To the House of Representatives

For the payment of the salaries of members of the House of Representatives the sum of fifty-one thousand dollars ($51,000)

For the payment of the mileage of members of the House of Representatives the sum of sixteen thousand nine hundred forty dollars ($16,940)

For the payment of the salaries of the officers and employes of the House of Representatives during and for the completion of the work of the session the sum of thirty thousand dollars ($30,000)

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—32

Barr,	Ealy,	Lanius,	Tallman,
Bartlett,	Edmonds,	Letzler,	Thomas,
Carr,	Farrell,	Mallery,	Wade,
Coleman,	Geltz,	McGinnis,	Walker,
Cox,	Heyburn,	Miller,	Watkins,
Crider,	Homsher,	Snowden,	Wilson, H. I.,
Crowe,	James,	Stevenson,	Woodward,
Dent,	Kephart,	Stiefel,	Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 44, entitled:

An Act suspending for the period of the present war and for a time thereafter the provisions of article six of the act approved the first day of May one thousand nine hundred twenty-nine (P. L. 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed

fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" and its amendments insofar as they require the renewal of operators licenses of and the payment of operators' license fees by persons in the military or naval service of the United States so as to authorize the issuance of temporary licenses to such persons.

And said bill having been read at length the second time and agreed to,

BILL RECOMMITTED

Mr. GELTZ. Mr. President, I move that Senate Bill No. 44, the bill just read, be recommitted to the Committee on Highways.

Mr. MILLER. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 50, (House Bill No. 28), entitled:

An Act to further amend clause (g) as added to section one thousand one hundred and ten of the act approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," suspending during the period of present hostilities and for one year thereafter, the requirement that all electrically operated traffic signals shall be made to conform with provisions of said act and the regulations of the Secretary of Highways.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 54, (House Bill No. 12), entitled:

An Act prescribing the rights of persons enlisting or being inducted or drafted into the military or naval service of the United States in time of war or preparation for national defense during a national emergency under licenses issued by the Department of Revenue to operate any motor vehicle and providing for the renewals after discharge from such service.

And said bill having been read at length the second time and agreed to,

BILL RECOMMITTED

Mr. GELTZ. Mr. President, I move that Senate Bill No. 54 (House Bill No. 12), the bill just read, be recommitted to the Committee on Highways.

Mr. MILLER. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 60, entitled:

An Act to modify existing law of the Commonwealth regulating the operation of motor driven vehicles which limit the gross weight or length of such vehicles as are permitted to be operated upon the highways of the Commonwealth by authorizing the Secretary of the Department of Highways to issue permit for the use of overweight and over-length vehicles in certain cases.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 65, entitled:

An Act to amend section twenty-one as amended of the act approved the seventh day of June one thousand nine hundred and fifteen (Pamphlet Laws nine hundred) entitled "An act to provide for the immediate registration of all births and deaths throughout the Commonwealth of Pennsylvania by means of certificates of births and deaths and burial or removal permits requiring prompt returns to the Central Bureau of Vital Statistics as required to be established by the State Department of Health and in order to secure prompt and faithful registration of births marriages deaths and diseases of practitioners of medicine and surgery or midwives nurses and undertakers and of all persons whose occupation is deemed to be of importance in obtaining complete registration of births deaths marriages and diseases throughout the State as provided in section ten of an act entitled 'An act creating the Department of Health and defining its powers and duties' approved the twenty-seventh day of April nineteen hundred and five and providing penalties for violations of this act" by further regulating the giving of certi-

fied copies of birth certificates to soldiers sailors and marines and war nurses.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 69, (House Bill No. 64) on second reading, entitled:

An Act suspending and modifying for the period of the present war and for a time thereafter the provisions of section two hundred fifty-one of the act approved the second day of May one thousand nine hundred and twenty-five (Pamphlet Laws 448), entitled "An act relating to fish and amending revising and consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" and its amendments in so far as they authorize the Board of Fish Commissioners when necessary to conserve the future fish supply to close or open seasons and authorizing the closing and opening of seasons by said board for any emergency during said period.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none

HOUSE MESSAGE

RESOLUTION RECALLING SENATE BILL No. 28 FROM THE GOVERNOR

The Clerk of the House of Representatives being introduced informed the Senate that the House has concurred in Resolution from the Senate as follows:

In the Senate, March 25, 1942.

Resolved (if the House of Representatives concur), that Senate Bill No. 28, Printer's No. 25, entitled "An act to further amend Section 801 of the act approved the fifth day of May one thousand nine hundred and thirty-three (P. L. 457), entitled 'An act relating to the business of building and loan associations providing for the organization and voluntary dissolution of such associations defining the rights powers duties liabilities and immunities of such associations and of their officers directors shareholders solicitors and other employes prohibiting the transaction of business in this Commonwealth by foreign building and loan associations conferring powers and imposing duties upon the courts recorders of deeds and certain State departments commissions and officers establishing limitations of actions imposing penalties and repealing certain acts and parts of acts' by authorizing building and loan associations to act as fiscal agents of the United States Government for the sale of United States Defense Bonds and Defense Stamps and permitting such associations to pledge their assets for the faithful performance of their duties as such agents"

be recalled from the Governor for the purpose of amendment.

MOTION TO READ BILLS THE FIRST TIME

Mr. GELTZ. Mr. President, I move that the Senate do now proceed to the first reading of all bills reported from committees for the first time at today's session.

Mr. MILLER. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 72, entitled:

An Act to further amend section nine of the act, approved the thirty-first day of May, one thousand nine hundred and thirty-three (P. L. 1108), entitled "An act providing for the appointment, promotion, reduction, removal and reinstatement of paid officers, firemen and employes of fire departments and of fire alarm operators and fire box inspectors in the bureaus of electricity in cities of the second and third class; defining the powers and duties of civil service commissions for such purposes; and fixing penalties," by permitting applications to be made for such positions by persons forty-five years of age or under.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 73, entitled:

An Act to suspend for the duration of the present war and for six months thereafter any law ordinance or regulation of the Commonwealth of Pennsylvania or of any municipal subdivision thereof limiting the age of appointees to any civil service position in any municipal subdivision of the Commonwealth.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

ADJOURNMENT

Mr. GELTZ. Mr. President, I move that the Senate do now adjourn until Monday, March 30, 1942, at 4:00 o'clock, p. m. Eastern War Time.

Mr. MILLER. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 12:27 o'clock, p. m. Eastern War Time until Monday, March 30, 1942, at 4:00 o'clock, p. m. Eastern War Time.

HOUSE OF REPRESENTATIVES

WEDNESDAY, March 25, 1942

The House met at 12 m.

The SPEAKER (Elmer Kilroy) in the Chair.

PRAYER

The Chaplain, Rev. Donald McFall offered the following prayer:

Heavenly Father, help us to catch the true meaning of the words of Kipling—

"Now this is the law of the forest
As old and as true as the sky,
And the wolf that shall keep it may prosper,
But the wolf that shall break it will die.
As the creeper that girdles the tree trunk,
This law runneth forward and back—
The strength of the pack is the wolf,
The strength of the wolf is the pack."

Dear God, make us realize the importance of Unity within this great State and Nation. There being work to be done and a war to be won, may we hear Thee speak to each one of us of the nothingness of human aspirations when we travel this life without Thee, the one true and living God. Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of yesterday.

The Clerk proceeded to read the Journal of yesterday, when, on motion of Mr. STOCKHAM, unanimously agreed to, the further reading was dispensed with and the Journal approved.

BILLS INTRODUCED AND REFERRED

By Messrs. MELCHIORRE and CULLEN.

HOUSE BILL No. 88.

An Act to encourage war efforts and to fortify the morale of the people of this Commonwealth, by providing for the display of colors and standards of World War I, and making an apropriation therefor.

Referred to the Select Committee on Special Session Legislation.

By Mr. HEATHERINGTON. HOUSE BILL No. 89.

An Act to aid in the prevention of sabotage, by requiring the registration of the serial numbers of all rubber tires; imposing certain duties upon the Department of Revenue, the Pennsylvania Motor Police, and the district attorneys of the Commonwealth; and providing certain penalties.

Referred to the Select Committee on Special Session Legislation.

RESOLUTIONS INTRODUCED AND REFERRED

By Mr. FALKENSTEIN. RESOLUTION No. 37.

In the House of Representatives, March 24, 1942.

Whereas, There are in South Philadelphia in the immediate vicinity of the Navy Yard, many defense industries, oil refineries and the War Department Quartermaster Depot; and

Whereas, These industries are operating twenty-four hours a day, employing tens of thousands of persons; and

Whereas, Transportation facilities and highways have been taxed to capacity because of the steady flow of employes coming from and going to said places of employment; and

Whereas, State Highway No. 191, which is located in this district is unable because of its size limitations to provide adequate means for the prompt ingress and egress of such employes, thereby creating serious "bottlenecks" and causing the loss of many hours of employment, which are so vital at this time; therefore be it

Resolved, By the House of Representatives that the Secretary of Highways is hereby requested to direct his attention to the inadequacy of State Highway No. 191 in the City of Philadelphia, to the end that a proper remedy may be applied to correct and alleviate the serious traffic situation which has recently developed on said highway, and be it further

Resolved, That a copy of this resolution be transmitted by the Chief Clerk of the House to the Secretary of Highways.

Referred to the Select Committee on Special Session Legislation.

By Mr. MORAN. RESOLUTION No. 38.

In the House of Representatives, March 24, 1942.

Whereas, The Civilian Conservation Corps were organized during the depths of the depression to abolish hatcheries of idleness, crime racketeering and gangsterism in the large centers of population and to provide useful, constructive, healthful employment to the thousands of "out of school youth" and

Whereas, Thousands of fathers and mothers throughout Pennsylvania accepted the CCC with open hearts and minds because the supervision of these camps were entrusted to the United States Army whose exemplary record for hygiene and sanitation has been unparalleled since the days of Teddy Roosevelt and Harvey Wylie and

Whereas, Civilian Conservation Corps have received bipartisan praise even during heated national elections and

Whereas, Little men in high places have sought to discredit the United States Army as supervisors of Civilian Conservation Camps by inuendo, distortion, posed pictures and falsehood based upon judgment of hill-billy mechanical experts and swine-feeding food experts and

Whereas, Faith in our armed forces must not be destroyed by carping partisan criticism of trivialities like "rotting of trucks" in a well-organized used car lot or the destruction of ptomaine infested meats and

Whereas, Criticism of our armed forces in times of war should be confined to untarnished truth or disasters like Pearl Harbor or the Normandie; therefore be it

Resolved, That the House of Representatives this day assembled in the City of Harrisburg, Pennsylvania, memorialize Congress to instruct those non-partisan Army Officers (like General Martin) to further protect the health and digestion of the young men of the nation, who have escaped crime gangsterism and racketeering, from infested, tainted, decayed and otherwise deteriorated or doubtful meat and consign and transport all such meat to the federal penitentiaries to be devoured by the criminals, gangsters and racketeers of pre-CCC days.

Referred to the Select Committee on Special Session Legislation.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 75, entitled:

An Act authorizing the Executive Director of the Pennsylvania Game Commission, with the unanimous approval of the commission and for a certain limited period of time, to lease lands to political subdivisions or to Federal agencies for use as aviation landing fields; conferring certain powers upon political subdivisions relative to the acceptance and development of such lands; and suspending certain inconsistent legislation.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 55, entitled:

An Act authorizing the Secretary of Internal Affairs to issue patents for lands to be used by the United States for war purposes, upon the payment of the original purchase price without interest accrued thereon, and to temporarily suspend the law requiring the payment of said interest.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 43, (Senate Bill No. 31), entitled:

An Act making available the services of recipients of general assistance under certain conditions by permitting them to earn a limited amount of money in work essential to the prosecution of the existing war in which the United States of America is engaged without forfeiting their right to assistance or any part thereof

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to orde,r,

The House proceeded to the first reading and consideration of House Bill No. 59, entitled:

An Act to amend Section 18.1 of the act approved the seventh day of June, one thousand nine hundred fifteen (P. L. 900), entitled "An act to provide for the immediate registration of all births and deaths throughout the Commonwealth of Pennsylvania, by means of certificates of births and deaths, and burial or removal permits; requiring prompt returns to the Central Bureau of Vital Statisitcs, as required to be established by the State Department of Health; and, in order to secure prompt and faithful registration of births, marriages, deaths, and diseases, or practitioners of medicine and surgery, of midwives, nurses, and undertakers, and of all persons whose occupation is deemed to be of importance in obtaining complete registration of births, deaths, marriages, and diseases throughout the State, as provided in section ten of an act entitled 'An act creating the Department of Health and defining its powers and duties,' approved the twenty-seventh day of April, nineteen hundred and five, and providing penalties for violations of this act," as added, by directing the Department of Health to extend the special birth record file provided for by said section, so as to include birth records of veterans of wars other than the World War and so as to include honorably discharged soldiers, sailors and marines, and providing for the issuance of certified copies of such records without cost.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 78, entitled:

An Act to amend section six of the act approved the twenty-fourth day of June, one thousand eight hundred ninety-five (P. L. 212), entitled "An act to establish an intermediate court of appeal; regulating its constitution, officers, jurisdiction, powers, practice, and its relation to the Supreme Court and the compensation of the judges and other officers and the practice and costs on appeals from its judgments," by making further provision as to the preparation, custody and disposition of plates used in the printing of Superior Court Reports.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 79, entitled:

An Act to further amend section seven of the act approved the twelfth day of June, one thousand eight hundred seventy-eight (P. L. 201), entitled "An act to provide for the publication of the decisions of the supreme court and the appointment of a state reporter," by making further provision relative to the custody and disposition of plates used in the printing of Supreme Court Reports and Supreme Court Advance Sheets.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 56, entitled:

An Act authorizing the Secretary of Revenue of the Commonwealth of Pennsylvania, with approval of the Secretary of Highways and during a certain limited period of time, to adopt rules and regulations relative to the use of the highways by motor vehicles, tractors, trailers or other equipment which cannot be fitted with rubber tires or treads, because of the shortage of rubber, and providing for the suspension of certain inconsistent legislation.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 57, entitled:

An Act authorizing the secretary of the board of health in the various cities of the third class throughout the Commonwealth, during the continuation of the present war and for six months thereafter, to search and issue certified copies of birth and death records maintained by such cities after the State-wide system for registering vital statistics was established; requiring that such birth and death records be made available to the secretary of the board of health for the purposes of this act; and authorizing the respective city councils to prescribe fees for such services.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

BILL ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 70, entitled:

An Act to amend section two of the act approved the first day of August one thousand nine hundred and forty-one (P. L. 744), entitled "An act requiring school boards in all school districts and boards of directors of all vocational school districts to grant leaves of absence to all school employes who shall volunteer or be called for military or naval service in time of war or during a state of national emergency preserving certain contracts salaries increments retirement rights seniority State contributions and grants to local school boards eligibility lists reemployment authorizing school boards and boards of directors of vocational schools to employ substitutes in place of such employes requiring school districts and vocational school districts to make additional payments into the School Employes' Retirement Fund reserving all rights and privileges of employes granted leaves of absence under the provisions herein and superseding or repealing all contrary laws" extending the benefits thereof to additional school employes

The first section was read.

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. READINGER. Mr. Speaker, I move that this bill be recommitted to the Select Committee on Special Ses-

sion Legislation for the purpose of further study and possible amendment.

The motion was agreed to.

SENATE MESSAGE

RESOLUTION CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives, as follows:

In the House of Representatives, March 23, 1942.

Resolved (if the Senate concur), That House Bill No. 10, Printer's No. 3, entitled "An act to further amend section six hundred twenty-eight and to amend section six hundred twenty-nine of the act approved the third day of June one thousand nine hundred thirty-seven (Pamphlet Laws 1333) entitled 'An act concerning elections including general municipal special and primary elections the nomination of candidates primary and election expenses and election contests creating and defining membership of county boards of elections imposing duties upon the Secretary of the Commonwealth courts county boards of elections county commissioners imposing penalties for violation of the act and codifying revising and consolidating the laws relating thereto and repealing certain acts and parts of acts relating to elections' extending the time within which writs of election may issue for holding special elections to fill vacancies occurring in either house of the General Assembly and the time within which nominations therefor may be filed,"

be recalled from the Governor for the purpose of amendment.

RESOLUTIONS

Mr. MONKS offered a resolution which was laid over for printing under the Rules.

GENERAL PULASKI MEMORIAL DAY

Messrs. KOLANKIEWICZ and PETROSKY offered a resolution and asked and obtained unanimous consent for its immediate consideration.

The resolution was twice read, considered and adopted as follows:

In the House of Representatives, March 25, 1942.

Whereas, The 11th day of October, this year, will mark the 163rd anniversary of the death of Brigadier-General Casimir Pulaski, from wounds received at the siege of Savannah, Georgia; and

Whereas, In recognition of the heroic deeds of General Pulaski during that great war for independence, most of the states of the Nation have, by legislative enactment, designated October 11th of each year as "General Pulaski" memorial day; and

Whereas, This year particularly the Valley Forge Cathedral will dedicate a Bay in honor of the memory of General Pulaski; and

Whereas, It is fitting that the recurring anniversary of this day be commemorated with suitable patriotic and public exercises in observing and commemorating the heroic death of this great American hero of the Revolutionary War; therefore be it

Resolved (if the Senate concur), That the General Assembly of the Commonwealth of Pennsylvania hereby requests the Governor of the Commonwealth, by virtue of the authority vested in him, to issue a proclamation designating October 11, 1942 as "General Pulaski Memorial Day," so the memory of this great man may be appropriately honored.

Ordered, That the Clerk present the same to the Senate for concurrence.

LANCASTER BICENTENNIAL

Mr. TROUT offered a resolution and asked and obtained unanimous consent for its immediate adoption.

The resolution was twice read, considered and adopted as follows:

In the House of Representatives, March 25, 1942.

Outstanding in industrial, agricultural and economic importance, rich in history and tradition and a center of culture and learning is the ancient community in Lancaster County, now celebrating the bicentennial of its incorporation as the Borough of Lancaster.

The first permanent white settlement in Lancaster was by the Mennonites, who arrived from Switzerland and the Palatinate in 1710. A few years later the Huguenots arrived; the English about the same time and within a few years the Scotch, Irish, the Quakers and the Germans.

What is now Lancaster City was first known as "Hickory Town." It was later renamed by its leading citizen, John Wright, after his own mother town in Lancashire, England. Lancaster was made a borough in 1742, was incorporated as a city in 1818, and on January 1, 1926, discarded its old charter and adopted the third class city commission form of government. The same two mile square plot originally laid out in 1730, still comprises the territory of the City of Lancaster.

In the old court house in Lancaster the Continental Congress met on September 27, 1777. From 1799 to 1812, Lancaster was the capitol of this Commonwealth. James Buchanan, only citizen of Pennsylvania to become President of the United States, practiced law at the local bar and retired from Washington to Wheatland, his handsome estate, within the City of Lancaster. In the cemetery of St. James Church, founded in 1744, and the present structure of which was built in 1820, are buried many famous persons, including General Hand of Revolutionary fame. Trinity Lutheran Church, built in 1736, and re-built in 1761-66, still retains the original artistic case of the pipe organ, by David Tannenberg, placed there in 1771. In the church is buried Thomas Wharton, Jr., president of Supreme Executive Council of Pennsylvania, 1776, and Thomas Mifflin, first Governor of the State of Pennsylvania. Lancaster's streets echo the tread of men who reached national and international fame—James Buchanan, Thaddeus Stevens, Robert Fulton, George Ross, Revolutionary Generals and Framers of the Constitution.

Lancaster recognizes the value of the new and modern, as is evidenced by its schools, churches, stores, factories and its public buildings and improvements. But Lancaster also holds due regard for its history and traditions. In Lancaster is to be found the oldest tobacco shop and cigar store in the United States, established in 1770 and still operated by a direct descendant of the original owner. Here, too, is not only the oldest hardware store in the United States, but, so far as can be learned, the oldest retail store of any type still remaining in business. It was established in 1744. Likewise in Lancaster is the oldest department store in the nation, continued on the original site by descendants of the founder, established in 1821. There are many other centenary establishments and quaint shops in this city of modern stores and industries.

Modern Lancaster and its immediate environs has a population of 112,897. It is a community of 16,000 homes and more than 200 manufacturing plants. The gross assessed valuation of city property alone exceeds a hundred million. It is a thriving commercial and industrial center rooted in one of the richest agricultural territories in the United States, justly known as "America's Garden Spot," having for fifty years led the 3,000 counties of the United States in the value of its farm products, and today ranking among the first ten, and second on a per acre production basis. The stock yards within the city comprise the largest cattle market east of Chicago. In its manufacturing plants are produced many commodities of national and world-wide renown. A few of their best known products are padlocks,

nightlatches, watches, linoleum, (of which the output is double that of any other factory in the world), toys, ball-bearings, rivets, cotton and silk goods, cigars, candies and numerous others. In Lancaster, agriculture and industry divide in almost equal proportions the first place in importance, as is shown by the United States census figures for 1930, of $33,022,400, the income from farm crops and livestock products, and $33,178,631, the income from industrial wages and salaries.

As an educational center Lancaster is widely known, being the seat of Franklin and Marshall Academy, Franklin and Marshall College, Theological Seminary of the Reformed Church in the United States, Thaddeus Stevens Industrial School, the Lancaster Business College, the Shippen School for Girls, Sacred Heart Academy and the Bowman Technical School. Eight miles to the north at Lititz is the well-known Linden Hall Seminary for girls and three miles to the west at Millersville is the oldest State Teachers College in the Commonwealth. Six parochial schools, including a Catholic High School, together with nineteen public school buildings which include two Junior High Schools as well as a new $1,000,000 Co-educational High School, make a total of 25 school buildings within the city, having a total enrollment of 11,763 of which 1,969 attend the Catholic schools and 9,794 the public schools, therefore be it

Resolved, That the House of Representatives hereby does reverence to the historic significance, gives praise to the agricultural and industrial achievements, and expresses its appreciation of the educational and intellectual standing of Lancaster, a typically wholesome community of our Keystone State, on this the occasion of completing the two hundredth year of her existence as an incorporated political entity; and the House of Representatives commends her industry and well-earned prosperity as a pattern that younger communities may well follow. We acknowledge her history, her civilian and soldier heroes, the things that she is and has accomplished, her culture and learning, as fountains of inspiration in these troubled months, as well as for all times, and be it further

Resolved, That the congratulations of this House to the City of Lancaster, and its best wishes for a long continued period of service, accomplishments and prosperity, be transmitted by the Chief Clerk, together with a duly certified copy of this resolution to the Honorable Dale E. Cory, Mayor of Lancaster, as the representative of all of its people.

MR. TURNER IN THE CHAIR

LEAVE OF ABSENCE

By unanimous consent leave of absence was granted as follows:

The SPEAKER for himself for the remainder of the session.

Mr. TROUT. Mr. Speaker, I wish to thank the Members of the House on behalf of the people of Lancaster for the courtesy extended this morning in adopting this resolution.

BILL INTRODUCED AND REFERRED

By Mr. CHUDOFF, HOUSE BILL No. 90.

An Act authorizing and directing the Secretary of Revenue during a certain limited period of time to issue registration cards and plates without cost for motor vehicles used exclusively for civilian defense purposes, where a local or district council of defense has certified that such vehicles will be so used; and suspending certain inconsistent legislation.

Referred to the Select Committee on Special Session Legislation.

SENATE MESSAGE

SENATE BILLS FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence bills numbered and entitled as follows:

SENATE BILL No. 37. (HOUSE BILL No. 91).

An Act relating to air raid precautions, including blackouts; conferring certain powers and duties upon the State Council of Defense, local and district Councils of Defense, political subdivisions, members of certain municipal and volunteer agencies and civilians necessary for the safety, defense and protection of civilians and property in the Commonwealth; providing for the mobilization, coordination and use of certain municipal agencies and volunteer agencies, including their personnel and equipment; providing for immunity from liability for injury or death to persons or damage to property under certain circumstances; and providing penalties.

Referred to the Select Committee on Special Session Legislation.

SENATE BILL No. 46. (HOUSE BILL No. 92).

An Act authorizing the Governor of the Commonwealth of Pennsylvania upon certain request and with the approval of the Delaware River Navigation Commission and in certain cases of the Department of Wharves Docks and Ferries of the City of Philadelphia to suspend for a limited time the operation of laws regulating or relating to the movement loading lightering docking and anchorage of vessels carrying or having on board certain explosives insofar as the same relate to small arms ammunition or ammunition which contains the projectile and the explosive in one container or shell.

Referred to the Select Committee on Special Session Legislation.

SENATE BILL No. 48. (HOUSE BILL No. 93).

An Act to add section one thousand one hundred and nine to the act approved the twenty-fourth day of June, one thousand nine hundred and thirty-nine (P. L. 872), entitled "An act to consolidate, amend, and revise the Penal Laws of the Commonwealth," as amended, by prescribing additional penalties in the case of the commission of certain crimes during blackouts or air-raids and the confusion resulting thereafter.

Referred to the Select Committee on Special Session Legislation.

SENATE BILL No. 49. (HOUSE BILL No. 94).

An Act suspending for a limited time all laws of the Commonwealth requiring the registration of trailers insofar as they require the registration of certain wagons or agricultural machinery drawn by a motor driven vehicle for certain purposes.

Referred to the Select Committee on Special Session Legislation.

LYKENS HIGH SCHOOL CLASS WELCOMED

The SPEAKER pro tempore. The Chair welcomes to the House this afternoon the Senior Class of the Lykens High School, accompanied by Mr. Salada, principal, who are the guests of the gentleman from Dauphin, Mr. Habbyshaw.

ANNOUNCEMENT BY SPEAKER

The SPEAKER pro tempore. The Speaker has requested the Chair to announce to the members that there will undoubtedly be a Thursday session next week, and that the members should arrange their personal affairs accordingly.

SENATE MESSAGE

RESOLUTION FOR CONCURRENCE

The Clerk of the Senate being introduced, presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, March 24, 1942.

Resolved (if the House of Representatives concur), That Senate Bill No. 28, Printer's No. 25, entitled "An act to further amend Section 801 of the act approved the fifth day of May one thousand nine hundred and thirty-three (P. L. 457) entitled 'An act relating to the business of building and loan associations providing for the organization and voluntary dissolution of such associations defining the rights powers duties liabilities and immunities of such associations and of their officers directors shareholders solicitors and other employes prohibiting the transaction of business in this Commonwealth by foreign building and loan associations conferring powers and imposing duties upon the courts recorders of deeds and certain State departments commissions and officers establishing limitations of actions imposing penalties and repealing certain acts and parts of acts' by authorizing building and loan associations to act as fiscal agents of the United States Government for the sale of United States Defense Bonds and Defense Stamps and permitting such associations to pledge their assets for the faithful performance of their duties as such agents"

be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

On the question,

Will the House concur in the resolution of the Senate?

It was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

BILLS INTRODUCED AND REFERRED

By Messrs. POLEN and SOLLENBERGER. HOUSE BILL No. 95.

An Act authorizing temporary emergency war time increases in salaries of district superintendents, assistant district superintendents and other professional employes of school districts, and the discontinuance of such increases without the consent of such employe, or a hearing before the board of school directors (or board of public education), or any right of appeal; and suspending inconsistent laws.

Referred to the Select Committee on Special Session Legislation.

By Mr. FALKENSTEIN. HOUSE BILL No. 96.

An Act providing for the acquisition and distribution of gas masks for the residents of the Commonwealth; imposing duties upon the Department of Military Affairs; and making an appropriation.

Referred to the Select Committee on Special Session Legislation.

By Mr. VANALLSBURG. HOUSE BILL No. 97.

An Act to speed up the obtaining of birth certificates by persons seeking employment in industries engaged in the production of war equipment and supplies, by authorizing as a temporary emergency war time provision, the deputization of local registrars of vital statistics to issue certified copies of records of births in their possession; prescribing the effect of such copies; prescribing penalties and suspending inconsistent laws.

Referred to the Select Committee on Special Session Legislation.

SENATE MESSAGE

SENATE BILL FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence, bill numbered and entitled as follows:

SENATE BILL No. 64. (HOUSE BILL No. 98).

A Supplement to the act approved March eleventh one thousand nine hundred forty-two entitled "An act to provide for the expenses of the extraordinary session of the Legislature assembled February seventeenth one thousand nine hundred forty-two in pursuance of the proclamation of the Governor of the Commonwealth dated February tenth one thousand nine hundred forty-two and the supplement thereto"

Referred to the Select Committee on Special Session Legislation.

RESOLUTION INTRODUCED AND REFERRED

By Mr. MONKS. RESOLUTION No. 39.

In the House of Representatives, March 25, 1942.

Whereas, Recent difficulty at the Eastern State Penitentiary at Philadelphia resulted in the death of one of its convicts; and

Whereas, The Coroner of the County of Philadelphia and his chief deputy are also President and Vice-President, respectively, of the Board of Trustees of the Eastern State Penitentiary, and as such, responsible for the management of that institution; and

Whereas, As a result of the aforesaid death, the Coroner of the County of Philadelphia will be required to perform an autopsy, investigate the cause or causes of death and, by reason thereof, will investigate the operation of said penitentiary by its Board of Trustees, in connection with the reasons for said death; and

Whereas, Because of such occurrences, from time to time, the Coroner will be called upon in like matters indirectly to investigate the Board of Trustees of the penitentiary of which he and his chief deputy are officers and members, and it is recognized by this House that such investigations may be conducive to prejudice, creating disrespect for our democratic system of government; therefore be it

Resolved, That the Governor of the Commonwealth is hereby directed to request the resignation of the Coroner of the County of Philadelphia, Herbert M. Goddard, and his chief deputy, Matthew H. Roth, from the Board of Trustees of the Eastern State Penitentiary; and be it further

Resolved, That a copy of this resolution be submitted to the Governor of the Commonwealth, the Board of Trustees of the Eastern State Penitentiary, and the Coroner of the County of Philadelphia.

Referred to the Select Committee on Special Session Legislation.

ANNOUNCEMENT

The Stream Pollution Study Committee will hold its first hearing in the Old House Caucus Room, Tuesday, March 31, at 3 p. m., at which officials of the Sanitary Water Board will be present. All committee members are requested to make a special effort to attend.

ADJOURNMENT

Mr. SARGE. Mr. Speaker, I move that this House do now adjourn until Monday, March 30, 1942, at 9 p. m.

The motion was agreed to, and (at 12:35 p. m.) the House adjourned.

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal.

Extraordinary Session of 1942.

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SENATE

MONDAY, March 30, 1942

The Senate met at 4:00 o'clock, p. m., E. W. T.

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the Chair.

PRAYER

The Chaplain, Rev. EDWIN S. WALLACE offered the following prayer:

We are told, O God, that "Happy is that people whose God is the Lord." The history of our nation warrants that belief.

We pray Thee to remove any doubts in any mind as to the truth of this. It was God who brought our pioneer fathers and mothers across the stormy ocean. It was God who led them and their descendents through the wilderness and gave them faith and courage to conquer that wilderness and establish homes. It was God who brought them together as a nation of freemen, and has kept them so.

Keep us, O God, as Thou didst keep our fathers. The heritage they left us enable us to retain and defend against the assaults of all our enemies, to the end that we may continue to be a happy people.

Direct the Senate in its deliberations, and may its conclusions be in accord with Thy will.

Under Thy guidance may the President and those in authority with him bring the war to a successful termination.

In the Name that is above every name in heaven and earth. Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. BECKER and Mr. GELTZ, the further reading was dispensed with, and the Journal was approved.

LEAVE OF ABSENCE

Mr. Carr asked and obtained leave of absence for the Senator from Adams County, Mr. CRIDER.

Mr. Thomas asked and obtained leave of absence for the Senator from Dauphin, Mr. TAYLOR.

Mr. Geltz asked and obtained leave of absence for the Senator from Clearfield, Mr. LETZLER.

NOMINATIONS BY THE GOVERNOR

NOTARIES PUBLIC

The Secretary to the Governor being introduced, presented in writing from His Excellency, the Governor of the Commonwealth, nominations for appointment as Notaries Public.

CONSIDERATION OF NOTARIES PUBLIC

Mr. JAMES. Mr. President, I move that the Senate do now proceed to the consideration of nominations for appointment as Notaries Public, sent to the Senate, March 30, 1942, by His Excellency, the Governor of the Commonwealth.

Mr. MALLERY. Mr. President, I second the motion.

The motion was agreed to.

The nominations were read as follows:

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 30, 1942.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

Miss Isabel E. Adams, Pittsburgh, 4151 Jenkins Arcade.
J. E. Benson, Pittsburgh, Oliver Bldg.
Miss Kathryn Caveney, Pittsburgh, 811 Jones Law Bldg.
Mrs. Lois B. Graham, Pittsburgh, 237 Fifth Ave.
Miss Eleanor Rodger, Oakmont.
Edward L. Severling, Coraopolis.

BEAVER COUNTY

Miss Louise Nulton, Beaver.

CHESTER COUNTY

Sister Maria Alma, East Whiteland Twp., Immaculata.

CLINTON COUNTY

Miss Idessa C. Seyler, Lock Haven.

DAUPHIN COUNTY

Orbia S. Mumma, Harrisburg.

DELAWARE COUNTY

Engelbert C. Spevak, Ridley Twp., 603 Belmont St., Milmont Park.

LANCASTER COUNTY

Truman H. Overly, Manheim Twp., Box 38, Lancaster.

MONROE COUNTY

Mrs. Edna M. Mick, Barrett Twp., Cresco.

PHILADELPHIA COUNTY

T. Raymond Conway, Phila., 4150 North Broad St.
Adam R. DiOlio, Phila., 716 Manton St.
Mrs. Margaret V. Miller, Phila., 333-39 Market St.
Clarence R. Shaffer, Phila., Phila. State Hospital, Roosevelt Blvd. and Southampton Rd.
Mercer D. Walton, Phila., 728 Spring Garden St.
John V. Williams, Phila., Schaff Bldg., 1505 Race St.

PIKE COUNTY

Joseph A. Schroeder, Matamoras.

YORK COUNTY

Mrs. Evelyn W. Floyd, York.

ARTHUR H. JAMES.

NOMINATIONS FOR NOTARIES PUBLIC

A motion was made by Mr. JAMES and Mr. MILLER,

That the Senate do advise and consent to said nominations.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—43.

Barr,	Edmonds,	Mallery,	Tallman,
Bartlett,	Farrell,	McCreesh,	Taylor,
Becker,	Frey,	McGinnis,	Thomas,
Carr,	Geltz,	McQuiddy,	Tyler,
Cavalcante,	Haluska,	Miller,	Wade,
Chapman,	Heyburn,	Reed,	Walker,
Coleman,	Homsher,	Ruth,	Watkins,
Cox,	James,	Scarlett,	Wilson, H. I.,
Crowe,	Jaspan,	Snowden,	Woodward.
Deitrick,	Kephart,	Stevenson,	Ziesenheim,
Ealy,	Lanius,	Stiefel,	

NAYS—0

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

NOMINATIONS BY THE GOVERNOR

He also presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Executive Nominations.

JUSTICES OF THE PEACE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 30, 1942.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following:

Mrs. Willie R. Sheterom, Saxton, Bedford County, for appointment as Justice of the Peace in and for the Borough of Saxton, Bedford County, until the first Monday in January, 1944, vice Harry G. Sheterom, deceased.

Arthur W. Stouffer, 2429 Highland Street, West Lawn, Berks County, for appointment as Justice of the Peace in and for the Borough of West Lawn, Berks County, until the first Monday in January, 1944, vice Paul I. Speicher, resigned.

W. Harlan McCafferty, 1018 Washington Street, Marcus Hook, Delaware County, for appointment as Justice of the Peace in and for the Borough of Marcus Hook, Delaware County, until the first Monday in January, 1944, vice John O'Donnell, resigned.

Warren B. Perry, 822 Bullock Avenue, Yeadon, Delaware County, for appointment as Justice of the Peace in and for the Borough of Yeadon, Delaware County, until the first Monday in January, 1944, vice H. Stuart Hammel, deceased.

H. W. Thompson, 31 West Main Street, Brookville, Jefferson County, for appointment as Justice of the Peace in and for the Borough of Brookville, Jefferson County, until the first Monday in January, 1944, vice Thomas D. Stauffer, resigned.

Mrs. Zelda Dobson, Worthville, Jefferson County, for appointment as Justice of the Peace in and for the Borough of Worthville, Jefferson County, until the first Monday in January, 1944, to fill a vacancy.

ARTHUR H. JAMES.

NOMINATION FOR APPOINTMENTS TO THE STATE FOREST COMMISSION

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 30, 1942.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as members of the State Forest Commisssion, to serve until the third Tuesday of January, 1943, and until their successors shall have been appointed and qualified:

Ned P. Clark, Coudersport, vice Gordon Dorrance, Philadelphia, whose term expired.

Stuart E. Weller, Ligonier, vice Doctor Robert E. Dengler, State College, whose term expired.

A. Carlisle Smith, Montrose, vice Francis R. Taylor, Cheltenham, whose term expired.

ARTHUR H. JAMES.

NOMINATION FOR APPOINTMENT AS MEMBER OF CAMERON COUNTY BOARD OF ASSISTANCE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 30, 1942.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Mrs. Virginia M. Wise, 220 East Allegheny Avenue, Emporium, Cameron County, for appointment as a member of the Cameron County Board of Assistance, until December 31, 1944, and until her successor is duly appointed and qualified, to fill a vacancy.

ARTHUR H. JAMES.

REAPPOINTMENT AS MEMBER OF CARBON COUNTY BOARD OF ASSISTANCE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 30, 1942.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Mrs. Marie C. Christman, 243 South 4th Street, Lehighton, Carbon County, for reappointment as a member of the Carbon County Board of Assistance, until December 31, 1943.

ARTHUR H. JAMES.

REAPPOINTMENT AS MEMBER OF INDIANA COUNTY BOARD OF ASSISTANCE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 30, 1942.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Mrs. Mary B. Rhodes, 42 South 12th Street, Indiana, Indiana County, for reappointment as a member of the Indiana County Board of Assistance, until December 31, 1943.

ARTHUR H. JAMES.

COMMUNICATION FROM THE GOVERNOR

He also presented a communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows:

APPROVED AND SIGNED SENATE BILL No. 36, PRINTER'S No. 17

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 27, 1942.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed Senate Bill No. 36, Printer's No. 17, entitled, "An Act making an appropriation to the Committee appointed pursuant to Senate Concurrent Resolution number one hundred forty of the Regular Session of one thousand nine hundred forty-one adopted July fifteenth one thousand nine hundred forty-one to report recommendations for Congressional re-apportionment," in the sum of four thousand three hundred dollars ($4,300). I withhold my approval from the remainder of said appropriation, as I believe the amount approved to be adequate.

ARTHUR H. JAMES.

APPROVED AND SIGNED RESOLUTION RECALLING SENATE BILL No. 28 FROM THE GOVERNOR

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 26, 1942.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed a resolution of the Senate and the House of Representatives recalling from the Governor Senate Bill No. 28, Printer's No. 25, for the purpose of amendment.

Accordingly, the original bill is herewith returned.

ARTHUR H. JAMES.

RECONSIDERATION OF SENATE BILL No. 28, (HOUSE BILL No. 21)

Mr. GELTZ. Mr. President, I move that the Senate do now reconsider the vote by which Senate Bill No. 28, (House Bill No. 21), entitled:

An Act to further amend Section 801 of the act, approved the fifth day of May, one thousand nine hundred and thirty-three (P. L. 457), entitled "An act relating to the business of building and loan associations; providing for the organization and voluntary dissolution of such associations; defining the rights, powers, duties, liabilities, and immunities of such associations, and of their officers, directors, shareholders, solicitors, and other employes; prohibiting the transaction of business in this Commonwealth by foreign building and loan associations; conferring powers and imposing duties upon the courts, recorders of deeds, and certain State departments, commissions, and officers; establishing limitations of actions; imposing penalties; and repealing certain acts and parts of acts," by authorizing building and loan associations to act as fiscal agents of the United States Government for the sale of United States Defense Bonds and Defense Stamps, and permitting such associations to pledge their assets for the faithful performance of their duties as such agents.

was passed finally, March 18, 1942.

The PRESIDENT. How did the Senator vote?

Mr. GELTZ. Mr. President, I voted "aye."

Mr. CHAPMAN. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. CHAPMAN. Mr. President, I voted "aye."

The motion was agreed to.

And the question recurring,

Shall the bill pass finally?

Mr. GELTZ. Mr. President, I move to reconsider the vote by which the bill passed third reading.

The PRESIDENT. How did the Senator vote?

Mr. GELTZ. Mr. President, I voted "aye."

Mr. CHAPMAN. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. CHAPMAN. Mr. President, I voted "aye."

The motion was agreed to.

And the question recurring,

Will the Senate agree to the bill on third reading?

Mr. GELTZ. Mr. President, I ask unanimous consent to amend line 2, page 2, of the title by inserting after the word "Stamps" and before the word "and" the following: "or obligations of the United States Government of a similar character and purpose"; Amend section 1, clause 9, page 4, line 2, by inserting after the word "of" and before the word "United" the following: "what are commonly known as"; Amend section 1, clause 9, page 4, line 3, by inserting after the word "Stamps" and before the word "and" the following: "or obligations of the United States Government of a similar character and purpose, regardless of the name by which such obligations may hereafter be designated."

The PRESIDENT. Is there objection? The Chair hears none.

The amendment was agreed to.

On the question,

Will the Senate agree to the bill on third reading, as amended?

It was agreed to.

Ordered, That the bill as amended be printed for the use of the Senate.

BILLS INTRODUCED

Messrs. EDMONDS and HOMSHER read in their places and presented to the Chair, Senate Bill No. 74, entitled:

An Act prescribing the procedure for the adoption and promulgation of rules and regulations to supply provisions of law which have been suspended because they interfer with the prosecution of any war in which the United States of America is engaged at the time of the final enactment of this act.

Which was committed to the Committee on State Government.

Messrs. BARTLETT and RUTH read in their places and presented to the Chair, Senate Bill No. 75, entitled:

An Act for the encouragement of carefulness in the operation of motor vehicles and the conservation thereof, by providing for the issuance, in connection with operator's licenses, of envelopes showing the operator's record for safe driving; providing for revocations and reissuances thereof; and prescribing penalties.

Which was committed to the Committee on Highways.

Mr. MALLERY read in his place and presented to the Chair, Senate Bill No. 76, entitled:

An Act providing for the repayment to persons inducted into or enlisting in the army, navy or marine corps of the United States of a part of the cost of registering a motor vehicle before such induction or enlistment.

Which was committed to the Committee on Finance.

QUESTION OF PERSONAL PRIVILEGE

Mr. HALUSKA. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The gentleman from Cambria may proceed.

Mr. HALUSKA. Mr. President, I can not recall having risen to my feet previously to make a personal appeal, but this afternoon certain things have transpired in this Commonwealth that compel me to ask my colleagues to do me a personal favor.

It seems that throughout the last twelve or eighteen months, someone has traveled the length and breadth of Pennsylvania posing as a relative or brother of mine, and has gone to my colleagues and asked for money. It came to my attention from a number of my colleagues here, namely, Senator Bartlett, Senator Carr, Senator Cavalcante, Senator Dent and others, who have been contacted within the last several weeks.

It appears to me that this party, or parties, is now working in both the eastern and western part of the state. It is my intention this afternoon to notify the state police, and I am asking my colleagues if they should be contacted by any such person or persons to notify the police and wire me collect; I will bear all expenses regardless of cost, to bring this party before the bar of justice.

Whether these parties are inspired either personally or politically, I do not know, but when men of the type I have mentioned here come to me and tell me that within the last several weeks they have been contacted personally, I feel I owe it to myself and to my family to make this personal appeal, and I ask you gentlemen if you should be contacted by anyone posing as my brother or as a relative of mine, to wire me immediately and I will get there as soon as possible, and I ask you to kindly notify the police in your vicinity.

Thank you.

CALENDAR

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 50, (House Bill No. 28), as follows:

An Act to further amend clause (g) as added to section one thousand one hundred and ten of the act approved the first day of May one thousand nine hundred and twenty-nine (P. L. 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" suspending during the period of present hostilities and for one year thereafter the requirement that all electrically operated traffic signals shall be made to conform with provisions of said act and the regulations of the Secretary of Highways

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Clause (g) of section one thousand one hundred and ten of the act approved the first day of May one thousand nine hundred and twenty-nine (P. L. 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners

counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" as added by section fourteen of the act approved the fifth day of June one thousand nine hundred and thirty-seven (P. L. 1718) and as amended by the act approved the ninth day of June one thousand nine hundred and thirty-nine (P. L. 317) and by section thirty of the act approved the twenty-seventh day of June one thousand nine hundred and thirty-nine (P. L. 1135) is hereby further amended to read as follows

Section 1110

* * * *

(g) Traffic signals electrically operated that have been erected prior to the passage of this act whenever reconstructed or the controllers or wiring are replaced shall be made to conform with the provisions of this act and the regulations of the Secretary of Highways but in any event all such signals shall be made to so conform not later than January first one thousand nine hundred and forty-two unless extension of time shall be granted by the Secretary of Highways in each specified case Provided That the provisions of this subsection are hereby suspended during the continuance of the war in which the United States is now engaged and for a further period of one year after the end of hostilities thereof

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—40

Barr,	Farrell,	Mallery,	Stevenson,
Bartlett,	Frey,	McCreesh,	Stiefel,
Becker,	Geltz,	McGinnis,	Tallman,
Carr,	Haluska,	McQuiddy,	Thomas,
Chapman,	Heyburn,	Miller,	Tyler,
Cox,	Homsher,	Reed,	Wade,
Crowe,	James,	Ruth,	Walker,
Deitrick,	Jaspan,	Scarlett,	Watkins,
Ealy,	Kephart,	Shapiro,	Wilson, H. I.,
Edmonds,	Lanius,	Snowden,	Ziesenheim,

NAYS—2

Cavalcante,	Coleman,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL OVER IN ORDER

Mr. MILLER. Mr. President, I ask unanimous consent that Senate Bill No. 56, (House Bill No. 8), on third reading, entitled:

An Act to further amend section two of and to add sections four and five to the act approved the seventh day of June one thousand nine hundred seventeen (P. L. 600) entitled "An act providing that appointive officers and employes employed by the Commonwealth of Pennsylvania in its civil service or by any department bureau commission or office thereof or by any county municipality township or school district shall not be deemed or held to have resigned or abandoned their offices or employments by reason of enlistment enrollment or draft in the military or naval service of the United States or any branch or unit thereof in time of war or contemplated war prohibiting the removal from their offices or employments of such officers and employes during the period of their service in the Army or Navy directing that one-half of the salaries or wages of such officers or employes as have dependent wives children or parents and not exceeding two thousand dollars per annum be paid during the term of their service in the Army or Navy to such dependents authorizing the employment during said term of substitutes to perform the duties theretofore performed by such officers or employes respectively and providing for the compensation of such substitutes" by more fully defining amounts payable limiting the time such amounts are payable and limiting the conditions of resumption of office or employment.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 60, entitled:

An Act to modify existing law of the Commonwealth regulating the operation of motor driven vehicles which limit the gross weight or length of such vehicles as are permitted to be operated upon the highways of the Commonwealth by authorizing the Secretary of the Department of Highways to issue permits for the use of overweight and over-length vehicles in certain cases.

And said bill having been read at length the third time,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

RECONSIDERATION OF SENATE BILL No. 60

Mr. WADE. Mr. President, I move that the Senate do now reconsider the vote by which Senate Bill No. 60, passed second reading.

The PRESIDENT. How did the Senator vote?

Mr. WADE. Mr. President, I voted "aye."

Mr. GELTZ. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. GELTZ. Mr. President, I voted "aye."

The motion was agreed to.

And the question recurring,

Will the Senate agree to the bill on second reading?

The first section was read.

On the question,

Will the Senate agree to the section?

Mr. WADE. Mr. President, I desire to offer amendments.

The Clerk read the amendments as follows:

Amend Section 1, page 1, line 3, by inserting after the word "of" and before the word "articles" the word "materials"; Amend Section 1, page 2, by inserting after line 11 the following: Section 2. The provisions of this act shall remain in force only during the continuance of any war in which the United States is now engaged and for a period of sixty days thereafter

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The title was read and agreed to.

And said bill as amended having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Mr. SHAPIRO. Mr. President, I desire to interrogate the gentleman from Cumberland, Mr. Wade, in connection with the amendment to Senate Bill No. 60.

The PRESIDENT. Will the gentleman from Cumberland permit himself to be interrogated?

Mr. WADE. I will, Mr. President.

Mr. SHAPIRO. Mr. President, is it the intention of the sponsor of this bill to exempt oversize or overweight vehicles from payment of a license fee.

Mr. WADE. No, it is not Mr. President. The bill does not so read.

Mr. SHAPIRO. Mr. President, I was wondering if the gentleman would not give some consideration to these words in the bill: Oversize and overweight vehicles may be permitted by the Secretary in his discretion without payment of any fee therefor.

As I understand it, at present no oversize or overweight vehicles are permitted, and therefore, if they are permitted and permitted without fee, it strikes me that it might be interpreted as permitting them to operate without a license.

Mr. WADE. Mr. President, the statement just made by my colleague from Philadelphia embodies only a very short portion of this bill. If he is unable to read it himself, I will be glad to read the entire bill, which is short. He read just a part of one sentence, not the entire sentence, and not the entire bill. If he would like me to read the bill, I will be very glad to do so, either now or after the session.

Mr. SHAPIRO. Mr. President, I have read the whole bill, and it is my impression that these people will be permitted to operate their trucks without the payment of any fee, the way this bill is worded.

Mr. WADE. That is not the case, Mr. President, and I take issue with that statement.

Mr. REED. Mr. President, I desire to interrogate the Senator from Cumberland, Mr. Wade.

The PRESIDENT. Will the Senator from Cumberland permit himself to be interrogated?

Mr. WADE. I will, Mr. President.

Mr. REED. Mr. President, will the gentleman explain to the Senate the difference between this bill and the present standing of the law.

Mr. WADE. Mr. President, this bill has to do only with overweights and overloads of trucks hauling materials, as now amended, articles and commodities as now in the bill, for defense purposes only, all these materials used in the prosecution of the war, and where it is necessary for them to take excessive loads. For instance, if a railroad, or a spur of a railroad, is bombed or destroyed, it might be necessary then to use trucks to convey the materials loaded on the railroad around until they could be reloaded, and in a case of that kind, in the event this bill should become a law, the Highway Commissioner could give a permit to take these materials, even though they exceed in weight the now existing limits, in order to be loaded.

Mr. REED. Mr. President, can not the Secretary of Highways at the present time issue a permit authorizing the owner of a vehicle to haul an oversized load over the highways of the Commonwealth?

Mr. WADE. Yes, he may.

Mr. REED. Then why the necessity of this bill, if it is not to abolish the fee which the gentleman from Philadelphia, Mr. Shapiro, inquired about.

Mr. WADE. That is right, Mr. President. This does give permission to the Secretary of Highways to issue these permits without a fee, because the materials are materials used in the defense of the United States during this war emergency.

Mr. REED. But, Mr. President, the law or regulations at the present time require a fee in such cases.

Mr. WADE. That is right, Mr. President.

Mr. SHAPIRO. Mr. Presdent, I desire to further interrogate the gentleman from Cumberland, Mr. Wade.

The PRESIDENT. The gentleman from Philadelphia may proceed.

Mr. SHAPIRO. Why should these people be permitted to haul without a fee? They get paid for hauling the material, and why should not they pay the fee? What is the purpose? How does this help defense, to take a private owner who gets "X" dollars for carrying a load? How does that help defense, to relieve him from paying a fee?

Mr. WADE. Mr. President, in answer to that I would say, first, it would be a matter of saving of time, very decidedly so, and secondly, this is only for the transportation of defense materials.

Now, in further answer, I think it is soon time that many of us around here, especially in this body, realize that America now faces a crisis, a crisis the like of which it has never faced before. I do not like to go into flag waving, but this bill clearly states that this is only for the transportation of defense materials, materials used in the prosecution of this war.

Mr. WALKER. Mr. President, I am very reluctant to get into this discussion because, as everybody knows, in my practice I do represent trucking companies, but I do not represent any railroads, and it is doubly embarrassing on a beautiful Monday afternoon such as this, because I am looking forward to having dinner with Mr. Ryder, of the railroad association, and it will be a good dinner, but in spite of that I would like to discuss this bill.

Mr. President, the purpose back of this bill is not so much the fee—I think the fee is secondary—but I think the reason for having it waived can be clearly understood if the gentleman from Philadelphia will permit me to explain just how this sometimes works out.

If you have what is called an overload and you are desirous of traveling over the highway with it, you can communicate with the department and they will grant you a permit and for that permit you pay so many dol-

lars—it runs about a dollar per ton mile—and when you are hauling any appreciable distance the cost becomes almost prohibitive.

Now, Mr. President, the situation which is particularly interesting to those of us in the western part of the state is this: we have for example, a foundry within the trucking radii of Pittsburgh, which is making gun mounts for the Philadelphia Navy Yard and the shipbuilding concerns on the Atlantic seaboard, those gun mounts must be transported to the city of Philadelphia, and in order to have them transported, it is necessary to each time get a permit from the department.

You can not get permits in advance; you must make a separate application for each permit and to do that you must fill out this form and advise them as to the type of material, the weight and type of equipment you are going to use, and the route you propose to follow in transporting the material, and when that is done, that is filed with the department, and eventually you get a permit and you pay a permit fee and then you are allowed to operate. That is the theory.

The practical side of it, Mr. President, is this, that if you want to gamble, you put that gun mount on your truck and you start for Philadelphia, because, after all, the Navy is not the least bit interested in anything but getting that gun mount, and on the way through Harrisburg you make arrangements to get your permit, and if you do not happen to get it you are in a very serious predicament.

Some trucking companies are paying as high as twenty overload fines in thirty days, hauling gun mounts to the Philadelphia Navy Yard, and they are operating at a loss because the cost from that operation exceeds what profit the trucking company makes, because trucking, as is railroading and as is the practice of the law, is a competitive industry, and they can not operate those overloads and pay those excessive amounts unless there is some way they can absorb it in their tariff. They are only permitted to charge their tariff charge.

What this bill will do in my estimation is this—and if my understanding of it is incorrect the gentleman from Philadelphia can very quickly set me on the right track—this will permit trucking companies to obtain permits to haul overloads, but you cannot get that permission in advance, and you will be relieved of the necessity of paying an additional charge for the hauling, that is, you will be relieved of paying a permit fee, and that will permit those trucking companies to carry those loads without operating at a loss.

This is only for the duration of the war and in the firm opinion of quite a number of industrialists it will make some contribution to what we call the national emergency.

I might say in all seriousness, Mr. President, last year the box car bill received a lot of publicity and a lot of discussion on the floor of this Senate and none of us have any desire to have a repetition of those scenes, but in all fairness to an industry that is contributing something to the progress of the war, this bill should receive the very careful consideration of this Senate.

The railroads are doing a magnificent job of holding up their end on this preparedness program; they are offering a transportation system that has never been paralleled in the history of the world, but they are strained to the utmost and there are situations arising every day where they are finding it inconvenient, inexpedient and impossible to furnish the rolling equipment to take care of the things thrust upon them, but in spite of that, as I say, they are doing a magnificent job.

The trucking industry is making a very valuable contribution to this transportation picture and they should be given every opportunity to further continue that contribution. If there is anything we can do as members of this Senate to be of assistance to our transportation agencies, whether it be by rail, whether it be by water, or whether it be by motor vehicle or by air, we should be the first to jump in and do it. I say frankly I do not want repeated the scene we had here last year, when we had an opportunity to pave the way for just the thing that is happening today, which opportunity was lost because of the inability of some of us to appreciate a serious situation in a giant industry.

Mr. GELTZ. Mr. President, if I understood my colleague from Philadelphia correctly, he was raising no question or no objection to this bill because of anything that is needed in connection with defense, but he raised a question which I think is a very good one, and that is in connection with whether, under the wording of this bill, these oversized or overweight trucks would have to pay any license fee whatsoever, and I think a study of the wording of that particular section of the bill on page two would lead one to agree with Senator Shapiro's question in connection with this bill.

Whether or not this is needed in connection with the defense industry, I think what should be done is that this bill should be corrected so that we have a proper bill passed in the Senate, and all the more so, if what my colleague from Allegheny, Senator Walker, says is correct, that this bill is so badly needed, then the correction should be made as quickly as possible, but as it reads now it seems to me that the bill provides that those oversized and overweight trucks would under no circumstances need to pay any fee, license or anything else and that certainly can not be what is intended.

Mr. SHAPIRO. I can not see now, Mr. President, either why the gentleman from Allegheny, Mr. Walker, is in the Senate or represents truckers, which he did so very ably, but I would suggest to him that if the words "any fee for the excess weight privilege or excess weight permitted" were inserted, then I would not have raised any question, and my reason for raising a question today is that if this is an important bill it ought to be amended as quickly as possible.

All you need to do to clear my mind on the matter is to insert after the word fee, the words "any fee for such excess weight permitted."

Mr. CAVALCANTE. Mr. President, I think that a very salient point concerning this bill has been brought out, but I do not fully agree that those oversized loads should be permitted to go over the highways without any fee. I am not like the gentleman from Allegheny, Mr. Walker, I do not own any trucks, I do not represent any truckers, I have no interest whatsoever in trucks or the trucking

industry, and I have that much less in railroads; I own no railroad stock, I represent no railroads; I have no relations employed on railroads.

Mr. President, I have a concern only with the welfare of the nation and like everyone else I am interested in this war to see that it is successfully concluded, but, Mr. President, whenever you draw parallels between railroads and the trucking industry you find this, that if the Pennsylvania Railroad or any other railroad puts a heavy load on the railroad and hauls it from Philadelphia to Erie and tears up and impairs the railroad, they must repair that railroad with their own money, but the trucking industry wants the privilege of hauling oversized loads, the trucking industry wants the privilege of hauling any kind of loads, any size, over the highways, destroying the road bed, impairing the road bed, and who will pay for the repairing of that road bed? Not the truckers, who make the profit out of that haul; not the manufacturer who produces the things that are hauled on the trucks, but the taxpayer himself, the other motor vehicle owners, the owners of motor vehicles, who pay for these license tags and fees for everything else that goes into the motor fund, and out of that fund then we pay for the repairs to these highways.

With all due respect to the things that we ought to do towards the winning of the war, I say that it is very unpatriotic for any group of men, such as the truckers, to come in here and ask that they be permitted to use our highways for oversized loads without any pay, when every other citizen who is engaged in railroading or any other business would have to pay to maintain its own rights of way, railroads and so forth, to haul their loads over.

I think that these fellows who want to make a profit by hauling these overloads are not so much interested, I would say, in the winning of the war, because if they were interested in the winning of the war they would not object to paying some fee for hauling these oversized loads, so that they can contribute towards maintaining the highways so that everybody else can use them toward the end of winning the war.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 65, as follows:

An Act to amend section twenty-one as amended of the act approved the seventh day of June one thousand nine hundred and fifteen (P. L. 900) entitled "An act to provide for the immediate registration of all births and deaths throughout the Commonwealth of Pennsylvania by means of certificates of births and deaths and burial or removal permits requiring prompt returns to the Central Bureau of Vital Statistics as required to be established by the State Department of Health and in order to secure prompt and faithful registration of births marriages deaths and diseases of practitioners of medicine and surgery or midwives nurses and undertakers and of all persons whose occupation is deemed to be of importance in obtaining complete registration of births deaths marriages and diseases throughout the State as provided in section ten of an act entitled 'An act creating the Department of Health and defining its powers and duties' approved the twenty-seventh day of April nineteen hundred and five and providing penalties for violations of this act" by further regulating the giving of certified copies of birth certificates to soldiers sailors and marines and war nurses

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section twenty-one of the act approved the seventh day of June one thousand nine hundred and fifteen (P. L. 900) entitled "An act to provide for the immediate registration of all births and deaths throughout the Commonwealth of Pennsylvania by means of certificates of births and deaths and burial or removal permits requiring prompt returns to the Central Bureau of Vital Statistics as required to be established by the State Department of Health and in order to secure prompt and faithful registration of births marriages deaths and diseases of practitioners of medicine and surgery of midwives nurses and undertakers and of all persons whose occupation is deemed to be of importance in obtaining complete registration of births deaths marriages and diseases throughout the State as provided in section ten of an act entitled 'An act creating the Department of Health and defining its powers and duties' approved the twenty-seventh day of April nineteen hundred and five and providing penalties for violations of this act" as last amended by the act approved the twenty-second day of April one thousand nine hundred and thirty-seven (P. L. 309) is hereby further amended to read as follows

Section 21 The Department of Health shall upon request and the payment of the fee as hereinafter provided furnish any applicant a certified copy of the record of any birth death or marriage registered under provisions of this act Provided however That no certified copy of an illegitimate birth record nor any information relative thereto except as herein otherwise provided shall be furnished to any person other than the illegitimate child or the mother of the child or upon an order of a court of competent jurisdiction When a certified copy is furnished of a birth certificate which was not filed within ten days from the birth there shall be furnished with such copy a true copy of any affidavit or affidavits or other papers filed with such birth certificate When a request is made for a birth certificate of any person who has been adopted by any other person pursuant to the provisions of any law and there is filed with such request a certified copy of the decree of the court in such adoption proceedings the department shall upon special request therefor issue in lieu of a certified copy of the original record a certificate showing only (a) the name of the adopted person as changed by the decree of adoption if changed (b) the date and place of birth (c) the names of the adopting parent or parents and (d) the permanent file number of the original birth certificate Such special certificate shall be accepted by all school authorities as evidence of the child's age for all purposes connected with employment or school attendance For the making and certification of each certified copy of the record of any birth death or marriage or of any special birth certificate the department shall be entitled to a fee of one dollar to be paid by the applicant and any such copy of the record of a birth or death or marriage when properly certified by the Department of Health to be a true copy thereof shall be prima facie evidence in all courts and places of the facts therein stated Provided That certified copies of the record of any birth death or marriage shall be furnished to honorably discharged soldiers sailors marines war nurses and their dependents and to soldiers sailors marines and war nurses in the service of the United States during any war in which the United States is engaged without the payment of any fee For any search of the files and records when no certified copy is made the Department of Health shall be entitled to a fee of fifty cents for each hour or fractional hour of time of search to be paid by the applicant And the Department of Health shall keep a true and correct account of all fees by it received under these provisions and pay the same into the State Treasury through the Department of Revenue

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows: viz:

YEAS—44

Barr,	Edmonds,	Mallery,	Stiefel,
Bartlett,	Farrell,	McCreesh,	Tallman,
Becker,	Frey,	McGinnis,	Taylor,
Carr,	Geltz,	McQuiddy,	Thomas,
Cavalcante,	Haluska,	Miller,	Tyler,
Chapman,	Heyburn,	Reed,	Wade,
Coleman,	Homsher,	Ruth,	Walker,
Cox,	James,	Scarlett,	Watkins,
Crowe,	Jaspan,	Shapiro,	Wilson, H. I.,
Deitrick,	Kephart,	Snowden,	Woodward,
Ealy,	Lanius,	Stevenson,	Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL RECOMMITTED

Mr. GELTZ. Mr. President, I move that Senate Bill No. 69, (House Bill No. 64), on second reading, entitled:

An Act suspending and modifying for the period of the present war and for a time thereafter the provisions of section two hundred fifty-one of the act, approved the second day of May, one thousand nine hundred and twenty-five (Pamphlet Laws 448), entitled "An act relating to fish; and amending, revising, consolidating, and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth," and its amendments in so far as they authorize the Board of Fish Commissioners, when necessary to conserve the future fish supply, to close or open seasons and authorizing the closing and opening of seasons by said board for any emergency during said period.

be recommitted to the Committee on Forests and Waters, Game and Fish.

Mr. MILLER. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 72, entitled:

An Act to further amend section nine of the act, approved the thirty-first day of May, one thousand nine hundred and thirty-three (P. L. 1108), entitled "An act providing for the appointment, promotion, reduction, removal and reinstatement of paid officers, firemen and employes of fire departments and of fire alarm operators and fire box inspectors in the bureaus of electricity in cities of the second and third class; defining the powers and duties of civil service commissions for such purposes; and fixing penalties," by permitting applications to be made for such positions by persons forty-five years of age or under.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 73, entitled:

An Act to suspend for the duration of the present war and for six months thereafter any law ordinance or regulation of the Commonwealth of Pennsylvania or of any municipal subdivision thereof limiting the age of appointees to any civil service position in any municipal subdvision of the Commonwealth.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

REPORT FROM COMMITTEE

Mr. BECKER. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. BECKER, from the Committee on Judiciary General, reported as committed, Senate Bill No. 61, entitled:

An Act to add section one thousand one hundred and ten to the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-nine (P. L. 872), entitled "An act to consolidate, amend and revise the penal laws of the Commonwealth," by prescribing additional penalties in the case of the commission of larceny or robbery of things affected by priorities, rationing or other restrictions during time of war.

RECONSIDERATION OF SENATE BILL No. 60

Mr. WADE. Mr. President, I move that the Senate do now reconsider the vote by which Senate Bill No. 60, entitled:

An Act to modify existing law of the Commonwealth regulating the operation of motor driven vehicles which limit the gross weight or length of such vehicles as are permitted to be operated upon the highways of the Commonwealth by authorizing the Secretary of the Department of Highways to issue permits for the use of overweight and over-length vehicles in certain cases.

passed second reading, this afternoon.

The PRESIDENT. How did the Senator vote?

Mr. WADE. Mr. President, I voted "aye."

Mr. MILLER. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. MILLER. Mr. President, I voted "aye."

The motion was agreed to.

And the question recurring,

Will the Senate agree to the bill on second reading?

The first section was read.

On the question,

Will the Senate agree to the section?

Mr. WADE. Mr. President, I desire to offer an amendment.

The Clerk read the amendment as follows:

Amend Section 1, page 2, line 6, by striking out the word "therefor" and inserting in lieu thereof the following: "for such overweight or oversize permit".

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The title was read and agreed to.

And said bill as amended having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

MOTION TO READ BILL THE FIRST TIME

Mr. GELTZ. Mr. President, I move that the Senate do now proceed to the first reading of all bills reported from committees for the first time at today's session.

Mr. MALLERY. Mr. President, I second the motion.

The motion was agreed to.

BILL ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 61, entitled:

An Act to add section one thousand one hundred and ten to the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-nine (P. L. 872) entitled "An act to consolidate, amend and revise the penal laws of the Commonwealth," by prescribing additional penalties in the case of the commission of larceny or robbery of things affected by priorities, rationing or other restrictions during time of war.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

ADJOURNMENT

Mr. GELTZ. Mr. President, I move that the Senate do now adjourn until Tuesday, March 31, 1942, at 2:00 o'clock, p. m. Eastern War Time.

Mr. CARR. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 5:18 o'clock, p. m. Eastern War Time, until Tuesday, March 31, 1942, at 2:00 o'clock, p. m., Eastern War Time.

HOUSE OF REPRESENTATIVES

MONDAY, March 30, 1942.

The House met at 9 p. m.

The SPEAKER (Elmer Kilroy) in the Chair.

PRAYER

The Chaplain, Rev. Donald McFall, offered the following prayer:

Our Heavenly Father, as we look to Thee tonight may we be conscious of that which took place nearly two thousand years ago when Jesus, the Christ, Thy Son, walked upon this earth. May we recall how on the Monday, after His Triumphal Entry into Jerusalem, He saw a fig tree, which although it had all the signs of bearing fruit, yielded none. This we are told, He cursed. From it we should learn a great lesson, "The Curse of Uselessness," for the tree withered away and died.

O God, help us to bear fruit for Thee at all times through the kind deeds we may perform and the cheerful words we might speak to our fellow-travelers on this great highway of life.

Bless, we pray Thee, every member of this House, the visiting friends and all who play a part in the conduct of the business of our beloved State. In Thy name we pray. Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of Wednesday, March 25, 1942.

The Clerk proceeded to read the Journal of Wednesday, March 25, 1942, when on motion of Mr. BOORSE unanimously agreed to, the further reading was dispensed with and the Journal approved.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILL No. 11.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 26, 1942.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 11, Printer's No. 4, entitled, "An act to further amend section eight hundred twenty-eight of the act approved the first day of May one thousand nine hundred twenty-nine (P. L. 905) entitled 'An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds' authorizing the Secretary of Revenue during the period of national emergency to suspend the operation of certain provisions of this act relating to school buses when such provisions conflict with priority claims for material."

In signing this bill I have appended the following statement:

"I am signing this bill with some reluctance, not because it is not necessary, but because it is a forerunner of a series of bills in the General Assembly which purport to deal with the present war emergency in piece-meal fashion instead of by some plan with proper safeguards

which would enable the State Council of Defense, or any comparable agency, to recommend the suspension or modification in whole or in part of provisions of existing laws which interfere with the war effort.

Apparently the General Assembly is unwilling to adopt any such plan. Instead the General Assembly proposes to enact a series of bills like the present one in which authority is to be conferred to suspend certain provisions of existing laws which are now known to require a suspension because of the war effort. While this piece-meal treatment may possibly meet the situation as it exists today, it makes absolutely no provision whereby new emergencies which may arise in the near future may be met. While this piece-meal plan is far from adequate, nevertheless it meets the present emergency to a limited extent.

Under these circumstances I am signing this bill because it will at least afford some, although not adequate, relief during this emergency."

ARTHUR H. JAMES.

PETITION AND COMMUNICATION

The SPEAKER laid before the House the following communication which was read by the Clerk.

PUBLIC ASSISTANCE

A communication from Public Charities Association of Pennsylvania protesting passage of Senate Bill No. 31.

Referred to the Select Committee on Special Session Legislation.

SENATE MESSAGES

HOUSE BILL CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 28.

An Act to further amend clause (g) as added to section one thousand one hundred and ten of the act approved the first day of May one thousand nine hundred and twenty-nine (P. L. 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" suspending during the period of present hostilities and for one year thereafter the requirement that all electrically operated traffic signals shall be made to conform with provisions of said act and the regulations of the Secretary of Highways

With the information that the Senate has passed the same without amendment.

AMENDED SENATE BILL CONCURRED IN BY SENATE

The Clerk of the Senate being introduced informed that the Senate has concurred in the amendments made by the House of Representatives to Senate Bill numbered and entitled as follows, viz:

SENATE BILL No. 42.

An Act to suspend and modify existing law providing for and requiring the use of plates or tags as evidence of (1) the payment of any license or registration fee or (2) in compliance with any other legal requirement insofar as such laws require the use of plates or tags manufactured of metal and by authorizing the use of other material in whole or in part

BILLS SIGNED BY SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

SENATE BILL No. 42.

An Act to suspend and modify existing law providing for and requiring the use of plates or tags as evidence of (1) the payment of any license or registration fee or (2) in compliance with any other legal requirement insofar as such laws require the use of plates or tags manufactured of metal and by authorizing the use of other material in whole or in part

HOUSE BILL No. 28.

An Act to further amend clause (g) as added to section one thousand one hundred and ten of the act approved the first day of May one thousand nine hundred and twenty-nine (P L 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" suspending during the period of present hostilities and for one year thereafter the requirement that all electrically operated traffic signals shall be made to conform with provisions of said act and the regulations of the Secretary of Highways

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

SENATE MESSAGE

SENATE BILL FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence, bill numbered and entitled as follows:

SENATE BILL No. 65. (HOUSE BILL No. 99).

An Act to amend section twenty-one as amended, of the act, approved the seventh day of June, one thousand nine hundred and fifteen (P. L. 900), entitled "An act to provide for the immediate registration of all births and deaths throughout the Commonwealth of Pennsylvania, by means of certificates of births and deaths, and burial or removal permits; requiring prompt returns to the Central Bureau of Vital Statistics, as required to be established by the State Department of Health; and, in order to secure prompt and faithful registration of births, marriages, deaths, and diseases of practitioners of medicine, and surgery, or midwives, nurses, and undertakers, and of all persons whose occupation is deemed to be of importance in obtaining complete registration of births, deaths, marriages, and diseases throughout the State, as provided in section ten of an act, entitled 'An act creating the Department of Health and defining its powers and duties,' approved the twenty-seventh day of April, nineteen hundred and five, and providing penalties for violations of this act," by further regulating the giving of certified copies of birth certificates to soldiers, sailors and marines and war nurses.

Referred to the Select Committee on Special Session Legislation.

LEAVE OF ABSENCE

By unanimous consent leave of absence was granted as follows:

Mr. Hirsch for Mr. MARSHALL M. COHEN.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 52, entitled:

An Act to further amend section twenty-one of the act, approved the seventh day of June, one thousand nine hundred fifteen (P. L. 900), entitled "An act to provide for the immediate registration of all births and deaths throughout the Commonwealth of Pennsylvania, by means of certificates of births and deaths, and burial or removal permits; requiring prompt returns to the Central Bureau of Vital Statistics, as required to be established by the State Department of Health; and, in order to secure prompt and faithful registration of births, marriages, deaths, and diseases, of practitioners of medicine and surgery, of midwives, nurses, and undertakers, and of all persons whose occupation is deemed to be of importance in obtaining complete registration of births, deaths, marriages, and diseases throughout the State, as provided in section ten of an act, entitled 'An act creating the Department of Health and defining its powers and duties,' approved the twenty-seventh day of April, nineteen hundred and five, and providing penalties for violations of this act," by providing for the issuance of short form birth certificates by the Department of Health of the Commonwealth of Pennsylvania during the continuance of the present war emergency and for six months thereafter.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 76, entitled:

An Act suspending and modifying for the period of the present war and for a time thereafter the provisions of section one of the act, approved the eighth day of July, one thousand nine hundred and nineteen (P. L. 737), entitled "A supplement to an act, entitled 'An act to establish a Board of Commissioners of Navigation for the River Delaware and its navigable tributaries; regulating their jurisdiction over ships, vessels, and boats, and wharves, piers, bulkheads, docks, slips, and basins; and exempting cities of the first class from certain of its provisions; and making an appropriation therefor,' approved the eighth day of June, Anno Domini one thousand nine hundred and seven; authorizing and directing the commissioners to provide and maintain a nautical school for the education and training of pupils from the various counties of the Commonwealth of Pennsylvania in the science and practice of naviagation; and making an appropriation for two years from the first day of June, Anno Domini one thousand nine hundred and nineteen, towards its maintenance," and its amendments, in so far as they require, the furnishing of accommodations on board a proper vessel for the nautical school, when no such vessel is available and imposing upon the State Council of Defense the duty of furnishing other accommodations.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 75, entitled:

An Act authorizing the Executive Director of the Pennsylvania Game Commission, with the unanimous approval of the commission and for a certain limited period of time, to lease lands to political subdivisions or to Federal agencies for use as aviation landing fields; conferring certain powers upon political subdivisions relative to the acceptance and development of such lands; and suspending certain inconsistent legislation.

The first section was read.

On the question,

Will the House agree to the section?

Mr. POLEN. Mr. Speaker, I desire to offer the following amendments.

The amendments were read by the Clerk as follows:

Amend Sec. 1, page 1, line 1, by striking out the words "Executive Director" and inserting in lieu thereof: "President".

Amend Sec. 1, page 1, line 5, by inserting after the word "any" the following: "portion of the state game".

The amendments were agreed to.

The section was agreed to as amended.

The second section was read.

On the question,

Will the House agree to the section?

Mr. POLEN. Mr. Speaker, I desire to offer the following amendment.

The amendment was read by the Clerk as follows:

Amend Sec. 2, page 2, line 15, by striking out the words "Executive Director" and inserting in lieu thereof: "President".

The amendment was agreed to.

The section was agreed to as amended.

The third section was read and agreed to.

The title was read.

On the question,

Will the House agree to the title?

Mr. POLEN. Mr. Speaker, I desire to offer the following amendment.

The amendment was read by the Clerk as follows:

Amend title, page 1, line 1 of title, by striking out the words "Executive Director" and inserting in lieu thereof: "President".

The amendment was agreed to.

The title was agreed to as amended.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

BILL PASSED OVER

There being no objection House Bill No. 43, (Senate Bill No. 31), Printer's No. 21, was passed over at the request of Mr. TURNER.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 59, entitled:

An Act to amend Section 18\1 of the act approved the seventh day of June one thousand nine hundred fifteen (P. L. 900) entitled "An act to provide for the immediate registration of all births and deaths throughout the Commonwealth of Pennsylvania by means of certificates of births and deaths and burial or removal permits requiring prompt returns to the Central Bureau of Vital Statistics as required to be established by the State Department of Health and in order to secure prompt and faithful registration of births marriages deaths and diseases of practitioners of medicine and surgery of midwives nurses and undertakers and of all persons whose occupation is deemed to be of importance in obtaining complete registration of births deaths marriages and diseases throughout the State as provided in section ten of an act entitled 'An act creating the Department of Health and defining its powers and duties' approved the twenty-seventh day of April nineteen hundred and five and providing penalties for violations of this act" as added by directing the Department of Health to extend the special birth record file provided for by said section so as to include birth records of veterans of wars other than the World War and so as to include honorably discharged soldiers sailors and marines and providing for the issuance of certified copies of such records without cost

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 78, entitled:

An Act to amend section six of the act, approved the twenty-fourth day of June, one thousand eight hundred ninety-five (P. L. 212), entitled "An act to establish an intermediate court of appeal; regulating its constitution, officers, jurisdiction, powers, practice, and its relation to the Supreme Court and other courts; providing for the reports of its decisions, the compensation of the judges and other officers and the practice and costs on appeals from its judgments," by making further provision as to the preparation, custody and disposition of plates used in the printing of Superior Court Reports.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 79, entitled:

An Act to further amend section seven of the act, approved the twelfth day of June, one thousand eight hundred seventy-eight (P. L. 201), entitled "An act to provide for the publication of the decisions of the Supreme Court and the appointment of a state reporter," by making further provision relative to the custody and disposition of plates used in the printing of Supreme Court reports and Supreme Court advance sheets.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 56, entitled:

An Act authorizing the Secretary of Revenue of the Commonwealth of Pennsylvania with approval of the Secretary of Highways and during a certain limited period of time to adopt rules and regulations relative to the use of the highways by motor vehicles tractors trailers or other equipment which cannot be fitted with rubber tires or treads because of the shortage of rubber and providing for the suspension of certain inconsistent legislation

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

VISITOR'S WELCOMED

The SPEAKER. The Chair welcomes to the House tonight a life long friend of the Chair's and his staff, Colonel C. E. Meyers, Corps of Engineers, former Director Department City Transit, Philadelphia, now President, Pennsylvania State Registration Board for professional engineers, from Pennsylvania. Major V. H. Maseka, Corps of Engineers, Executive Officer, from California; Major J. W. Quickmire, Ordnance Department, from New Jersey Captain R. W. Lerch, Corps of Engineers, from Pennsylvania; Lt. C.. D. Addington, Corps of Engineers, from Virginia, Lt. A. C. Nielsen, Corps of Engineers, from Illinois, and Lt. M. F. Moritz, Corps of Engineers from Ohio.

HERSHEY INDUSTRIAL SCHOOL CLASS WELCOMED

The SPEAKER. The Chair welcomes to the House this evening the Senior Class of the Hershey Industrial School who are the guests of the gentleman from Dauphin, Mr. Habbyshaw.

MASSACHUSETTS REPRESENTATIVE WELCOMED

The SPEAKER. The Chair welcomes to the House this evening a Member of the House of Representatives from the Commonwealth of Massachusetts, Hon. John R. Fausey.

The Chair requests the gentleman from Delaware, Mr. Turner, to escort the Honorable John R. Fausey to the rostrum, also to preside and introduce the gentleman to the House.

MR. TURNER IN THE CHAIR

The SPEAKER pro tempore. For some reason or other the Speaker felt that I should introduce the gentleman from Massachusetts. I had the pleasure of addressing his House and also had the pleasure of working with the Speaker of the House of Massachusetts, the Hon. Christian Herter, so it gives me much pleasure tonight to introduce him to you and to ask him to say a few words.

The Hon. John R. Fausey, of the House of Representatives of the Commonwealth of Massachusetts.

REMARKS BY HON. JOHN R. FAUSEY

Honorable JOHN R. FAUSEY: Mr. Speaker and members of the Assembly, it is a pleasure for me to bring to you the compliments and good wishes of the Members of the House of Representatives of Massachusetts.

Introducing myself, for which I will only take a word I will say I am a retired superintendent of schools, retired on age, and just recently elected to membership in the State House of Representatives of Massachusetts. Believe it or not.

One thing I would say that has impressed me in my association in the House of Representatives of Massachusetts is the spirit of fraternity that exists between the Members. I can assure you that my impression of the quality of that membership and the men who are engaged in that work, and the men who are engaged in your work, has been different from what I had suspected, and I can say that I could not have chosen an occupation when I retired that could have brought so much satisfaction. I will say this, that my sympathies are with legislative bodies rather than with the press. I thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman for addressing the House and assures him he is very welcome among us.

The SPEAKER (Elmer Kilroy) IN THE CHAIR

The SPEAKER. The Chair thanks the gentleman from Delaware, Mr. Turner, for presiding.

RESOLUTION

SALARIES OF PER DIEM EMPLOYES

Mr. ACHTERMAN offered a resolution and asked and obtained unanimous consent for its immediate consideration.

The resolution was twice read, considered and adopted as follows:

In the House of Representatives, March 30, 1942.

Resolved, (if the Senate concur), That the State Treasurer be and hereby is authorized to pay upon warrant of the Auditor General to each employe of the Senate and House of Representatives, the salary or per diem compensation to which they are entitled under law for an Extraordinary Session of the General Assembly by virtue of the provisions of the Acts of Assembly under which they are elected or appointed; this resolution to be effective until a supplement to the General Appropriation Law, approved March 11, 1942, Act No. 2, entitled "An act to provide for the expenses of the extraordinary session of the Legislature assembled February seventeen, one thousand nine hundred forty-two, in pursuance of the proclamation of the Governor of the Commonwealth, dated February tenth, one thousand nine hundred forty-two, and the supplement thereto," providing for additional appropriations for the payment of the salaries of the employes of the Senate and the House of Representatives for the extraordinary session of 1942, is enacted into law.

Ordered, That the Clerk present the same to the Senate for concurrence.

CONDOLENCE RESOLUTION

Messrs. POWERS and MIHM offered a resolution and asked and obtained unanimous consent for its immediate consideration.

The resolution was twice read, considered and adopted as follows:

In the House of Representatives, March 30, 1942.

It is fitting that this body pause from its labors to pay respect to the memory of a veteran lawmaker and public servant, the Honorable John M. Morin, former Congressman from the 34th District of the City of Pittsburgh, who died March 3, 1942.

Mr. Morin was born in Philadelphia April 18, 1868, and removed to Pittsburgh when four years old. He commenced his public career at an early age and for more than a third of a century he won distinction in public service as well as in the service of fraternal organizations. The record of such service includes two years on the Council of the City of Pittsburgh, five years as Director of that city's Department of Public Safety, sixteen years as a Congressman from Pennsylvania, thirteen years as a member of the U. S. Employes Compensation Commission, and the office of State President and National President of the Fraternal Order of Eagles.

During his term of office as National President of the Fraternal Order of Eagles, he was instrumental in securing the introduction and passage of a bill in the Pennsylvania Legislature of 1923 which provided for old age pensions in this Commonwealth.

In his private life Mr. Morin was a sympathetic and loyal friend, a devoted husband and the proud father of ten children.

His death is keenly felt by the public that he has served, his associates, his many friends, and especially by his children who survive him; therefore be it

Resolved, That the House of Representatives record its regret over the passing of another able, honest and conscientious public servant, the Honorable John M Morin, and its sympathy for the members of his family; and be it further

Resolved, That a copy of this resolution be transmitted to the family of the deceased, to Mr. Maurice Splain, Jr., State President of the Fraternal Order of Eagles, and to Aerie No. 76, Fraternal Order of Eagles, Pittsburgh, Pennsylvania, and to Fraternal Order of Eagles Aerie No. 827, Stockton and Sherman Avenue, N. S. Pittsburgh, Pennsylvania.

CONDOLENCE RESOLUTION

Messrs. SCHWAB and MALLOY offered a resolution and asked and obtained unanimous consent for its immediate consideration.

The resolution was twice read, considered and adopted as follows:

In the House of Representatives, March 30, 1942.

The House of Representatives has learned with sorrow of the recent death of the Honorable Benjamin R. Jones, Judge of the Court of Common Pleas of Luzerne County for more than twenty years. Judge Jones died at his home at Wilkes-Barre on March 22, after a long illness. Judge Jones was born in Wilkes-Barre on January 9, 1869.

After completing his preliminary education in public and private schools he studied law in the office of the late Judge S. J. Strauss, and also at the University of Pennsylvania. He was admitted to the bar in September, 1892, and his unusual ability in the legal profession was soon recognized.

In 1900 he was elected district attorney and served two terms in that office. In October of 1910, he was appointed common pleas judge by Governor Stuart to fill a vacancy. He was not elected for the succeeding full term and remained in private law practice until 1921 when he was elected common pleas judge. He was reelected in 1931, and continued his tenure as judge on January 5, of this year.

During his long and judicial career, Judge Jones presided at important trials in many other counties. He was known throughout the State as an able and impartial judge, and one who was diligent in protecting the rights of all who appealed before him; therefore be it

Resolved, That the House of Representatives mourns the passing of one of her distinguished sons; and be it further

Resolved, That the Chief Clerk of this House shall send a copy of this resolution to the family of the deceased as a symbol of the House of Representatives' profound sympathy for them in their great bereavement.

REPORT ON CO-OPERATIVE RESEARCH PROGRAM ON ANTHRACITE AND BITUMINOUS COAL

Messrs. WILLIAMS and KENEHAN offered a report on the Co-operative Research Program on Anthracite and Bituminous Coal at the Pennsylvania School of Mineral Industries and Experiment Station, Pennsylvania State College, under the Supervision of the Department of Mines, pursuant to Act No. 77-A, Session of 1941.

The SPEAKER. The report will be noted in the Journal and printed in the Appendix to the Legislative Journal.

RESOLUTION

Mr. McFALL offered a resolution which was laid over for printing under the Rules.

CONDOLENCE RESOLUTION

Mr. STAMBAUGH offered a resolution and asked and obtained unanimous consent for its immediate consideration.

The resolution was twice read, considered and adopted as follows:

In the House of Representatives, March 30, 1942.

On August 30, 1941, God, in his infinite wisdom, removed from our midst the Hon. Clark Milton Bower, a member of this House, from Perry County, during the Sessions of 1919 and 1921.

He was a real dirt farmer his entire life. He was the president of the New Bloomfield National Bank. He served two terms as a member of the board of county commissioners of his county, and for over fifty years was a very active member and worker in his church.

In his public career he served the people of his community and this Commonwealth ably, honestly and with distinction. In his private life he was a modest and kindly man whose home was always open to his many friends, and the hospitality of that household was famed throughout central Pennsylvania. His sincerity of purpose was outstanding. He was always considerate of his fellowman and will be missed by all who knew him; now therefore be it

Resolved, That this house extend its profound sympathy to the family of the Hon. Clark Milton Bower, and that a copy of this resolution be sent to the members of said family.

CONDOLENCE RESOLUTION

Mr. STAMBAUGH offered a resolution and asked and obtained unanimous consent for its immediate consideration.

The resolution was twice read, considered and adopted as follows:

In the House of Representatives, March 30, 1942.

Death has claimed an old and honored former member of this House, namely, the Hon. J. G. Harry Rippman of Perry County, who died January 4, 1942.

Mr. Rippman was active in political affairs in his county, having served in the Legislature during the session of 1923 and on the council of his home borough, Millerstown, for several terms.

Mr. Rippman was very active in church activities, business affairs, and fraternal associations of his community, and was well known, liked and respected throughout his county; now be it

Resolved, That this House extends its deepest sympathy to the members of the family of the Hon. J. G. Harry Rippman; and be it further

Resolved, That the Chief Clerk of this House shall transmit a copy of this resolution to the family of the deceased.

PERMISSION TO ADDRESS HOUSE

Mr. McFALL asked and obtained unanimous consent to address the House.

Mr. Speaker, I ask indulgence of the House that I might bring to you the story of one of the greatest catastrophes Northampton County has ever been made to suffer.

On the banks of the Delaware River five miles north of Easton, the county seat, stands the manufacturing plant of the Lehigh Portland Cement Company. On the side facing the river and Route 611 one may see large well kept lawns, beautiful one story homes for the employes, and one of the cleanest plants of its kind in the country; for from the beginning this plant installed a "No dust system." The care and welfare of the employes has always been its first consideration. Its policy of "safety first" was carried through for a period of 2,405 days. Each day a sign that showed conspicuously the number of safety days was changed to read one day more; but there will be no 2,406th day to be recorded.

Suddenly without warning came the terrible blow that not only brought death to thirty-one men, but brought agony, both mental and physical to hundreds of relatives and friends, to the officials, executives and clerical force of the company and to their fellow-workers.

The one outstanding feature of this terrible disaster is the fact that the company is in no way, by act or deed, or lack of care in its operation for safety, responsible for what happened.

On Thursday morning last, about 9:25, twenty tons of dynamite exploded, blowing thirty-one men into eternity. Eighteen of these men were blown to bits; only thirteen of them could be pieced together and identified.

I arrived on the scene several hours after the explosion to get first hand information and ascertain if I could learn what caused the accident and who was at fault. The bodies of the thirteen men that could be identified were placed in a row and covered with blankets while

the pieces of the eighteen men who were blown to bits which had been gathered over a radius of several acres were placed in one large pile. Bits of flesh were hanging from the tree-tops one hundred yards away; it was a gruesome sight and too horrible to put into words.

Why twenty tons of dynamite? Why the sacrifice of thirty-one men in their daily toil for a livelihood? What manner of protection was afforded these men? What was the cause of the explosion?

I will try to answer these questions by giving a brief description of just how a huge blasting operation of this kind is supervised and carried out, also the protection to the men employed and the possible cause of the explosion.

First, there is a stripping by steam shovel of the top soil over several acres down to the bed rock three, four or five feet below the surface as the case may be. Next, there are a series of holes drilled five or six inches in diameter about twenty feet from the face of the quarry, these holes were drilled one hundred twenty feet deep, ten or fifteen feet apart. The holes ran in a straight line for a distance of three hundred or more feet. One newspaper said there were thirty-eight holes, another said forty-eight holes. To fill this number of drilled holes it would require the twenty tons of dynamite. Each hole has an electric wire with one or more caps attached making contact with explosives. Each wire is connected to an electric battery so that when the plunger is forced down the charges in each hole go off simultaneously, causing one great concussion that forces the great mass of rock to break away and to fall down the face of the quarry filling that section with thousands of tons of broken rock. This kind of an operation takes place every three or four months as the case may be depending on how long it takes to clean up.

When the operation for blasting has been perfected, and all is in readiness, the high explosives are shipped from manufacturing plants. In this case the shipment was made from Kenville, New Jersey. Three trucks arrived on the morning of March 26th, with the shipment packed in wooden boxes. The trucks unloaded and drove away. The story is that the last truck to unload was only about one-half mile away when the explosion occurred. The boxes were placed on a pile near the edge of the quarry. Some of them had been placed near holes ready to be filled. It was now 9:00 a. m. when the men take fifteen minutes out for what they call "piece time." It was about this time John Petty, Assistant Quarry Foreman took seven men away from the group, going down into the pit of the quarry to make that part clear and safe. These men have a picture in their minds as to conditions when they left the group of 31 men. What happened after, no one is living to tell, perhaps the real cause will never be known.

Yes, we can surmise, but that is all. The story of the airplane with a high power rifle shooting into the dynamite can be discredited. I had this story from one of the guards, who said, "a yellow airplane was flying over the quarry all morning." It had not come over since the explosion. The statement made by the company's officials and by men who over a long period of years worked with high explosives such as dynamite say it cannot be set off by concussion, jar or a rifle bullet; only by a spark, such as is caused by a cap made for that purpose. It was thought perhaps something had gone wrong in loading one of the holes and it had exploded, this is also discounted as three holes were discovered to be loaded and none had exploded even with the shock of the explosion.

One of the mysteries that cannot be explained is the fact that only one real shock was felt, yet the dynamite was not all in one pile, but separated. I want at this time to point out the need for vital legislation necessary that was brought out so forcefully in such a catastrophe—as this of the Lehigh Portland Cement Company. First, there is the telephone—hundreds—yes thousands—of calls started over all the lines in the county by people who had been shocked by the news and wanted to talk to some one or wanted information. This cut off families afflicted, and prevented the calls to hospitals, to doctors and nurses. These people thoughtlessly prevented necessary calls to go through.

I quote an editorial from the Easton Express:

> "The repeated entreaties to keep off the telephone in case of an explosion, fire or disaster which has been part of the civilian defense campaign were not observed in the Lehigh Portland Cement Company blast.
>
> "Telephone lines to the hospitals, the newspapers, the Court House and police and fire headquarters were jammed soon after the explosion was heard and felt in Easton.
>
> "The jamming of telephone lines in some cases held up officials and emergency calls which were necessary to aid in dispatching help to the scene.
>
> "Telephone calls to the Express office from people anxious to learn about the explosion averaged 40 a minute for more than two hours.
>
> "All lines on the Express switchboard were kept constantly busy handling these inquiries totaling more than 4,800 in the two hours and then decreasing for the next hour. Altogether, approximately 6,000 calls were handled."

Then there is the automobile which is a serious problem in times such as I am trying to describe. Automobiles by the hundreds began coming from all directions. Men and women and babies in arms all trying to get to the scene of the accident at the same time, making the roads impassable for those who came to assist. Route 611 was forced to close, south at Easton and north at Martin's Creek. These people innocently and with no intent of doing any harm came only to see. As guards and soldiers were placed all around the grounds they could see absolutely nothing as to what had taken place.

I will quote Dr. Frederick O. Zillessen's article in the Easton Express:

> "Dr. Frederick O. Zillessen, Easton physician, in a statement to an Express reporter pointed out how all rules governing civilians for air raids and disasters such as the Lehigh Cement explosion were completely ignored.
>
> "Dr. Zillessen heard the explosion at his home. After calling the Easton Hospital to determine the location, he left immediately for the quarry. He was the second doctor to arrive preceded only by Dr. Budd J. Reaser, of Martin's Creek.

"Dr. Zillessen said he saw the roads leading to the scene of the disaster clogged with civilian sightseers. Their cars were parked carelessly along all the roads. Hospital units and first aid cars were tragically delayed from getting to the vital location. In some cases, they were forced to stop while parked cars had to be pushed off the road.

"The State Police, and soldiers from the Armory had not yet arrived, Dr. Zillessen said. Upon their arrival, the roads were cleared and sightseers told to stay back. However, vital moments had been lost due to the neglectful attitude of civilians.

"Dr. Zillessen pointed out how classes had been held, literature distributed, and newspaper stories printed urging people to avoid rushing to a scene of disaster. Yet, Dr. Zillessen said, when the first test tragically arrived, all rules and warnings were completely ignored."

Now it seems to me, some form of education shoud be attempted to get people to stay at home where they can learn more from the radio and do no harm.

Another phase of this disaster is the thought of sabotage. As legislators we have spent much time here in the Capitol discussing sabotage, protection, safety and an all out program for national defense. So far we have accomplished little. I, for one, do not think we can prevent sabotage by passing an act any more than our laws prevent crime; but it seems to me that we can draw the lines closer and make it harder for enemies of our government to get employment where deeds of sabotage can be committed.

This accident has all the earmarks of being caused by some force not known or controlled by the experts sent out by the Hercules Powder Company. For no explosives are kept on the grounds and all blasts are directed and supervised by the experts sent out by these respective companies that supply the explosives.

The experts sent out by the Hercules Powder Company to direct and supervise this job were: George B. Hadesty, Jr., Allentown, Pennsylvania; Raymond E. Garnett of Wilmington, Delaware; William L. Lanahan of New York City. It does not seem possible all three of these men would make or allow to be made the one fatal mistake that could have caused this terrible accident. There is no proof of sabotage because all evidence is destroyed together with all knowledge that may have been the direct cause, for all the men taking part are dead—but all the powder men are skeptical, many say caps were placed in the boxes somehow—timed to go off—perhaps to blow up the plant of Kenville, New Jersey, and it just happened the boxes came out with the shipment to the Lehigh Portland Cement Company.

At the present time much is being said of General MacArthur and the boys at the front, and rightly so, but we say too little about the men behind the men behind the guns. Many there be who lose their lives not at the front fighting, but in the performance of these duties as workmen, at dangerous and hazardous jobs in supplying our soldiers with munitions and necessary implements of war. I therefore with a feeling of deep reverence, veneration and respect ask your indulgence as I read the names of these thirty-one men who met death so tragically in the performance of their duties as workmen in national defense.

Explosion victims were:

Joseph Ascani, Bangor;
Benjamin Ascani, Martin's Creek;
Alfred Bavaria, Martin's Creek;
Elwood E. Eberly, Bath;
Alfred Lee Frankenfield, Sandts Eddy;
Victor Grbich, Oxford, N. J.;
Lester C. Gruver, Easton;
Karol Gumulak, Phillipsburg, N. J., R. D.;
Clayton C. H. Herman, Nazareth;
Andrew Kerlick, Nazareth;
Michael Kochis, Oxford, N. J.;
John Kopack, Nazareth;
Franklin J. Kroch, Sandts Eddy;
Charles Lilly, Edelman's;
William List, Wind Gap, R. 1;
August Marinelli, Martin's Creek;
Leon Adam Melchner, Martin's Creek;
Otto Melchner, Martin's Creek;
Leo Pace, Martin's Creek;
Etter Phiebane, Martin's Creek;
Quinto Pignotti, Martin's Creek;
John Pulcini, Martin's Creek;
Raymond Pulgini, Martin's Creek;
John Sikora, Brainerd's, N. J.;
Charles F. Smith, Stockertown,
Samuel Eugene Smith, Tatamy;
Stephen Talpos, Nazareth;
Arthur Zappasodi, Martin's Creek;
George B. Hadesty, Jr., Allentown;
Ray E. Garnett, Wilmington, Del.;
William Lanahan, New York, N. Y.

VISITOR WELCOMED

The SPEAKER. The Chair welcomes to the House this evening the Honorable W. Walter Brahm, President Judge of Lawrence County.

PERMISSION TO ADDRESS HOUSE

Mr. TURNER asked and obtained unanimous consent to address the House.

Mr. Speaker, we have all listened with a great deal of interest to the very fitting remarks of the gentleman from Northampton in reference to the great catastrophe that has occurred in his county and for which we all have sympathy. He has asked our sympathy and asked us to correct something that has caused sorrow and suffering to a great many people. But these people have gone and there is nothing that we can do for them. I would like to speak tonight, Mr. Speaker, for a short time in reference to living people for whom something should be done.

In these times when so much consideration is being given to the wages of employes in industry and business, and when the opportunity is being afforded so many men and women to earn high wages in industry, I am of the opinion that some thought should be given to the

great group of people who are employed in business, much of which is not directly concerned with the production of war materials, but nevertheless essential to the maintenance of our economic structure if we are to successfully prosecute the war and if our lives are to be disrupted as little as possible.

Also, we should give thought to the great group of State employes who are in the low income brackets. Many of these wage scales were fixed during the last ten or fifteen years. They have had no opportunity to benefit by the increase in business unless they depart from the service of the State. To me it is as important to maintain the standard and efficiency of our State service in these times as to secure the ultimate in production from industry.

Modern warfare has taught us that all activities, whether they be connected with the armed forces, the production of war materials, business, government, or the everyday life of the individual, are a part of the chain, and that a weakness in any part has a detrimental effect upon the result to be achieved.

One can hardly blame governmental employes who leave their positions to find more lucrative fields in business and industry. The armed forces are taking many of our people. They will continue to do so in increasing numbers. The shortage in the labor market will tempt commercial enterprises to seek replacements among government employes.

This may well cause a very serious situation in the State.

But aside from the question of the loss of employes to business and industry, common justice dictates that we be as zealous in seeing that State employes be treated fairly insofar as adequate compensation is concerned, as we are to see that labor is protected in its rights.

According to the report for the year 1940 as made by the Joint State Government Commission, there were 9,623 employes receiving under $1200 a year; 5,782 between $1200 and $1499; 2,285 between $1500 and $1799; and 3,467 between $1800 and $2399. These figures are exclusive of per diem employes.

The annual payroll, as shown by the report of the Joint State Government Commission on the Organization and Administration of Pennsylvania's State Government for the year 1940, including governmental and institutional employes, as well as salaried employes of the Legislature and Judiciary, was $43,843,000 plus, which is approximately seven per cent of the present budget for the current biennium. It must be remembered, however, that we are only talking about the employes receiving less than $3,000 per year, so that the amount paid to these employes would be considerably less than the aforesaid $43,000,000 plus. Figures are not available at the moment to determine the amount paid these employes.

Living costs have increased from ten to fifteen per cent and State employes must now pay income taxes. When it is remembered that many of these people come from other parts of the State and, therefore, practically have to maintain two homes or board in Harrisburg, which amounts to the same thing, it can be seen that a very heavy burden is placed upon them by the war. Many of these men are married and have families to support.

The call for the present session does not offer an opportunity to increase budgets to meet an increased payroll, but it is not too early to make a study of this problem so that if the financial picture will warrant it, something may be done to give a just opportunity for our employes to receive compensation which will not only retain them in the State service, but will also enable them to meet their trying situation.

PERMISSION TO ADDRESS HOUSE

Mr. LOVETT asked and obtained unanimous consent to address the House.

Mr. Speaker and members of the House, I listened with very much interest to the statement made by my good friend Ellwood Turner, from Delaware County, on behalf of the state employes and the salaries which they receive.

I recall at the last regular session of the legislature that this House of Representatives passed legislation increasing the salaries of the state employes and especially those receiving less than twenty-five hundred dollars. That legislation was passed by this House and was either defeated in the Senate of Pennsylvania or vetoed by the Governor.

I realize that this is no time for politics, nevertheless I say to the Members of this House and to the Members of the Senate of Pennsylvania, that it is time that they take heed of the statements of Mr. Turner since they did not take heed at the last regular session of the legislature, and that they take home the lesson Mr. Turner is presenting tonight in behalf of these State employes who are receiving these salaries.

I noticed in the Governor's call for this Special Session of the legislature that he was very careful in the call that we could not enact legislation to increase the salary of these employes during the special session of the legislature.

I, like Mr. Turner, want to say that it is time the Members of the legislature take heed and do something for these employes. I thank you.

PERMISSION TO ADDRESS HOUSE

Mr. FRENCH asked and obtained unanimous consent to address the House.

Mr. Speaker, owing to the fact that I am not a public speaker, I find myself in a very embarrassing position in bringing before the members something that I have had in mind and which I think is worthy of your consideration.

Early in the month of January of this year I wrote a letter to the Governor of this Commonwealth asking him if he would not have incorporated in his call for the special session something that would help the farmer secure farm labor during the duration of the war. All I received was an answer from his chief clerk acknowledging receipt of my letter.

I have been sitting here during six weeks of this special session anxiously waiting for someone to introduce a bill, or make a movement of some kind in order to cover this situation, which I think has developed now into a very serious situation for the farmers.

The farmer finds himself at this time, more so than

ever, in a position where he can no longer find labor to do the work that is necessary to be done on the farm. I think in this State of Pennsylvania, which is recognized as an industrial state, the situation is perhaps more acute than possibly in any other state in the Union because our farm families are in the midst of industries, and the farmers' boy to a large extent have been lured into industry by the higher wages that industry pays over and above what the home farm folks can afford to pay. Six or eight or ten or twelve dollars a day is enough to lure any farm boy away from the farm when you consider that he gets little more than his board and puts in fourteen to sixteen hours a day,—you can't blame him for that.

On the other hand until recently the farmer was able to pick up what you might call a transient man or transient help here and there for a couple days, a week or a few weeks at a time, men in the community who were more or less looking for jobs, but even that help has gone from him. Any person that is worth a tinker's dam is working in industry and are not available for working on the farm.

Tuesday of last week I had a talk with Dr. Haas, State Superintendent of Education and I laid my complaint before him. I found him very much in sympathy with the proposition. He said he would be very glad if somebody would introduce a bill or make some move that would give him the authority to remedy this situation. Neither one of us knew exactly what it should be or what form this bill should take. However, I came back and talked to some of the Members in the House here and they more or less promised that something would come up, that they would draft a bill of some kind that would possibly cover the situation. Now, we are swiftly coming to the closing days of this session of the legislature—thank the Lord. I am afraid we are going to adjourn without any recognition being given to the farmer. I am not mentally able, gentlemen, to draft a bill that would be satisfactory to everybody concerned, but I know there are men who are able to do it.

We have been handed an enormous food order by Uncle Sam to be filled. The farmers are very glad to fill that order if we have the things by which we can do it, but as I said a moment ago the means by which we can do that job has been taken away from us completely. There are farmers in my county and farmers in every county in the state who are left absolutely alone. A number of farms are going to remain idle because they cannot secure sufficient help. A farmer left alone can get up at four o'clock in the morning and get his cows milked and feed the cattle, and the government wants more milk, the government wants more beef, the government wants more eggs, more of this and more of that, but we cannot do that when a man is left alone getting up at four o'clock in the morning, feeding and attending to his herds of eighteen to twenty-five or thirty head of cows, then go out in the fields with the expectation of doing a day's work. It just simply cannot be done.

This is my proposition, gentlemen, there are many farmers in Pennsylvania who have sturdy boys and girls twelve years of age and over, who can do a man's or a woman's work on the farm today. Hundreds of boys twelve years of age can go out and do a day's work with a tractor. Lots of young girls twelve years of age and over can help their mothers raise a flock of six or eight or ten hundred chickens. That will only partly fill the order Uncle Sam has given, but our School Code will not permit that. There are certain conditions under which a man can keep his boy or girl at home, that is provided for at this time. The Code provides at present that they must be of a certain age and pass a certain grade before they can do that, but that does not fill the bill, Mr. Speaker. There should be some provision that would permit these boys and girls on the farm who are twelve years of age and over, to come out of school one month or six weeks earlier in the Spring and keep them out a month or six weeks later in the fall. That would still give them six months of schooling for the year. You don't necessarily need to shorten the school term. It does not need to apply to the city folks. There are very few girls or boys in the cities whom we could bring out to the farms who would be worth much more than their board. I do not blame them because they don't know what to do. By the time they are broken in they must go back to school again. But if I have two or three boys over twelve years of age and I only need one boy at home, I think the law should be amended at this session of the legislature that would permit me to hire my boy to my neighbor, who has no help of his own, and give him a chance to get his work done.

My fellow Members from the city, I am afraid that you do not realize what we farmers are up against. I am afraid that is the case, but I really wish and earnestly urge that we take up this matter before this session closes and enact some sort of law that will entail no hardship on the teachers in the schools. We do not necessarily have to shorten the term. They can go on. There are plenty of pupils in these different grades to permit the teacher to go on,—in the larger cities, especially.

I think by all means this is a most important proposition. Aside from the reapportionment bill which we have passed I think the proposition we are now talking about comes next in importance, and not one word has been said about it as yet.

The gentleman from Delaware, Mr. Turner, spoke about the state employes. That is all right, I will vote for something like that, Mr. Speaker. He spoke also about the businessman, but up to the present time there has not been a solitary word said about the farmer who has been stripped, entirely stripped of all help to get his work done. I hope you will consider this very important matter and that some person, I care not who, will sponsor suitable legislation, get at it tomorrow morning and have some kind of a bill drafted, get it before this House before it closes to help the farmer in the very serious situation in which he finds himself in regard to farm labor at the present time.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF RESOLUTION RECALLING HOUSE BILL No. 10

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 25, 1942.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed a resolution of the House of Representatives and Senate recalling from the Governor House Bill No. 10, Printer's No. 3, for the purpose of amendment.

Accordingly, the original bill is herewith returned.

ARTHUR H. JAMES.

RECONSIDERATION OF VOTE

Mr. CHERVENAK. Mr. Speaker, I move that the vote by which this bill passed finally be reconsidered.

Mr. OWENS. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from Cambria, Mr. Chervenak, vote on the final passage of this bill?

Mr. CHERVENAK. Mr. Speaker, I voted in the majority.

The SPEAKER. How did the gentleman from Cambria, Mr. Owens, vote on the final passage of this bill?

Mr. OWENS. Mr. Speaker, I voted in the majority.

On the question,

Will the House agree to the motion?

It was agreed to.

Mr. CHERVENAK. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered.

The motion was agreed to.

On the question recurring,

Will the House agree to the bill on third reading?

Mr. CHERVENAK. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend section 2, page 3, line 26 by inserting after the word "papers" and before the word "shall" the following: "for the office of Representative in Congress."

Amend section 2, page 3, line 27 by striking out after the word "than" and before the word "ten", with bold face brackets, the following: "[]".

Amend section 2, page 3, line 28 by striking out after the word "of" and before the word "the", with bold face brackets, the following: "[]the twentieth day before the day]".

Amend section 2, page 3, line 29 by striking out at the beginning of the line the following: "[of election named in]".

Amend section 2, page 3, line 29 by inserting at the end of the line the following: "and said nomination certificates and nomination papers for the office of Senator and Representative in the General Assembly shall be filed in the office of the Secretary of the Commonwealth not later than the twentieth day before the day of the election named in the writ of election".

The SPEAKER. Will the House give unanimous consent to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

PERMISSION TO ADDRESS HOUSE

Mr. HUNTLEY asked and obtained unanimous consent to address the House.

Mr. Speaker, I wish to support the statement made by the gentleman from Delaware, Mr. Turner, and the gentleman from Westmoreland, Mr. Lovett, in reference to raising the salaries of state employes, or you might say, the pay of the different people who are employed by the state. I have supported heretofore every measure that would increase the wages of the state employes. I supported the law to raise the pay of school teachers and to raise the pay of liquor store employes, in fact every bill that has been offered to increase the pay of state employes.

I think you will remember that at the last session we spent much time in preparing bills, discussing bills, amending bills and voting on bills that directed the city of Philadelphia and the city of Pittsburgh to pay employes with whom we have nothing whatever to do. But in this case we are actually considering the employes of the state. I know it to be a fact that many of the employes in the different departments are thinking about leaving the employ of the state because they do not get sufficient remuneration. Taxes have been levied against them that were never levied before, and the cost of living has gone up, and it seems to be a hardship to ask the employes to take the old wages. More than that, I think it is the experience of everybody that when the employer is doing well he is willing to pay his employes more wages.

At the present time the state has a balanced budget, as I understand. It has something like fifty or sixty million dollars of a surplus. It looks to me that this is the proper time for these employes to receive some justice in the way of additional remuneration. This state spends several hundred millions of dollars to conduct its business. Yet it seems as if the employes are given less consideration than they are in any other business that I know of.

It seems that we believe the State can go on and run its business in a haphazard way, employing cheap help and paying low wages, because someone in the State might have some political debt to pay, and he might have what you might call a little extra on the side, but taking it as a whole the employes are not treated like they are in industry. If industry were run as the state is run I am sure it would not be a success.

I did not intend to speak so long, but at this time I think it is necessary to interest ourselves in the employes of the state, to make ourselves heard, because I do not think it takes a law to increase or to raise the wages of many of these employes. When the present administration came into power many of these employes had their wages

cut, and now while we are in such a prosperous condition it seems to me that the wages ought to be restored to the former level; not only restored but be raised sufficiently high to meet the present conditions of living. I thank you.

PERMISSION TO ADDRESS HOUSE

Mr. McMILLEN asked and obtained unanimous consent to address the House.

Mr. Speaker it seems to me as though at this time of night when one fellow makes a speech another fellow wants to make a speech.

There seems to be a general feeling all around, like the traveling salesman, who discovered one time when he was traveling through the country selling his wares.

The SPEAKER. Be careful about the traveling salesman.

Mr. McMILLEN. Mr. Speaker, this is not one of those stories. This is perfectly permissible. Night overtook this particular salesman as he was traveling through the country. He approached the next farmer about staying all night with him. You fellows take for granted this is the same old kind of a "traveling salesman" story, but that is not true.

The farmer permitted him to stay with him that evening and gave him a bedroom on the first floor of the farmhouse, which was situated beside a small gully. During the night a very heavy rain fell, all unbeknownst to the traveling salesman. He got up in the morning, looked out the window and there was a sea of water going down past his window. He became excited and called. Just about that time a young lady's voice answered him from the kitchen and asked him what he wanted.

He said, "Young lady when I came to your house last night I looked out the window and I thought I saw a lawn out there."

She said, "You did."

He said, "It looks to me like a sea of water out there now."

She said, "It is. During the night we had a terrible cloudburst."

He said, "I never heard it. Maybe I am still seeing things. Do you see that straw hat out there, which seems to be moving back and forth across the lawn?"

She said, "It is."

He said, "What in the world is that?"

She said, "I cannot tell you what it is, unless it may be grandpa's straw hat, because I heard him say last night that he was going to mow that lawn today in spite of H—— and high water."

I think sometimes many speeches break out, but I can not let one speech go by without replying very briefly. My good friend, Mr. French, has a very good case. I realize, coming from an agricultural county, he has a problem. We have ours. But, gentlemen, I will never, never be one as a citizen or as a Member of the Legislature, to supinely admit by passing legislation to lower the standards and the conditions of education in the state of Pennsylvania, that we as men are total failures, and must rely upon the boys and girls of the schools of Pennsylvania to fight a war that they have nothing to do with. I will never permit that or be a party to it. I think we have manpower enough to go through with this war. I know we have.

In going just a bit further in my remarks, I would like to make this statement, that the schools to my way of thinking are the very foundation, and one of the bases upon which this country will stand in the future, and upon that premise I would like to bring to your mind the fact that we must maintain at all costs the best trained personnel that we can in our schools. I ask you, how can we do that when we require four years of college training beyond high school in order to teach in the schools of Pennsylvania, on one thousand dollars a year, with a mere fifty dollar increment for the next two years.

Mr. Speaker, there is another side of the story to be argued as well as the case of the state employes here on Capitol Hill—and I am in favor of that, don't get me wrong—I am absolutely in favor of increasing the salaries of this group, but I wish to include and add as an amendment the fact that we must take into consideration the teaching field in the state of Pennsylvania. I thank you, gentlemen.

PERMISSION TO ADDRESS HOUSE

Mr. GALLAGHER asked and obtained consent to address the House.

Mr. Speaker, after listening to some of the addresses made by the members of the House with regard to the employes of the state, I surely am one hundred per cent in accord with any increases that the state may give the employes.

However, at this time, Mr. Speaker, I would like to interrogate the minority floor leader, the gentleman from Delaware, Mr. Turner.

The SPEAKER. Will the gentleman from Delaware permit himself to be interrogated?

Mr. TURNER. I shall, Mr. Speaker.

Mr. GALLAGHER. Mr. Speaker, last week the gentleman from Delaware, Mr. Turner, appeared on the floor of the House as an authority with respect to the Governor's call. I should like at this time for my own information to know whether or not the suggestion made by the gentleman from Delaware tonight comes within the call issued by the Governor for the extraordinary session of the legislature.

Mr. TURNER. Mr. Speaker, I was very careful to say in my remarks it was not within the call.

Mr. GALLAGHER. Mr. Speaker, I thank the gentleman from Delaware, Mr. Turner.

Not being a candidate for re-election and not trying to confuse the issue in any way, as I said earlier, I am one hundred per cent for any increase in wages. Being a labor man naturally I would feel that way. I feel that any man getting up on the floor of this House at this particular time should take into consideration whether or not we as Members of the Legislature are in a position at this particular time to pass any legislation with reference to increases so far as the state employes are concerned. I

might say that I have felt since the beginning of this extraordinary session, and I think many of my colleagues from the labor ranks have felt the same way, that we had intended to present to this legislature bills that would increase the salaries of those employes, but because we believed it did not come within the scope of the call of the Governor we felt that it would be useless to do this, and we felt we were more or less depriving the people that we represented, the school teachers and the employes of the state of Pennsylvania, of our honest and sincere vote. I thank you.

PERMISSION TO ADDRESS HOUSE

Mr. TARR asked and obtained unanimous consent to address the House.

Mr. Speaker, I suppose I should start my remarks by saying that I did not intend to address the House at this late hour. However, my intention has been to get a little load off my chest ever since I came into the House, and my desire to do so was increased by the remarks of the gentleman from Mifflin, Mr. French, when he spoke about the problems of the farmers in Pennsylvania.

If you will allow me for a moment to go back two or three weeks before the calling of the special session, you will find that the Pennsylvania State Educational Association, comprising the organized teachers of Pennsylvania, addressed several communications to His Excellency the Governor, asking if he would include in the special session call the problem of Pennsylvania's education in the war emergency.

You will recall in the opening address of the Governor, —I am not quoting his remarks but I believe these are the words, he said, Pennsylvania's teachers, he knew would carry on, and they have his fullest sympathy.

It has so happened, Mr. Speaker, that since the beginning of the special session more than one thousand of Pennsylvania's teachers have been called into active service in the armed forces of the United States; almost two thousand teachers have taken jobs in industry.

This coming summer will find eight million dollars expended by Pennsylvania's State College in training persons for defense work. We know at the present time that some thousands of teachers in Pennsylvania are intending to take that course, with the result that when the school year rolls around in September without a doubt thousands of Pennsylvania teachers will remain in industry in Pennsylvania rather than go back to their teaching profession. Industry is offering five, six or seven thousand dollars, while the teacher in Pennsylvania is offered one thousand dollars.

The Pennsylvania State Educational Association has formed a committee called the "Victory for America Committee." At the present time these members are gladly serving on tire rationing boards, sugar rationing boards, civilian defense boards, and practically every board that can be thought of under the national emergency,—mind you, without pay. If you will stop and think for a moment just what the situation in Pennsylvania is going to be next September when the school term opens, we can not expect these persons to go back and work for one thousand dollars a year while industry on the other hand is offering them five or six thousand dollars a year. You might then have a picture of the chaotic situation that we are going to have unless something is done before we adjourn.

I am not taking these figures from thin air, but I have them from Dr. Studebaker, the Commissioner of Education for the United States, and from Dr. Haas, who told me this past Saturday that he has no idea what is going to happen in Pennsylvania if the trend away from the schools in Pennsylvania continues. Dean Walk of the School of Education of Temple University frankly told me that Pennsylvania, unless some adjustment is made in the teachers' wages, will be lacking eight to twelve thousand teachers when the school term opens next year.

I heard one of the members say that this was no job for the boys and girls, that he did not care to call upon the boys and girls to win this war. I know, Mr. Speaker, just what my good colleague from Mifflin meant. He meant that he does not care to cast any reflections upon their ability, but if Pennsylvania is to wake up if the gravity of the situation in the United States is to be firmly brought home, it is going to take the boys and girls of Pennsylvania to do the job, and if those boys and girls do not have the best teachers they can get in the emergency, then I fear for the future of our country after the war.

That is all, Mr. Speaker. I just wanted to have every Member of the House keep definitely in mind that regardless of rising prices, regardless of rising duties, the fourth class teachers in Pennsylvania next year must go ahead at one thousand dollars a year.

PERMISSION TO ADDRESS HOUSE

Mr. MORAN asked and obtained unanimous consent to address the House.

Mr. Speaker, I have listened with a great deal of interest to the previous speakers, and the thought that came to my mind was: I wonder if those previous speakers are candidates for re-election?

I think they were all making very good campaign speeches, but I think that if you go back into the records you will find that some of those candidates who were talking on the floor of the House voted against the thing they are advocating at the present time,—if any of you care to go back into the records.

Mr. Speaker, the representatives of labor here in the House know how some of those candidates voted. We could go into the records and show them. Why take up the time of this House talking about raising the wages of the employes when it is absolutely in the hands of the Governor as to whether or not they will get raises? This legislative body was not called into special session to raise wages for anybody. That is absolutely in the hands of the administration. Why take up a lot of time of this House in making campaign speeches? Thank you, Mr. Speaker.

ANNOUNCEMENTS

The Stream Pollution Study Committee will hold its first hearing in the New House Caucus Room, Tuesday, March 31st at 3 p.m. at which officials of the Sanitary Water

Board will be present. All committee members are requested to make a special effort to attend.

There will be a meeting of the Democratic Members from Philadelphia in the New House Caucus Room, Tuesday, March 31st at 12:00 o'clock noon.

ADJOURNMENT

Mr. MODELL. Mr. Speaker, I move that this House do now adjourn until Tuesday, March 31, 1942, at 1 p.m.

The motion was agreed to, and (at 10:43 p.m.) the House adjourned.

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal.

Extraordinary Session of 1942.

Vol. 26. HARRISBURG, PA., TUESDAY, MARCH 31, 1942. No. 20.

SENATE

TUESDAY, March 31, 1942

The Senate met at 2:00 o'clock, p. m., E. W. T.

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the Chair.

PRAYER

The Chaplain, Rev. EDWIN S. WALLACE, D. D., offered the following prayer:

To Thee, O God, the author of every good and perfect gift, we would voice our gratitude for the good gift of life, and its continuance to us through the years. Thou hast at no time forgotten us. Provision has been made for our continuance. Life has been sweet. We have dwelt in peace and security under the shadow of Thy protecting wing.

Remembering all this, may the remembrance call us to repentance for our failures in gratitude, and to a resolve to dedicate ourselves to the best service we can render to Thee and to our fellowmen.

May we, as a people, renew our faith in Thee, for in this way the best in our living will be preserved and our national life be established in righteousness.

Hear our prayer for our President and our Governor, and for all our men on the fighting fronts. Preserve them, O Lord, by Thy mighty power. For Thy name's sake. Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. HEYBURN and Mr. GELTZ, the further reading was dispensed with, and the Journal was approved.

NOMINATIONS BY THE GOVERNOR

NOTARIES PUBLIC

The Secretary to the Governor being introduced, presented in writing from His Excellency, the Governor of the Commonwealth, nominations for appointment as Notaries Public.

CONSIDERATION OF NOTARIES PUBLIC

Mr. JAMES. Mr. President, I move that the Senate do now proceed to the consideration of nominations for appointment as Notaries Public, sent to the Senate, March 31, 1942, by His Excellency, the Governor of the Commonwealth.

Mr. MILLER. Mr. President, I second the motion.

The motion was agreed to.

The nominations were read as follows:

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 31, 1942.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

R. P. Backora, Braddock.
J. Clifford Jenkins, Oakmont.
Mrs. Dirce S. McClung, Pittsburgh, 831 Fulton Bldg.

CAMBRIA COUNTY

William F. Dill, Barnesboro.

COLUMBIA COUNTY

Mrs. Elizabeth D. Breckbill, Bloomsburg

DAUPHIN COUNTY

Miss Lillian B. Gallagher, Harrisburg.

DELAWARE COUNTY

Raymond A. Hood, Ridley Twp., Crum Lynne.
James F. Claffey, Haverford Twp., 2144 Chestnut Ave., Ardmore.

FAYETTE COUNTY

Joseph E. Gandolfi, Georges Twp., Box 125, Fairchance.

LEBANON COUNTY

D. Lloyd Mathieson, South Londonderry Twp., Box 107, Campbellstown.

LEHIGH COUNTY

Miss Jean R. Gilbert, Allentown.

LUZERNE COUNTY

Louis Schiavo, Hazleton.

MONTGOMERY COUNTY

Mahlon H. Geisinger, Conshohocken.

PHILADELPHIA COUNTY

James K. Cassedy, Phila., 1257 South 17th St.

George E. Farley, Phila., 4640 Roosevelt Blvd.
Joel Gahuse, Phila., 5606 Lebanon Ave.
John Wm. Pomilio, Phila., 1716 Mifflin St.
Mrs. Ann W. Ray, Phila., Phila. Saving Fund Building.
Albert L. Roop, Phila., City Hall.
Mrs. Dorothy Rosenstein, Phila., 5125 Walnut St.

WESTMORELAND COUNTY

Walter A. Wielebski, Mount Pleasant.

ARTHUR H. JAMES.

NOMINATIONS FOR NOTARIES PUBLIC

A motion was made by Mr. JAMES and Mr. GELTZ,

That the Senate do advise and consent to said nominations.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Barr,	DiSilvestro,	Letzler,	Tallman,
Bartlett,	Ealy,	Mallery,	Taylor,
Becker,	Edmonds,	McCreesh,	Thomas,
Carr,	Farrell,	McGinnis,	Tyler,
Cavalcante,	Frey,	McQuiddy,	Wade,
Chapman,	Geltz,	Miller,	Walker,
Coleman,	Haluska,	Reed,	Watkins,
Cox,	Heyburn,	Ruth,	Wilson, H. I.,
Crider,	James,	Scarlett,	Wilson, T. B.,
Crowe,	Jaspan,	Snowden,	Woodward,
Deitrick,	Kephart,	Stevenson,	Ziesenheim,
Dent.	Lanius,	Stiefel,	

NAYS—0

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

BILL SIGNED

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis)) announced that the Chief Clerk having reported that the following bill had passed both houses of the General Assembly and the same being correct, the title was publicly read as follows:

House Bill No. 28, entitled:

An Act to further amend clause (g) as added to section one thousand one hundred and ten of the act approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "Vehicle Code," suspending during the period of present hostilities and for one year thereafter, the requirement that all electrically operated traffic signals shall be made to conform with provisions of said act and the regulations of the Secretary of Highways.

Whereupon,

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the presence of the Senate signed the same.

HOUSE MESSAGES

HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives being introduced presented for concurrence bills of the House, as follows:

House Bill No 52, (Senate Bill No. 77), entitled:

An Act to further amend section twenty-one of the act, approved the seventh day of June, one thousand nine hundred fifteen (P. L. 900), entitled "Vital Statistics Law" by providing for the issuance of short form birth certificates by the Department of Health of the Commonwealth of Pennsylvania during the continuance of the present war emergency and for six months thereafter.

Which was committed to the Committee on Public Health.

House Bill No. 59, (Senate Bill No. 78), entitled:

An Act to amend Section 18.1 of the act, approved the seventh day of June, one thousand nine hundred fifteen (P. L. 900), entitled "Vital Statistics Law" as added, by directing the Department of Health to extend the special birth record file provided for by said section, so as to include birth records of veterans of wars other than the World War and so as to include honorably discharged soldiers, sailors and marines, and providing for the issuance of certified copies of such records without cost.

Which was committed to the Committee on Public Health.

House Bill No. 75, (Senate Bill No. 79), entitled:

An Act authorizing the Executive Director of the Pennsylvania Game Commission, with the unanimous approval of the commission and for a certain limited period of time, to lease lands to political subdivisions or to Federal agencies for use as aviation landing fields; conferring certain powers upon political subdivisions relative to the acceptance and development of such lands; and suspending certain inconsistent legislation.

Which was committed to the Committee on Forests and Waters, Game and Fish.

House Bill No. 76, (Senate Bill No. 80), entitled:

An Act suspending and modifying for the period of the present war and for a time thereafter the provisions of section one of the act, approved the eighth day of July, one thousand nine hundred and nineteen (P. L. 737), entitled "A supplement to an act, entitled 'An act to establish a Board of Commissioners of Navigation for the River Delaware and its navigable tributaries; regulating their jurisdiction over ships, vessels, and boats, and wharves, piers, bulkheads, docks, slips, and basins; and exempting cities of the first class from certain of its provisions; and making an appropriation therefor,' approved the eighth day of June, Anno Domini one thousand nine hundred and seven; authorizing and directing the commissioners to provide and maintain a nautical school for the education and training of pupils from the various counties of the Commonwealth of Pennsylvania in the science and practice of navigation, and making an appropriation for two years from the first of June, Anno Domini one thousand nine hundred and nineteen, towards its maintenance," and its amendments, in so far as they require, the furnishing of accommodations on board a proper vessel for the nautical school, when no such vessel is available and imposing upon the State Council of Defense the duty of furnishing other accommodations.

Which was committed to the Committee on Forests and Waters, Game and Fish.

House Bill No. 78, (Senate Bill No. 81), entitled:

An Act to amend section six of the act, approved the twenty-fourth day of June, one thousand eight hundred ninety-five (P. L. 212), entitled "An act to establish an intermediate court of appeal; regulating its constitution, officers, jurisdiction, powers, practice, and its relation to the Supreme Court and other courts; providing for the

reports of its decisions, the compensation of the judges and other officers and the practice and costs on appeals from its judgments," by making further provision as to the preparation, custody and disposition of plates used in the printing of Superior Court Reports.

Which was committed to the Committee on State Government.

House Bill No 79, (Senate Bill No. 82), entitled:

An Act to further amend section seven of the act, approved the twelfth day of June, one thousand eight hundred seventy-eight (P. L. 201)), entitled "An act to provide for the publication of the decisions of the supreme court and the appointment of a state reporter," by making further provision relative to the custody and disposition of plates used in the printing of supreme court advance sheets.

Which was committed to the Committee on State Government.

RESOLUTION URGING OCTOBER 11TH, 1942, AS "GENERAL PULASKI MEMORIAL DAY"

He also presented an extract from the Journal of the House of Representatives, which was twice read, considered and agreed to:

In the House of Representatives, March 25, 1942.

Whereas, The 11th day of October, this year, will mark the 163rd anniversary of the death of Brigadier-General Casimir Pulaski, from wounds received at the siege of Savannah, Georgia; and

Whereas, In recognition of the heroic deeds of General Pulaski during that great war for independence, most of the states of the Nation have, by legislative enactment, designated October 11th of each year as "General Pulaski" memorial day; and

Whereas, This year particularly the Valley Forge Cathedral will dedicate a Bay in honor of the memory of General Pulaski; and

Whereas, It is fitting that the recurring anniversary of this day be commemorated with suitable patriotic and public exercises in observing and commemorating the heroic death of this great American hero of the Revolutionary War; therefore be it

Resolved (if the Senate concur), That the General Assembly of the Commonwealth of Pennsylvania hereby requests the Governor of the Commonwealth, by virtue of the authority vested in him, to issue a proclamation designating October 11th, 1942, as "General Pulaski Memorial Day," so the memory of this great man may be appropriately honored.

Ordered, That the Clerk inform the House of Representatives accordingly.

He also presented extract from the Journal of the House, which was twice read as follows, considered and agreed to:

In the House of Representatives, March 31, 1942.

Resolved (if the Senate concur), That the State Treasurer be and hereby is authorized to pay upon warrant of the Auditor General to each employe, member of the Senate and House of Representatives, the salary or per diem compensation to which they are entitled under law for an Extraordinary Session of the General Assembly by virtue of the provisions of the Acts of Assembly under which they are elected or appointed; this resolution to be effective until a supplement to the General Appropriation Law, approved March 11, 1942, Act No. 2, entitled "An act to provide for the expenses of the Extraordinary Session of the Legislature assembled February seventeenth, one thousand nine hundred forty-two, in pursuance of the proclamation of the Governor of the Commonwealth, dated February tenth, one thousand nine hundred forty-two, and the supplement thereto," providing for additional appropriations for the payment of the salaries of the employes of the Senate and the House of Representatives for the Extraordinary Session of 1942, is enacted into law.

On the question,

Will the Senate agree to the resolution?

Mr. GELTZ. Mr. President, I desire to offer amendment.

The Clerk read the amendment.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

The Clerk read the resolution as amended:

In the House of Representatives, March 31, 1942.

Resolved (if the Senate concur), That the State Treasurer be and hereby is authorized to pay upon warrant of the Auditor General to each member of the Senate and House of Representatives the mileage to which they are entitled and to each employe thereof, the salary or per diem compensation to which they are entitled under law for an Extraordinary Session of the General Assembly by virtue of the provisions of the Acts of Assembly under which they are elected or appointed; this resolution to be effective until a supplement to the General Appropriation Law, approved March 11, 1942, Act No. 2, entitled "An act to provide for the expenses of the Extraordinary Session of the Legislature assembled February seventeenth, one thousand nine hundred forty-two, in pursuance of the proclamation of the Governor of the Commonwealth, dated February tenth, one thousand nine hundred forty-two, and the supplement thereto," providing for additional appropriations for the payment of the mileage of the members and the salaries of the employes of the Senate and the House of Represntatives for the Extraordinary Session of 1942, is enacted into law.

On the question,

Will the Senate agree to the resolution as amended?

It was agreed to.

Ordered, That the Clerk inform the House of Representatives accordingly.

TIME OF NEXT MEETING

Mr. CARR offered the following resolution which was twice read, considered and agreed to:

In the Senate, March 31, 1942.

Resolved (if the House of Representatives concur), That when the Senate adjourns this week, it reconvene on Monday, April 6, 1942, at four o'clock p. m., and when the House of Representatives adjourns this week, it reconvene on Monday, April 6, 1942, at nine o'clock p. m.

Ordered, That the Clerk present the same to the House of Representatives for concurrence.

SINE DIE ADJOURNMENT

Mr. BECKER offered the following resolution which was twice read, considered and agreed to:

In the Senate, March 31, 1942.

Resolved (if the House of Representatives concur), That this Special Session of the General Assembly ad-

journ sine die on Tuesday, April 7, 1942, at 12:00 o'clock noon, Eastern War Time.

Ordered, That the Clerk present the same to the House of Representatives for concurrence.

PERMISSION TO ADDRESS SENATE

Mr. DENT. Mr. President, I desire permission to address the Senate.

The PRESIDENT. The gentleman from Westmoreland will proceed

Mr. DENT. Mr. President, on behalf of the gentleman from Delaware, Senator Heyburn, and myself, I am about to introduce a resolution, and although it is only a resolution memorializing Congress, there is behind it the purpose of trying to get congressional leaders to see the danger of not setting up some protection for industry in order that workmen's compensation funds may be protected all over the United States, in case of any bombing disasters. Under our present law, the workmen's compensation fund would have to stand the entire cost, and I think it is important that the Congress of the United States should know how Pennsylvania feels about it.

Messrs. DENT and HEYBURN offered the following resolution which was twice read:

In the Senate, March 31, 1942.

Whereas, every individual and every locality throughout the United States has a common responsibility for the prosecution of the present war, and because an attack on a coastal city or any other locality would constitute an attack upon the entire United States, and the resulting cost of injuries to civilians, whether or not gainfully employed, properly constitutes a part of the total cost of carrying the conflict to a successful conclusion; and

Whereas, it is recognized that a part of the cost of war is the obligation of support and maintenance of the economic status of civilians and their dependents deprived of their income or ability to maintain themselves by reason of injuries or death caused by enemy action; and

Whereas, various states, including Pennsylvania, have enacted workmen's compensation laws providing benefits to injured employees or, in case of death, to their dependents, and under such laws have provided methods of administration which, based on trial and long years of experience, meet the wishes of the people of such states as to the amount of benefits, the best methods of their determination and the proper procedure for their payment, and the amounts of such benefits established under the various state laws have been fixed by the legislature with due consideration to the economic loss arising from injury or death to employees in the particular state; and

Whereas, it is probable that should the attack resulting in the injury or death of civilians take place during their working hours and at their working places, claims under workmen's compensation laws may be filed, and the authorities charged with enforcing such laws may require that compensation be paid to those injured or the dependents of those killed at work; and such awards of compensation under liability may be assumed by contract by state funds, self-insurers and insurance companies, and must be paid at least to the extent of existing assets; and the losses resulting from an attack of great proportion might seriously impair their ability not only to pay such awards, but also might threaten the very security of the payment of compensation to hundreds of thousands of civilians injured or the dependents of those killed in industry, some of whose claims date back to the very inception of the law; and

Whereas, in the enactment of such workmen's compensation laws the various state legislatures did not and could not have had in contemplation the possibility of losses due to war hazards such as currently exist at this time; and

Whereas, insofar as such benefits may apply to civilians injured and killed in the course of their employment, the benefits shall be those that would be applicable under the workmen's compensation law in effect in the place at which they were employed; and

Whereas, such legislation shall provide, insofar as such persons may be compensated under existing workmen's compensation laws, that the employers, state funds or the insurance carriers directly responsible therefor, upon making such payments, shall be reimbursed by the United States; and

Whereas, such legislation shall provide that existing administrative agencies of the various states and of existing insurance organizations with their extensive service facilities may be utilized to the fullest extent in the administration of such law and the distribution of the benefits thereunder, thus avoiding the necessity of establishing agencies which may prove unnecessary and which would duplicate already existing facilities; now, therefore, be it

Resolved, that the Senate of the State of Pennsylvania hereby urges the Congress of the United States to foster and support legislation providing benefits to civilians who may be injured or the dependents of civilians who may be killed by reason of enemy action, which benefits shall be a charge upon the whole people of the United States, equitable and proportionately distributed; and be it further

Resolved, that the Clerk of the Senate be directed to transmit a copy of this resolution to the Secretary of the United States Senate, the Clerk of the House of Representatives and to each Senator and Member of Congress elected from the State of Pennsylvania.

RULE 39 SUSPENDED

Mr. DENT. Mr. President, I ask unanimous consent that Rule 39, which requires resolutions be referred to an appropriate committee, be suspended and the Senate do now proceed to the consideration of the resolution just read.

The PRESIDENT. Is there objection, the Chair hears none.

On the question,

Will the Senate agree to the resolution,

Mr. CAVALCANTE. Mr. President, I desire to interrogate the gentleman from Westmoreland, Mr. Dent.

The PRESIDENT. Will the gentleman from Westmoreland permit himself to be interrogated?

Mr. DENT. With pleasure, Mr. President.

Mr. CAVALCANTE. Mr. President, under this resolution, which was just offered by the gentleman from Westmoreland and the gentleman from Delaware, I thought I heard in one of the whereas clauses that it is the opinion of the sponsors that the cost of the war is the responsibility of all citizens of the United States. Will the gentleman from Westmoreland state to this Senate whether he includes in that group the big truck owners also.

Mr. DENT. Mr. President, I imagine they are citizens of the United States, inasmuch as I understand they pay the greatest portion of state taxes into the highway fund of the State of Pennsylvania.

And the question recurring,

Will the Senate agree to the resolution?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

YEAS—46

Barr,	Ealy,	Letzler,	Tallman,
Bartlett,	Edmonds,	Mallery,	Taylor,
Becker,	Farrell,	McCreesh,	Thomas,
Carr,	Frey,	McGinnis,	Tyler,
Chapman,	Geltz,	McQuiddy,	Wade,
Coleman,	Haluska,	Miller,	Walker,
Cox,	Heyburn,	Ruth,	Watkins,
Crider,	Homsher,	Scarlett,	Wilson, H. I.,
Crowe,	James,	Snowden,	Wilson, T. B.,
Deitrick,	Jaspan,	Stevenson,	Woodward,
Dent,	Kephart,	Stiefel,	Ziesenheim,
DiSilvestro,	Lanius,		

NAYS—1

Cavalcante,

PRESENT—1

Reed,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present the same to the House of Representatives for concurrence.

POINT OF ORDER

Mr. CAVALCANTE. Mr. President, I rise to a point of order.

The PRESIDENT. The gentleman from Fayette will state his point of order.

Mr. CAVALCANTE. Mr. President, one negative vote on this resolution, under the rules, necessitates that it be sent to committee. It is equivalent to an objection.

The PRESIDENT. The Chair, when the resolution was presented, inquired whether there was objection to immediate consideration of the resolution. There was no objection, and therefore it was proper to bring it up. The question is now on the adoption of the resolution.

HOUSE MESSAGE

HOUSE BILL FOR CONCURRENCE

The Clerk of the House of Representatives being introduced presented for concurrence a bill of the House, as follows:

House Bill No. 56, (Senate Bill No. 83), entitled:

An Act authorizing the Secretary of Revenue of the Commonwealth of Pennsylvania, after consultation with the Secretary of Highways and during a certain limited period of time, to adopt rules and regulations relative to the use of the highways by motor vehicles, tractors, trailers or other equipment which cannot be fitted with rubber tires or treads, because of the shortage of rubber and providing for the suspension of certain inconsistent legislation.

Which was committed to the Committee on State Government.

REPORTS FROM COMMITTEES ON EXECUTIVE NOMINATIONS

Mr. JAMES. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. JAMES, from the Committee on Executive Nominations, reported with a favorable recommendation the following nominations, made by His Excellency, the Governor of the Commonwealth:

JUSTICE OF THE PEACE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 25, 1942.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate J. T. Butler, R. D. No. 1, Aliquippa, Beaver County, for appointment as Justice of the Peace in and for the Township of Independence, Beaver County, until the first Monday in January, 1944, to fill a vacancy.

ARTHUR H. JAMES.

APPOINTMENT AS MEMBERS OF STATE FOREST COMMISSION

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 30, 1942.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as members of the State Forest Commission, to serve until the third Tuesday of January, 1943, and until their successors shall have been appointed and qualified:

Ned P. Clark, Coudersport, vice Gordon Dorrance, Philadelphia, whose term expired.

Stuart E. Weller, Ligonier, vice Doctor Robert E. Dengler, State College, whose term expired.

A. Carlisle Smith, Montrose, vice Francis R. Taylor, Cheltenham, whose term expired.

ARTHUR H. JAMES.

APPOINTMENT AS SECRETARY OF PROPERTY AND SUPPLIES

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 16, 1942.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Hon. James F. Torrance, Export, Westmoreland County, for appointment as Secretary of Property and Supplies, to serve until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified vice Roger W. Rowland, resigned.

ARTHUR H. JAMES.

REAPPOINTMENT AS MEMBER OF INDIANA COUNTY BOARD OF ASSISTANCE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 30, 1942.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Mrs. Mary B. Rhodes, 42 South 12th Street, Indiana, Indiana County, for reappointment as a member of the Indiana County Board of Assistance, until December 31, 1943.

ARTHUR H. JAMES.

APPOINTMENTS AS MEMBERS OF CAMERON COUNTY BOARD OF ASSISTANCE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 24, 1942.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate C. A. Casperson, Fourth Street, Emporium, Cameron County, for appointment as a member of the Cameron County Board of Assistance, until December 31, 1944, and until his sucessor is duly appointed and qualified, to fill a vacancy.

ARTHUR H. JAMES.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 30, 1942.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Mrs. Virginia M. Wise, 220 East Allegheny Avenue, Emporium, Cameron County, for appointment as a member of the Cameron County Board of Assistance, until December 31, 1944, and until her successor is duly appointed and qualified, to fill a vacancy.

ARTHUR H. JAMES.

APPOINTMENT AS MEMBERS OF COUNTY BOARDS OF ASSISTANCE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 16, 1942.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for reappointment as members of County Boards of Assistance, for the terms set opposite their names:

BUTLER COUNTY

Albert H. Meeder, Zelienople, until December 31, 1943.

CARBON COUNTY

Charles D. Neast, 24 Walnut St., Mauch Chunk, until December 31, 1944.

Emerson C. West, 226 Second St., Weatherly, until December 31, 1944.

CHESTER COUNTY

Mrs. Virginia Thomas Galt, Glenmoore, until December 31, 1944.

Mrs. Bertha M. Whitaker, South Hill, Coatesville, until December 31, 1944.

ARTHUR H. JAMES.

REAPPOINTMENT AS MEMBER OF CARBON COUNTY BOARD OF ASSISTANCE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 30, 1942.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Mrs. Marie C. Christman, 243 South Fourth St., Lehighton, Carbon County, for reappointment as a member of the Carbon County Board of Assistance, until December 31, 1943.

ARTHUR H. JAMES.

JUSTICES OF THE PEACE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 30, 1942.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following:

Mrs. Willie R. Sheterom, Saxton, Bedford County, for appointment as Justice of the Peace in and for the Borough of Saxton, Bedford County, until the first Monday in January, 1944, vice Harry G. Sheterom, deceased.

Arthur W. Stouffer, 2429 Highland Street, West Lawn, Berks County, for appointment as Justice of the Peace in and for the Borough of West Lawn, Berks County, until the first Monday in January, 1944, vice Paul I. Speicher, resigned.

W. Harlan McCafferty, 1018 Washington Street, Marcus Hook, Delaware County, for appointment as Justice of the Peace in and for the Borough of Marcus Hook, Delaware County, until the first Monday in January, 1944, vice John O'Donnell, resigned.

Warren B. Perry, 822 Bullock Avenue, Yeadon, Delaware County, for appointment as Justice of the Peace in and for the Borough of Yeadon, Delaware County, until the first Monday in January, 1944, vice H. Stuart Hammell, deceased.

H. W. Thompson, 31 West Main Street, Brookville, Jefferson County, for appointment as Justice of the Peace in and for the Borough of Brookville, Jefferson County, until the first Monday in January, 1944, vice Thomas D. Stauffer, resigned.

Mrs. Zelda Dobson, Worthville, Jefferson County, for appointment as Justice of the Peace in and for the Borough of Worthville, Jefferson County, until the first Monday in January, 1944, to fill a vacancy.

ARTHUR H. JAMES.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 16, 1942.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate William J. Twigg, Box No. 16, Lemont, Centre County, for appointment as Justice of the Peace in and for the Township of College, Centre County, until the first Monday in January, 1944, to fill a vacancy.

ARTHUR H. JAMES.

Mr. JAMES. I might state for the information of my colleagues that the list just read by the Clerk includes all the nominations on the schedule to be voted upon.

RULE 38 SUSPENDED

By unanimous consent, A motion was made by Mr. JAMES and Mr. MILLER,

That Rule 38, which requires nominations made by the Governor, to lie on the table one day be dispensed with, and the Senate do now resolve itself into Executive Session, for the purpose of acting collectively, upon all the nominations reported at today's session.

Which was agreed to.

Whereupon,

A motion was made by Mr. JAMES and Mr. MILLER,

That the Senate do advise and consent to the nominations reported.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Barr,	DiSilvestro,	Letzler,	Stiefel,
Bartlett,	Ealy,	Lanius,	Tallman,
Becker,	Edmonds,	Mallery,	Taylor,
Carr,	Farrell,	McCreesh,	Thomas,
Cavalcante,	Frey,	McGinnis,	Tyler,
Chapman,	Geltz,	McQuiddy,	Wade,
Coleman,	Haluska,	Miller,	Walker,
Cox,	Heyburn,	Reed,	Watkins,
Crider,	Homsher,	Ruth,	Wilson, H. I.,
Crowe,	James,	Scarlett,	Wilson, T. B.,
Deitrick,	Jaspan,	Snowden,	Woodward,
Dent,	Kephart,	Stevenson,	Ziesenheim,

NAYS—0

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

MEMBERS OF THE BOARD OF FISH COMMISSIONERS

Mr. JAMES, from the Committee on Executive Nominations, also reported with a favorable recommendation the following nominations, made by His Excellency, the Governor of the Commonwealth:

Edgar W. Nicholson, Philadelphia, from July 16, 1941, for the term of six years, and until his successor is qualified.

John L. Neiger, Scranton, from July 16, 1941, for the term of six years, and until his successor is qualified.

Joseph Critchfield, Ursina, from July 16, 1941, for the term of six years and until his successor is qualified.

Charles A. Mensch, Bellefonte, from December 2, 1941, for the term of six years, and until his successor is qualified.

On the question,

Will the Senate advise and consent to the nominations just read?

Mr. JAMES. Mr. President, I suggest that the nominations be acted upon individually, one at a time.

The PRESIDENT. If there is no objection, in compliance with the request of the gentleman from Bucks, the nominations of members of the Board of Fish Commissioners will be acted upon separately.

Will the Senate advise and consent to the nomination of Edgar W. Nicholson, Philadelphia, from July 16, 1941, for the term of six years, and until his successor is qualified?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—38

Barr,	Edmonds,	McGinnis,	Thomas,
Bartlett,	Frey,	McQuiddy,	Tyler,
Carr,	Geltz,	Miller,	Wade,
Cavalcante,	Haluska,	Reed,	Walker,
Coleman,	James,	Ruth,	Watkins,
Crider,	Jaspan,	Snowden,	Wilson, H. I.,
Crowe,	Lanius,	Stevenson,	Wilson, T. B.,
Deitrick,	Letzler,	Stiefel,	Woodward,
DiSilvestro,	Mallery,	Taylor,	Ziesenheim,
Ealy,	McCreesh,		

NAYS—0

PRESENT—3

Becker,	Dent,	Kephart,

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

Will the Senate advise and consent to the nomination of John L. Neiger, Scranton, from July 16, 1941, for the term of six years, and until his successor is qualified?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Edmonds,	Mallery,	Tallman,
Bartlett,	Frey,	McCreesh,	Taylor,
Carr,	Geltz,	McGinnis,	Thomas,
Cavalcante,	Haluska,	McQuiddy,	Tyler,
Chapman,	Heyburn,	Miller,	Wade,
Coleman,	Homsher,	Reed,	Walker,
Cox,	James,	Ruth,	Watkins,
Crider,	Jaspan,	Scarlett,	Wilson, H. I.,
Crowe,	Kephart,	Snowden,	Wilson, T. B.,
Deitrick,	Lanius,	Stevenson,	Woodward,
DiSilvestro,	Letzler,	Stiefel,	Ziesenheim,
Ealy,			

NAYS—0

PRESENT—2

Becker,	Dent,

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

Will the Senate advise and consent to the nomination of Joseph Critchfield, Ursina, from July 16, 1941, for the term of six years, and until his successor is qualified?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Edmonds,	Mallery,	Tallman,
Bartlett,	Frey,	McCreesh,	Taylor,
Carr,	Geltz,	McGinnis,	Thomas,
Cavalcante,	Haluska,	McQuiddy,	Tyler,
Chapman,	Heyburn,	Miller,	Wade,
Coleman,	Homsher,	Reed,	Walker,
Cox,	James,	Ruth,	Watkins,
Crider,	Jaspan,	Scarlett,	Wilson, H. I.,
Crowe,	Kephart,	Snowden,	Wilson, T. B.,
Deitrick,	Lanius,	Stevenson,	Woodward,
DiSilvestro,	Letzler,	Stiefel,	Ziesenheim,
Ealy,			

NAYS—0

PRESENT—2

Becker,	Dent,

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

Will the Senate advise and consent to the nomination of Charles A. Mensch, Bellefonte, from December 2, 1941, for the term of six years, and until his successor is qualified?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Edmonds,	Mallery,	Tallman,
Bartlett,	Farrell,	McCreesh,	Taylor,
Carr,	Frey,	McGinnis,	Thomas,
Cavalcante,	Geltz,	McQuiddy,	Tyler,
Chapman,	Haluska,	Miller,	Wade,
Coleman,	Heyburn,	Reed,	Walker,
Cox,	James,	Ruth,	Watkins,
Crider,	Jaspan,	Scarlett,	Wilson, H. I.,
Crowe,	Kephart,	Snowden,	Wilson, T. B.,
Deitrick,	Lanius,	Stevenson,	Woodward,
DiSilvestro,	Letzler,	Stiefel,	Ziesenheim,
Ealy,			

NAYS—0

PRESENT—2

Becker, Dent.

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

EXECUTIVE SESSION RISES

Mr. JAMES. Mr. President, I move that the Executive Session do now rise.

Mr. GELTZ. Mr. President, I second the motion.

The motion was agreed to.

PERMISSION TO ADDRESS SENATE

Mr. BARR. Mr. President, I desire permission to address the Senate.

The PRESIDENT. The Senator from Allegheny may proceed.

Mr. BARR. Mr. President and members of the Senate, I do not want my remarks to be construed as anything personal against Mr. James Torrance, whose nomination we just confirmed, but I do want to remind the members of this Senate and the people of Pennsylvania that is just another James campaign promise broken, in which he said no state chairman would ever occupy a place on the state payroll, let alone an office in his cabinet.

REPORTS FROM COMMITTEES

Mr. LETZLER, from the Committee on Finance, reported as committed, Senate Bill No. 76, entitled:

An Act providing for the repayment to persons inducted into or enlisting in the army, navy or marine corps of the United States of a part of the cost of registering a motor vehicle before such induction or enlistment.

Mr. BARTLETT, from the Committee on Welfare, Public Assistance and Pensions, reported as amended, Senate Bill No. 70, (House Bill No. 68), entitled:

An Act to amend section two of the act, approved the tenth day of July, one thousand nine hundred thirty-five (Pamphlet Laws 645), entitled "An act imposing certain requirements on certain hospitals receiving State aid; authorizing the withholding of appropriations; and imposing duties on the Department of Welfare," by providing that, during the present war and six months thereafter, funds shall not be withheld from hospitals for violation of such act, if the Secretary of Welfare determines that the constant attendance of a licensed physician or resident interne cannot be secured by such hospitals because of the war emergency.

Mr. DEITRICK, from the Committee on Public Health reported as committed, Senate Bill No. 68, (House Bill No. 42), entitled:

An Act to further amend section eight of the act, approved the nineteenth day of March, one thousand nine hundred nine (P. L. 46), entitled "An Act to regulate the practice of osteopathy in the State of Pennsylvania; to provide for the establishment of a State Board of Osteopathic Examiners; to define the powers and duties of said Board of Osteopathy Examiners; to provide for the examining and licensing of osteopaths in this State; and to provide penalties for the violation of this act," by further regulating for a limited period the time necessary for graduation and for admission to practice as osteopathic physicians and surgeons in this State.

BILL ON THIRD READING RECALLED FROM THE GOVERNOR

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 28, entitled:

An Act to further amend Section 801 of the act, approved the fifth day of May, one thousand nine hundred and thirty-three (P. L. 457), entitled "An act relating to the business of building and loan associations; providing for the organization and voluntary dissolution of such associations; defining the rights, powers, duties, liabilities, and immunities of such associations, and of their officers, directors, shareholders, solicitors, and other employes; prohibiting the transaction of business in this Commonwealth by foreign building and loan associations; conferring powers and imposing duties upon the courts, recorders of deeds, and certain State departments, commissions, and officers; establishing limitations of actions; imposing penalties; and repealing certain acts and parts of acts," by authorizing building and loan associations to act as fiscal agents of the United States Government for the sale of United States Defense Bonds and Defense Stamps, or obligations of the United States Government of a similar character and purpose, and permitting such associations to pledge their assets for the faithful performance of their duties as such agents.

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill

Mr. BECKER. Mr. President, I ask unanimous consent to amend Section 1, page 4, line 3, by striking out the word "and" following the word "stamps"; amend Section 1, page 4, line 6, by inserting after the word "designated" the word "and".

Mr. BECKER. Mr. President, I might say in that connection that the amendments are merely a change of a subjunctive in the bill from one position in the language of the bill to another.

The PRESIDENT. Is there objection? The Chair hears none.

The amendments were agreed to.

On the question,

Will the Senate agree to the bill on third reading, as amended?

It was agreed to.

Ordered, That said bill as amended be printed for the use of the Senate.

BILL OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 56, (House Bill No. 8) on third reading, entitled:

An Act to further amend section two of and to add Sections four and five to the act, approved the seventh day of June, one thousand nine hundred seventeen (P. L. 600), entitled "An act providing that appointive officers and employes, employed by the Commonwealth of Pennsylvania in its civil service, or by any department, bureau, commission, or office thereof, or by any county, municipality, township, or school district, shall not be deemed or held to have resigned or abandoned their offices or employments by reason of enlistment, enrollment, or draft in the military or naval service of the United States or any branch or unit thereof, in time of war or contemplated war; prohibiting the removal from their offices or employments of such offi-

cers and employes during the period of their service in the Army or Navy; directing that one-half of the salaries or wages of such officers or employes as have dependent wives, children, or parents, and not exceeding two thousand dollars per annum, be paid during the term of their service in the Army or Navy to such dependents; authorizing the employment during said term of substitutes to perform the duties theretofore performed by such officers or employes, respectively, and providing for the compensation of such substitutes," by more fully defining amounts payable limiting the time such amounts are payable and limiting the conditions of resumption of office or employment.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 60, as follows:

An Act to modify existing law of the Commonwealth regulating the operation of motor driven vehicles which limit the gross weight or length of such vehicles as are permitted to be operated upon the highways of the Commonwealth by authorizing the Secretary of the Department of Highways to issue permits for the use of over weight and over length vehicles in certain cases

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 In order to facilitate and expedite the movement and transportation over the highways of the Commonwealth of materials articles and commodities necessary in the prosecution of the war in which the United States is now engaged and to remove any legal impediment that might interfere therewith the Secretary of Highways in his discretion is hereby authorized to issue for such period as deemed advisable a permit or permits in writing to the owner or owners of vehicles or combinations of vehicles for the use and operation of the same on such routes on the highways of over weight or over size vehicles or combinations of vehicles without the payment of any fee for such over weight or oversize permit upon presentation of an application showing that the movement of such over weight or over size vehicles or combinations of vehicles on and over the highways as the Secretary of Highways may designate of the Commonwealth is necessary in the interests of national defense

Section 2 The provisions of this act shall remain in force only during the continuance of any war in which the United States is now engaged and for a period of sixty days thereafter

And said bill having been read at length the third time,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

Mr. CAVALCANTE. Mr. President, a lot of the boys here are going to be disappointed. I am not going to talk on the bill at all, the merits of the bill, I simply want to point out to the sponsor of the bill that the amendment that he made yesterday absolutely makes the bill confusing and does not at all carry out the objection that was made to it yesterday.

On page 2 of the bill there was inserted, commencing at the end of line 7 these words "for such overweight or oversize permit"

Now, Mr. President, there is no difference in a permit; no matter what the size of the permit may be it is a permit, and the wording there should have been the same as you find at the end of line 5 and the beginning of line 6 on page 2; it should be "overweight or oversize vehicles" instead of "permit." The word permit makes the whole amendment meaningless; it does not mean anything. A small little permit is just as good as an oversize permit.

Mr. WADE. Mr. President, I think my colleague from Fayette is entirely wrong in his interpretation of this amendment. I questioned whether the amendment was really necessary but with the amendment the bill certainly has not been hurt, because it merely clarifies the fact or the statement that the permit is to be issued to the truck owners or truck drivers who drive trucks that are overweight or oversize.

Mr. CAVALCANTE. Mr. President, that requires me to read the bill to the gentleman from Cumberland, Senator Wade. It just contains one material section and that is section 1, which reads as follows:

"In order to facilitate and expedite the movement and transportation over the highways of the Commonwealth of materials articles and commodities necessary in the prosecution of the war in which the United States is now engaged and to remove any legal impediment that might interfere therewith the Secretary of Highways in his discretion is hereby authorized to issue for such period as deemed advisable a permit or permits in writing to the owner or owners of vehicles or combinations of vehicles for the use and operation of the same on such routes on the highways of over weight or over size vehicles or combinations of vehicles without the payment of any fee for such over weight or oversize permit upon presentation of an application,"

and so forth.

This section deals with overweight and oversize vehicles, not with overweight permits or oversize permits.

And, Mr. President, on the merits of the bill I wish to say something, since the gentleman from Cumberland, Mr. Wade, the sponsor of the bill, has taken the attitude that he has, that I do not understand the meaning of the words in English.

Mr. President, we had a little discussion here yesterday on this bill but we did not cover all the points that should be covered. This bill as introduced, as I have already stated, in the first section, states to facilitate and expedite the movement and transportation over the highway of materials, articles and commodities necessary in the prosecution of the war.

I would like to hear from the sponsor of this bill and those who are in favor of it one instance of materials belonging to the United States Army or Navy or any of its armed forces that were not able to be transported through this state because of their weight.

It is the knowledge of the layman, a horn-book student of the law, as we put it in legal phraseology, that in case of war the government of the United States is supreme and if the Navy or if the Army of the United States has ordnance of excessive weight or extraordinary weight, and they must move that ordnance from the east coast to the west coast, the laws of Pennsylvania, can not stop

the United States government, they can do that under their war powers anytime that they want.

Now, Mr. President, as I stated yesterday, we are all sincere in doing the thing that we think necessary to bring about a successful end to this war, but whenever the people use that patriotism or that attitude for the purpose of concealing other motives that they have, then I think it is time we say something about it, and I do trust that they do not accuse us of speaking the language of Hitler or Goebels or anybody else, but we speak here sincerely, because we are concerned with our democracy and we are concerned with the Commonwealth that we live in. This bill, Mr. President, pure and simple, accomplishes nothing but takes off of the heavy truck owners the fee that is now required by the law to transport heavy loads over the highways of this Commonwealth after they have obtained a permit from the Highway Department. The Secretary has that authority now. He can issue a permit and the only impediment here is that he can only issue a permit for a particular load, and that permit will only cover that load to be moved over the highways on the day that the application calls for.

Now, Mr. President, we could have been reasonable in this matter and used good judgment; we could have corrected that and amended the law so as to permit the Secretary of Highways to issue a general permit to permit the movement of one load or two loads or more than two loads over the highways, within a given period.

Then, Mr. President, the only other thing would have been the fee, whether or not the fee should have been paid. It is my opinion, and I feel just as sincerely as the sponsor of the bill in this matter, that whenever a big truck, a box car truck, is permitted to carry a heavy load, they are not going to lower the rates because they have a heavier load but they are going to charge the same rates, and that load is going to pay them more profit and they would have easily made sufficient profit if they would have been required to pay the fee that is now required to be paid by the owner when he moves an overload. We are not only making it possible for him to make greater profits by carrying a heavier load but we are going to permit him to make a take here out of somebody's pocket, and I am vitally interested into whose pocket they reach for this take. We hear about takes in the numbers racket, we hear about takes in the slot machine racket and we have heard about the Bioff take from the movie industry.

What is being done here by this bill under the cloak of national defense, under the cloak of patriotism, is nothing but a take, pure and simple, it is permitting these heavy truck owners to shake off a fee which was devised by those who have constructed and operated our highways for the purpose of financing the construction of and the maintenance of those highways. Those truck owners will haul loads and get a bigger price for their loads and they will not have to pay any fee. I think with that kind of patriotism, whether to an intense degree or a lukewarm degree, we should all agree that we should have laws for charging them a reasonable fee for carrying these overloads, so that the damage done to our highways by these overloads can be repaired, but as it is, we are reaching into the pockets of the people who own motor vehicles and who pay into the motor fund for the maintenance and reconstruction of these highways, after these tremendous loads have destroyed the roadbeds, and make it impossible for other vehicles to use them.

Now, Mr. President, there is no difference between this take and the take by Bioff or any other racketeer, and I say that sincerely, because we have been told by members of this Senate and by the lobbyists along the railings of this Senate, that this bill is a labor bill, and that it is intended to help the labor man. Well, it does not do that at all. Mr. President, I have just as many truck drivers in my county as anybody else has, but the truck drivers are distinct from the big truck owners, and a fraud has been perpetrated upon our fair minds here by those who own these big trucks, by telling us that this is for the benefit of labor, for the benefit of the truck drivers, and we have seen the audacity of a labor leader of this state who has compiled a record, as he says, a labor record of the members of this Senate, and he has there noted the Senators who voted against the trucking bill as being unfavorable to labor.

I say to you, Mr. President, that may be true as far as the truck owners are concerned and that part of the labor movement that is the racketeering part of labor, but it is not the opinion and the sentiment of the men by the hundreds who drive these trucks. It is easier for those laboring men to drive a truck of smaller weight, than to drive one of these monstrous big trucks with these heavy loads on them. We have labor unions in my county, we have the truck drivers union, the teamsters and the chauffers, and so forth. Ask them. Let those members of the Senate who voted for this labor bill go back to their labor unions and see what the rank and file says, and not take the word of one of these racketeer labor leaders that we have so many of right now in these United States. We want to purge that system.

Mr. President, I feel just as sincere as anybody in this matter, and I say that it is unfair and verges on unpatriotism for a group of men, like the big truck owners, to come here and ask us, under the guise of war and national defense, that we permit them to haul these heavy loads and at the same time take from them the nominal fee that they were rquired to pay for an overload.

Mr. DENT. Mr. President, I was not going to get up on this, because we all understood that the matter would be discussed by the gentleman from Fayette because it seems that the big truck owners are his pet peeve in this General Assembly, but when it comes to loading on them all the ills of the industry, I think it is only fair that somebody should stand up and try to defend one of the largest tax paying units in the entire state.

Last year when the bill was up I was in the unhappy predicament at the time of being connected with a rubber company, if you remember, and at that time when I spoke in favor of the truck bill, someone kind of thought, maybe, I was interested in selling tires but, you know, since the the government has taken care of this end of it for me and I do not have to worry about selling tires any more; I only wish I had some to sell.

I do not think that this bill calls for a general denunciation of labor leaders, in general, and that particular group of citizens who work in the trucking industry as drivers and helpers have a right to decide whether

a certain type of legislation is favorable to them or whether it is not.

The railroad brotherhood members have a right to decide whether or not certain types of legislation is favorable to them, and every group of labor has its own particular field that it tries to protect. That is only natural and is perfectly in accordance with the system that has been built up over a period of years.

I wonder sometimes as I look around here in the Senate, whether all the persons who come here, come here just to sit and listen to our sweet and melodious voices, or whether they come here because they are interested in some particular industry they are trying to protect against the foolish actions of some members of the House and Senate, who may not know all there is to be known about that particular subject or industry.

As far as paying a fee is concerned, Mr. President, I can not see where the paying of a fee makes anything legal or makes it right or makes it just. By the mere payment of a $17.50 fee, you do not repair any damages that may occur to the roads because of overloads, and any person that does not know that the present truck equipment and the present tire equipment on present day motor vehicles can carry three times the load that was carried when the original truck bill was passed in the State of Pennsylvania, knows absolutely nothing about trucking, and absolutely nothing about road construction and absolutely nothing about the details of the mechanism of automobiles and trucks and the modernization of the same.

Why, Mr. President, the only thing this bill does is try to show to the members of the Senate that the arguments that were used by the Governor in vetoing this bill last year were not true. It was called to the attention of this Senate by myself, if you please, that if and when war comes there would have to be legislation to facilitate the movement of war goods, and I think it is unfair to say to any truck or transfer company or any industry that every time they want to move a truck with a five pound overload, they have to go to the Secretary of Highways, who may give them a permit by the payment of a $17.50 fee. Anybody who knows anything about our war effort knows that we have been trying to decentralize our war industries. Many of them are away from existing railroad facilities, for the express purpose of keeping them out of range of attacking bombers, and so forth, and the only way that they can reach those factories with the raw products needed in the production of war goods is by trucking, and when the War Department says to an individual, we want so many shells of a certain size, and that individual has to bring all the necessary components which go into the making of that shell to the factory that produces them, the government is not ordering the overloading of that truck, the War Department has nothing to do with his overloading his truck, or, rather, the carrying of a legitimate load, if you please; the War Department can not say to the State of Pennsylvania you must allow this trucker to haul this load and not charge him any fee.

Certainly we know that if a big gun has to be moved from coast to coast, the United States government can move it anywhere and no one can stop it, but the United States government does not move parts of that gun, the manufacturer moves parts of the gun. They are entitled to the right under this war effort, and without the war effort, to carry the load capacity the truck was built for, the same as the railroads are entitled to carry the load capacity their engines are built for.

The same men who now oppose trucking legislation which would allow a legitimate load to be carried were in the vanguard of the fight to permit railroads to use longer trains.

Anybody knows, Mr. President, that the oil industry is in a sad predicament today because of the sinking of tankers, and I would not be a bit surprised if one of the most vital industries that need this trucking legislation might be the oil industry, because they have to haul their crude to the cracking down plants in order that we can get gasoline, and if it is not a war effort for a man working in a defense industry to have gasoline for his automobile, then I do not know what war effort is, I do not know what defense or war efforts are, or what kind of an effort it is. Everything we do today has in some manner some connection with the war effort.

I say that this bill ought to pass, and I stand the same as I stood last year; greater loads should be given to the trucks, because their equipment can take it and the roads can take it, and any highway engineer that tells you that a truck equipped with present day tires can not carry the extra load that we allowed under our act of last year on the same highways that carried that load when the first bill was passed, or the original bill that is now in effect, that highway engineer knows nothing about highway construction.

This is a good bill and it is necessary to war defense.

Mr. CAVALCANTE. I desire to interrogate the gentleman from Westmoreland.

The PRESIDENT. Will the gentleman from Westmoreland permit himself to be interrogated?

Mr. DENT. With pleasure, Mr. President.

Mr. CAVALCANTE. Mr. President, will the gentleman from Westmoreland give us one instance of the movement of war materials being held up because of any law of Pennsylvania.

Mr. DENT. Mr. President, I think that is an unfair question, for the simple reason—

Mr. CAVALCANTE. No, it is not, Mr. President.

Mr. DENT. Well now, if you want to answer it go ahead; I thought the gentleman from Fayette was interrogating me. It is unfair for the simple reason that if you will go over to the Highway Department and find out how many permits have been issued you will get the many instances that you desire.

Mr. CAVALCANTE. Mr. President, I can hedge like that too, but we are asked here to pass a bill because it impedes the movement of war materials and we are so much ingratiated with that that we are even willing to say groups are patriotic who want the right to move heavier loads and they do not want to pay anything for hauling them over the highway, but, in fact, want a reduction for that.

Now, Mr. President, if the gentleman from Westmoreland tells this Senate that this bill is necessary because the movement of war materials is impeded, he ought to be gentleman enough to state one instance that he knows of where any war material has been impeded or the

movement of it has been impeded on the highways of Pennsylvania.

Mr. DENT. Mr. President, if the gentleman from Fayette will allow me to answer that—

Mr. CAVALCANTE. I will not yield to the gentleman from Westmoreland, Mr. President, at this time. The gentleman from Westmoreland also stated that people who gather around these railings of ours do not come to hear our sweet, melodious voices—I do not want my voice to be sweet and melodious for the type of some men who come here or the motives for which they come here; I want my voice to be rough; I do not want it to be sweet; I want it to be sour.

Truly, Mr. President, we would get along better in this Senate, and better legislation would emanate from the halls of this Senate, if we were sincere and honest. If we supported a bill or introduced a bill, the bill would get much further if we were sincere and honest with our colleagues and stated the purpose of the bill, not holding anything back. The gentleman from Westmoreland in his defense of the bill had to admit—I did not ask him to admit it because I promised the fifty-first Senator, without portfolio, Mr. Davis, that I would not mention the oil industry or Mr. Pew, and I am not mentioning it now, and if it has been mentioned, he had better blame the gentleman from Westmoreland for the admission that probably the oil industry is the one that is interested in this bill mostly.

Now, Mr. President, that is what we need, sincerity and honesty. If the gentleman from Westmoreland or any other gentleman of this Senate last year or this year would have had honestly told us, now, this bill is necessary in order to permit the movement of large volumes of gasoline over our highways, then we would not have any grounds for argument, because we would understand each other's honesty and sincerity and then vote according to our consciences, but the thing that provokes the argument and the thing that throws shadows over a lot of these bills is that we try to conceal the real motive for their introduction and their enactment into law.

Mr. DENT. Mr. President, personally I do not care what Mr. Davis or anybody else thinks about what I said about the oil industry. I do not make any promises to anybody around here to keep names out of the record. I do not think there is any question of sincerity; I do not question the sincerity or the motives of the gentleman from Fayette, and I do not care why he is against the bill. I am only telling you why I think the bill ought to be passed. As I remember, we are all allowed to have an opinion, and I understand that in this great body of the Senate of Pennsylvania, you are allowed to express that opinion.

It is my honest opinion, Mr. President and members of the Senate that the passage of the original bill, which went over to the Governor and was vetoed by the Governor, would have facilitated the movement of necessary war products during this period we are going through, and I believe that by removing some of the restrictions which are now contained in the law, by the passage of this bill, that we will aid and further the war effort in the State of Pennsylvania.

Mr. REED. Mr. President, I desire to interrogate the sponsor of this bill, the gentleman from Cumberland, Mr. Wade.

The PRESIDENT. Will the gentleman from Cumberland permit himself to be interrogated?

Mr. WADE. I will, Mr. President.

Mr. REED. Senator Wade, in the discussion, the question of fee has come up quite frequently.

Mr. WADE. That is right.

Mr. REED. Will you tell the Senate, by estimate, how much money the Commonwealth of Pennsylvania will lose by elimination of the payment of the fee, under this bill, if passed.

Mr. WADE. Mr. President, no one can anticipate the fees that the state would receive if this bill were not passed, but since the Senator from Washington, Mr. Reed, has asked for my estimate, I am perfectly willing to give him the figure of $4,512.20.

Mr. REED. Is that a year?

Mr. WADE. Yes, for twelve months.

Mr. REED. Mr. President, if those figures are true, then why all the argument about the importance of this bill. It is so trivial that we should not spend time on fooling with it. On the other hand, if the amount of money that is involved in this bill is of any size, then I say the bill should be defeated, Mr. President, because during this war period the people of Pennsylvania are going to be taxed along all lines for national defense, and here is a big industry that is going to be relieved of taxation under the plea of national defense. That is special privilege of the worst type imaginable.

If the trucking industry desires privileges from the Department of Highways, it ought to be patriotic enough to pay a fee, even though it is small or even though it is large; that is true patriotism and I disagree seriously with the gentleman from Westmoreland when he says this republic is a republic of groups; no republic can be a republic of groups; the only group under a republic is the group known as the people, and when you try to give special privilege to one group, you throw the republic out of balance and in time you will have no republic.

I say, the way this bill is drawn it is vicious, even though it is drawn under the guise of national defense. As was said once, "Oh, liberty, how many crimes are committed in thy name?"

This bill should be defeated.

Mr. DENT. As a matter of record, Mr. President, I just want to say when I say things I say them myself and nobody else says them for me; I did not say anything about this republic being a republic of groups; nor do I want the record to contain any such words.

And the question recurring,

Will the Senate agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—40

Barr,	DiSilvestro,	Kephart,	Stevenson,
Bartlett,	Ealy,	Lanius,	Stiefel,
Becker,	Edmonds,	Letzler,	Taylor,
Chapman,	Farrell,	McCreesh,	Thomas,
Coleman,	Frey,	McGinnis,	Tyler,
Cox,	Geltz,	McQuiddy,	Wade,
Crider,	Haluska,	Miller,	Walker,
Crowe,	Heyburn,	Ruth,	Watkins,
Deitrick,	James,	Scarlett,	Wilson, H. I.,
Dent,	Jaspan,	Snowden,	Ziesenheim,

NAYS—5

Carr,	Mallery,	Reed,	Wilson, T. B.,
Cavalcante,			

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

SENATE BILL No. 73 ON THIRD READING CALLED UP

Mr. MALLERY. Mr. President, I now ask unanimous consent to call up Senate Bill No. 73, on page 3 of the Calendar, on third reading.

Mr. WALKER. Mr. President, I second the motion.

The motion was agreed to.

BILL DROPPED FROM CALENDAR

Mr. MALLERY. Mr. President, I move that Senate Bill No. 73, on third reading, entitled:

An Act to suspend for the duration of the present war and for six months thereafter any law ordinance or regulation of the Commonwealth of Pennsylvania or of any municipal subdivision thereof limiting the age of appointees to any civil service position in any municipal subdivision of the Commonwealth.

be dropped from the Calendar.

Mr. WALKER. Mr. President, I second the motion.

The motion was agreed to.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 72, as follows:

An Act to further amend section nine of the act approved the thirty-first day of May one thousand nine hundred and thirty-three (P. L. 1108) entitled "An act providing for the appointment promotion reduction removal and reinstatement of paid officers firemen and employes of fire departments and of fire alarm operators and fire box inspectors in the bureaus of electricity in cities of the second and third class defining the powers and duties of civil service commissions for such purposes and fixing penalties" by permitting applications to be made for such positions by persons forty-five years of age or under

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 In order to make more men available for war work and remove interference with the prosecution of the war in which the United States is now engaged section nine of the act approved the thirty-first day of May one thousand nine hundred and thirty-three (P. L. 1108) entitled "An act providing for the appointment promotion reduction removal and reinstatement of paid officers firemen and employes of fire departments and of fire alarm operators and fire box inspectors in the bureaus of electricity in cities of the second and third class defining the powers and duties of civil service commissions for such purposes and fixing penalties" as last amended by the act approved the thirty-first day of March 1937 (P. L. 190) is hereby further amended to read as follows

Section 9 All applicants for any position in the fire department and as fire alarm operators and fire box inspectors in the bureau of electricity shall undergo a physical examination which shall be conducted under the supervision of the physician member of the civil service commission or if there be none then by a physician appointed by the civil service commission Said examiner shall certify that an applicant is free from any bodily or mental defects deformity or diseases that might incapacitate him from the performance of the duties of the position desired before said applicant shall be permitted to take further examinations No application will be received if the person applying is less the twenty-one years of age or more than [thirty-five] forty-five years of age at the date of his application Provided however That in event any applicant has formerly served in the fire department or as a fire alarm operator or fire box inspector in the bureau of electricity of the city to which he makes application for a period of more than six months and no charges of misconduct or other misfeasance were made against such applicant within a period of two years next preceding the date of his application and is a resident of the city then such person shall be eligible for reinstatement in the discretion of the civil service commission even though such applicant shall be over the age of [thirty-five] forty-five years Such applicant providing his former term of service so justifies may be reappointed to the fire department or as a fire alarm operator or fire box inspector in the bureau of electricity without examination other than a physical examination If such person is reinstated he shall be the lowest in rank in the department next above the probationers of the department

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill?

REQUEST THAT BILL GO OVER IN ORDER

Mr. COLEMAN. I request that Senate Bill No. 72 go over in its order.

Mr. MALLERY. Mr. President, I ask that the Senate be at ease for a moment until I confer with my colleague from Lackawanna.

(The Senate was at ease.)

Mr. COLEMAN. Mr. President, I withdraw my request that Senate Bill No. 72 go over in its order.

And the question recurring,

Will the Senate agree to the bill on third reading?

Mr. MALLERY. Mr. President and members of the Senate, I want to call attention to the fact that Senate Bill No. 72 does not apply in any manner to cities of the second class. By the Act of June 27, 1939, P. L. 1207, cities of the second class were taken out of the provisions of the Act of 1933, which this bill amends. Councils from cities of the third class have had the experience already of quite a number of firemen being called into the service. Under present civil service rules regulating fire departments of cities of the third class no one can be employed who is above the age of thirty-five. All that this bill does is raise the age limit to enable the employment of men up to the age of forty-five years.

And the question recurring,

Will the Senate agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Barr,	DiSilvestro,	Lanius,	Stiefel,
Bartlett,	Ealy,	Letzler,	Tallman,
Becker,	Edmonds,	Mallery,	Taylor,
Carr,	Farrell,	McCreesh,	Thomas,
Cavalcante,	Frey,	McGinnis,	Tyler,
Chapman,	Geltz,	McQuiddy,	Wade,
Coleman,	Haluska,	Miller,	Walker,
Cox,	Heyburn,	Reed,	Watkins,
Crider,	Homsher,	Ruth,	Wilson, H. I.,
Crowe,	James,	Scarlett,	Wilson, T. B.,
Deitrick,	Jaspan,	Snowden,	Ziesenheim,
Dent,	Kephart,	Stevenson,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 61, entitled:

An Act to add section one thousand one hundred and ten to the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-nine (P. L. 872), entitled "An act to consolidate, amend and revise the penal laws of the Commonwealth," by prescribing additional penalties in the case of the commission of larceny or robbery of things affected by priorities, rationing or other restrictions during time of war.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL DROPPED FROM CALENDAR

Mr. MALLERY. Mr. President, I move that Senate Bill No. 52, on third reading, postponed, entitled:

An Act to aid in the prevention of sabotage by making the larceny of articles rationed by the Federal Government and necessary in national defense, a felony and prescribing penalties.

be dropped from the Calendar.

Mr. GELTZ. Mr. President, I second the motion.

The motion was agreed to.

REPORTS FROM COMMITTEES

Mr. CROWE. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. CROWE, from the Committee on Forests and Waters, Game and Fish, reported as committed, Senate Bill No. 79, (House Bill No. 75), entitled:

An Act authorizing the President of the Pennsylvania Game Commission with the unanimous approval of the commission and for a certain limited period of time to lease lands to political subdivisions or to Federal agencies for use as aviation landing fields conferring certain powers upon political subdivisions relative to the acceptance and development of such lands and suspending certain inconsistent legislation.

He also, from the Committee on Forests and Waters, Game and Fish, reported as committed, Senate Bill No. 80, (House Bill No. 76), entitled:

An Act suspending and modifying for the period of the present war and for a time thereafter the provisions of section one of the act approved the eighth day of July one thousand nine hundred and nineteen (P. L. 737) entitled "A supplement to an act entitled 'An act to establish a Board of Commissioners of Navigation for the River Delaware and its navigable tributaries regulating their jurisdiction over ships vessels and boats and wharves piers bulkheads docks slips and basins and exempting cities of the first class from certain of its provisions and making an appropriation therefor' approved the eighth day of June Anno Domini one thousand nine hundred and seven authorizing and directing the commissioners to provide and maintain a nautical school for the education and training of pupils from the various counties of the Commonwealth of Pennsylvania in the science and practice of navigation and making an appropriation for two years from the first day of June Anno Domini one thousand nine hundred and nineteen towards its maintenance" and its amendments in so far as they require the furnishing of accommodations on board a proper vessel for the nautical school when no such vessel is available and imposing upon the State Council of Defense the duty of furnishing other accommodations.

BILL INTRODUCED

Mr. MILLER. Mr. President, I ask unanimous consent to introduce a bill at this time.

The PRESIDENT. Is there objection The Chair hears none.

Mr. MILLER read in place and presented to the Chair Senate Bill No. 84, entitled:

An Act to conserve metal by suspending the provisions of article five of the act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for re-

funds," and its amendments, in so far as they require the issuance and use of more than one registration plate.

Which was committed to the Committee on Highways.

RECESS

Mr. GELTZ. Mr. President, I move that the Senate do now take a recess for thirty minutes.

Mr. JAMES. Mr. President, I second the motion.

The motion was agreed to.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed the Senate will be in order.

HOUSE MESSAGE

TIME OF NEXT MEETING

The Clerk of the House of Representatives being introduced informed the Senate that the House has concurred in Resolution from the Senate as follows:

In the Senate, March 31, 1942.

Resolved (if the House of Representatives concur), That when the Senate adjourns this week, it reconvene on Monday, April 6, 1942, at four o'clock p. m., and when the House of Representatives adjourns this week, it reconvene on Monday, April 6, 1942, at nine o'clock p. m.

He also presented extract from the Journal of the House, which was twice read as follows, considered and agreed to:

In the House of Representatives, March 31, 1942.

Resolved (if the Senate concur), That the State Treasurer be and hereby is authorized to pay upon warrant of the Auditor General to each member of the Senate and House of Representatives, the mileage to which they are entitled, and to each employe thereof, the salary or per diem compensation to which they are entitled under law for an Extraordinary Session of the General Assembly by virtue of the provisions of the Acts of Assembly under which they are elected or appointed; this resolution to be effective until a supplement to the General Appropriation Law, approved March 11, 1942, Act No. 2, entitled "An act to provide for the expenses of the Extraordinary Session of the Legislature assembled February seventeenth, one thousand nine hundred forty-two, in pursuance of the proclamation of the Governor of the Commonwealth, dated February tenth, one thousand nine hundred forty-two, and the supplement thereto," providing for additional appropriations for the payment of the mileage of the members and the salaries of the employes of the Senate and the House of Representatives for the Extraordinary Session of 1942, is enacted into law.

Ordered, That the Clerk inform the House of Representatives accordingly.

NOMINATIONS BY THE GOVERNOR

NOTARIES PUBLIC

The Secretary to the Governor being introduced, presented in writing from His Excellency, the Governor of the Commonwealth, nominations for appointment as Notaries Public.

CONSIDERATION OF NOTARIES PUBLIC

Mr. JAMES. Mr. President, I move that the Senate do now proceed to the consideration of nominations for appointment as Notaries Public, sent to the Senate, March 31, 1942, by His Excellency, the Governor of the Commonwealth.

Mr. MILLER. Mr. President, I second the motion.

The motion was agreed to.

The nominations were read as follows:

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 31, 1942.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

PHILADELPHIA COUNTY

Victor F. Girard, 2917 Harper St., Phila.
Miss Mary Rastelli, 1214 South 19th St., Phila.

ARTHUR H. JAMES.

NOMINATIONS FOR NOTARIES PUBLIC

A motion was made by Mr. JAMES and Mr. MALLERY,

That the Senate do advise and consent to said nominations.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	DiSilvestro,	Kephart,	Stiefel,
Bartlett,	Ealy,	Lanius,	Tallman,
Becker,	Edmonds,	Letzler,	Taylor,
Carr,	Farrell,	Mallery,	Thomas,
Cavalcante,	Frey,	McGinnis,	Tyler,
Chapman,	Geltz,	Miller,	Wade,
Coleman,	Haluska,	Reed,	Walker,
Cox,	Heyburn,	Ruth,	Watkins,
Crider,	Homsher,	Scarlett,	Wilson, H. I.,
Crowe,	James,	Snowden,	Wilson, T. B.,
Deitrick,	Jaspan,	Stevenson,	Ziesenheim,
Dent,			

NAYS—0

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

REPORT FROM COMMITTEE

Mr. WADE. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. WADE, from the Committee on State Government reported as committed, Senate Bill No. 74, entitled:

An Act prescribing the procedure for the adoption and promulgation of rules and regulations to supply provisions of law which have been suspended because they interfere with the prosecution of any war in which the United States of America is engaged at the time of the final enactment of this act.

MOTION TO READ BILLS THE FIRST TIME

Mr. GELTZ. Mr. President, I move that the Senate do

now proceed to the first reading of all bills reported from committees for the first time at today's session.

Mr. MILLER. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 68, (House Bill No. 42), entitled:

An Act to further amend section eight of the act, approved the nineteenth day of March, one thousand nine hundred nine (P. L. 46), entitled "An act to regulate the practice of osteopathy in the State of Pennsylvania; to provide for the establishment of a State Board of Osteopathic Examiners; to define the powers and duties of said Board of Osteopathic Examiners to provide for the examining and licensing of osteopaths in this State; and to provide penalties for the violation of this act," by further regulating for a limited period the time necessary for graduation and for admission to practice as osteopathic physicians and surgeons in this State.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 70, (House Bill No. 68), entitled:

An Act to amend section two of the act, approved the tenth day of July, one thousand nine hundred thirty-five (P. L. 645), entitled "An act imposing certain requirements on certain hospitals receiving state aid; authorizing the withholding of appropriations; and imposing duties on the Department of Welfare," by providing that, during the present war and six months thereafter, funds shall not be withheld from hospitals for violation of such act, if the Secretary of Welfare determines that the constant attendance of a licensed physician or resident interne cannot be secured by such hospitals because of the war emergency.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 74, entitled:

An Act prescribing the procedure for the adoption and promulgation of rules and regulations to supply provisions of law which have been suspended because they interfere with the prosecution of any war in which the United States of America is engaged at the time of the final enactment of this act.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 76, entitled:

An Act providing for the repayment to persons inducted into or enlisting in the army, navy or marine corps of the United States of a part of the cost of registering a motor vehicle before such induction or enlistment.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 79, (House Bill No. 75), entitled:

An Act authorizing the President of the Pennsylvania Game Commission with the unanimous approval of the commission and for a certain limited period of time to lease lands to political subdivisions or to Federal agencies for use as aviation landing fields conferring certain powers upon political subdivisions relative to the acceptance and development of such lands and suspending certain inconsistent legislation.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 80, (House Bill No. 76), entitled:

An Act suspending and modifying for the period of the present war and for a time thereafter the provisions of section one of the act approved the eighth day of July one thousand nine hundred and nineteen (P. L. 737) entitled "A supplement to an act entitled 'An act to establish a Board of Commissioners of Navigation for the River Delaware and its navigable tributaries regulating their jurisdiction over ships vessels and boats and wharves piers bulkheads docks slips and basins and exempting cities of the first class from certain of its provisions and making an appropriation therefor' approved the eighth day of June Anno Domini one thousand nine hundred and seven authorizing and directing the commissioners to provide and maintain a nautical school for the education and training of pupils from the various counties of the Commonwealth of Pennsylvania in the science and practice of navigation and making an appropriation for two years from the first day of June Anno Domini one thousand nine hundred and nineteen towards its maintenance" and its amendments in so far as they require the furnishing of accommodations on board a proper vessel for the nautical school when no such vessel is available and imposing upon the State Council of Defense the duty of furnishing other accommodations.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

ADJOURNMENT

Mr. GELTZ. Mr. President, I move that the Senate do now adjourn until Wednesday, April 1, 1942, at 11:00 o'clock, a. m., Eastern War Time.

Mr. FARRELL. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 5:07 o'clock, p. m., Eastern War Time until Wednesday, April 1, 1942, at 11:00 o'clock, a. m., Eastern War Time.

HOUSE OF REPRESENTATIVES

TUESDAY, March 31, 1942

The House met at 1 p. m.

The SPEAKER (Elmer Kilroy) in the Chair.

PRAYER

The Chaplain, Rev. Donald McFall, offered the following prayer:

Eternal God, as we walk with Thee and talk with Thee,

and as we make contact with Thy children from time to time within this Commonwealth and Nation, may each one of us in our thoughts, show faith; in our words, speak wisdom; in our deeds, demonstrate courage; and in our daily life, endeavor to serve. Yea Lord, in all things may we be great, remembering at all times to render unto Caesar the things that are Caesar's and unto Thee, our God, the things that are God's. Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of yesterday.

The Clerk proceeded to read the Journal of yesterday, when, on motion of Mr. MARKS unanimously agreed to, the further reading was dispensed with and the Journal approved.

BILLS INTRODUCED AND REFERRED

By Messrs. POLASKI and VAN ALLSBURG.

HOUSE BILL No. 100.

An Act to speed up the obtaining of birth certificates by persons seeking employment in industries engaged in the production of war equipment and supplies, by authorizing as a temporary emergency war time provision, the deputization of local registrars of vital statistics to issue certified copies of records of births in their possession; prescribing the effect of such copies; prescribing penalties and suspending inconsistent laws.

Referred to the Select Committee on Special Session Legislation.

By Messrs. McCLANAGHAN and MONKS.

HOUSE BILL No. 101.

An Act to amend the appropriation to the Department of Military Affairs in section two of the act, approved the sixteenth day of June, one thousand nine hundred and forty-one (Appropriation Act No. 12-A), entitled "An act to provide for the ordinary expenses of the Executive, Legislative and Judicial Departments of the Commonwealth, interest on the public debt, and the support of the public schools for two years beginning June first, one thousand nine hundred and forty-one, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first, one thousand nine hundred and forty-one," by providing specifically for the expenses of the State Council of Defense for the maintenance of a nautical school.

Referred to the Select Committee on Special Session Legislation.

By Mr. PRESLEY N. JONES. HOUSE BILL No. 102.

An Act to add Section 813.1 to the act, approved the twenty-fourth day of June, one thousand nine hundred thirty-nine (P. L. 872), entitled "An act to consolidate, amend and revise the penal laws of the Commonwealth," prohibiting the stealing, taking or carrying away of explosives and certain devices used in connection therewith, from any structure used for their storage; and providing penalties.

Referred to the Select Committee on Special Session Legislation.

RESOLUTION INTRODUCED AND REFERRED

My Mr. McFALL. RESOLUTION No. 40.

In the House of Representatives, March 30, 1942.

Whereas, The General Assembly has in the past provided for the free transportation of pupils to and from schools in the public school districts of the Commonwealth; and

Whereas, In most instances, and particularly in the consolidated school districts of the Commonwealth, such free transportation is provided for distances in excess of one and one-half miles; and

Whereas, Experience has indicated, and it is now commonly known, that this rigid distance limitation in many instances creates unfair and illogical situations wherein such transportation is afforded to certain pupils in a locality to the exclusion of others in the same locality; and

Whereas, It is likewise recognized that there must be some limitations in the distances for which such free transportation is provided, but that it would be more equitable if said limitation were reduced to one-half mile; therefore be it

Resolved, That the House of Representatives hereby directs the Department of Public Instruction to make an immediate study of the free transportation of pupils in the consolidated school districts of the Commonwealth, in order that it may recommend to the next General Session of the Legislature the advisability of amending the School Code by decreasing the distance limitation now provided for by law or by permitting the question to be determined at the discretion of the school directors of each such school district; and be it further

Resolved, That a copy of this resolution be submitted to the Superintendent of the Department of Public Instruction.

Referred to the Select Committee on Special Session Legislation.

LEAVE OF ABSENCE

By unanimous consent leave of absence was granted as follows:

Mr. McDermott for Mr. RAUSCH for today's session.

Mr. HARMUTH for himself for the remainder of the week after today's session.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 55, entitled:

An Act authorizing the Secretary of Internal Affairs to issue patents for lands to be used by the United States for war purposes upon the payment of the original purchase price without interest accrued thereon and to temporarily suspend the law requiring the payment of said interest

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 43, (Senate Bill No. 31), entitled:

An Act making available the services of recipients of general assistance under certain conditions by permitting them to earn a limited amount of money in work essential to the prosecution of the existing war in which the United States of America is engaged without forfeiting their right to assistance or any part thereof.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for third reading.

BILL ON FINAL PASSAGE RECALLED FROM GOVERNOR

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 10, as follows:

An Act to further amend section six hundred twenty-eight and to amend section six hundred twenty-nine of the act approved the third day of June one thousand nine hundred thirty-seven (P. L. 1333) entitled "An act concerning elections including general municipal special and primary elections the nomination of candidates primary and election expenses and election contests creating and defining membership of county boards of elections imposing duties upon the Secretary of the Commonwealth courts county boards of elections county commissioners imposing penalties for violation of the act and codifying revising and consolidating the laws relating thereto and repealing certain acts and parts of acts relating to elections" extending the time within which writs of election may issue for holding special elections to fill vacancies occurring in either house of the General Assembly and the time within which nominations therefor may be filed

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section six hundred twenty-eight of the act approved the third day of June one thousand nine hundred thirty-seven (P. L. 1333) entitled "An act concerning elections including general municipal special and primary elections the nomination of candidates primary and election expenses and election contests creating and defining membership of county boards of elections imposing duties upon the Secretary of the Commonwealth courts county boards of elections county commissioners imposing penalties for violation of the act and codifying revising and consolidating the laws relating thereto and repealing certain acts and parts of acts relating to elections" as amended by the act approved the sixteenth day of May one thousand nine hundred forty (1941 P. L. 948) is hereby further amended to read as follows

Section 628 Special Elections for Senator and Representative in the General Assembly Whenever a vacancy shall occur in either house of the General Assembly whether or not if then be in session the presiding officer of such house shall issue [within ten days after the happening of said vacancy] a writ of election to the proper county board or boards of election and to the Secretary of the Commonwealth for a special election to fill said vacancy which election shall be held on a date named in the writ which shall be not less than thirty (30) days after the issuance of said writ The presiding officer may fix in such writ of election the date of the next ensuing primary municipal or general election as the date for holding any such special election Provided however That should the Governor after the issuance of the said writ of election advise the presiding officer that the General Assembly will be called into extraordinary session prior to the date set for such special election the presiding officer may countermand the writ theretofor issued and shall issue a new writ of election fixing therein such earlier date therefor as is deemed expedient but which shall not be less than thirty (30) days after the issuance of said writ

Section 2 Section six hundred twenty-one of said act is hereby amended to read as follows

Section 629 Nominations for Special Election for Representative in Congress Senator and Representative in the General Assembly Candidates to fill vacancies in the offices of Representative in Congress and Senator and Representative in the General Assembly shall be nominated by political parties in accordance with the party rules relating to the filling of vacancies by means of nomination certificates in the form prescribed in section 630 of this act and by political bodies by means of nomination papers in accordance with the provisions of sections 951 952 and 954 of this act Said nomination certificates and nomination papers for the office of Representative in Congress shall be filed in the office of the Secretary of the Commonwealth not later than ten (10) days after the issuance of the writ of election and said nominaiton certificates and nomination papers for the office of Senator and Representative in the General Assembly shall be filed in the office of the Secretary of the Commonwealth not later than the twentieth day before the day of the election named in the writ of election

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—180

Achterman,	Fleming,	Longo,	Rhea,
Auker,	Fletcher,	Lovett,	Riley,
Baker,	Flynn,	Lyons,	Rooney,
Balthaser,	French,	Malloy,	Rose, S.,
Baugher	Gallagher,	Marks,	Rosenfeld,
Bentzel,	Gates,	Maxwell,	Royer,
Boney,	Gerard,	McClanaghan,	Rush,
Boorse,	Gillan,	McClester	Scanlon,
Bower,	Goodwin,	McDermott	Schwab,
Breth,	Greenwood,	McDowell	Serrill,
Bretherick,	Gross,	McFall	Shaffer,
Brown,	Gryskewicz,	McGrath,	Shaw,
Brunner, C. H.,	Gyger,	McIntosh,	Shepard,
Brunner, P. A.,	Habbyshaw,	McKinney,	Simons,
Burns,	Haberlen,	McLanahan,	Skale,
Burris,	Haines,	McLane,	Snyder,
Cadwalader,	Hall,	McMillen,	Sollenberger,
Chervenak,	Hamilton,	McSurdy,	Sorg,
Chudoff,	Harris,	Mihm,	Stambaugh,
Cochran,	Heatherington,	Modell,	Stine,
Cohen, M. M.,	Helm,	Monks,	Tarr,
Cohen, R. E.,	Hering,	Mooney,	Tate,
Cook,	Herman,	Muir,	Thompson, E. F
Cooper,	Hersch,	Munley,	Thompson, R. I
Cordier,	Hewitt,	Nagel,	Trout,
Corrigan,	Hirsch,	Nunemacher,	Van Allsburg,
Croop,	Huntley,	O'Brien,	Vincent,
Cullen,	Imbrie,	O'Connor,	Vogt,
Dalrymple,	James,	O'Dare,	Voldow,
Dennison,	Jefferson,	O'Mullen,	Wagner,
DiGenova,	Jones, P. N.,	O'Neill,	Weingartner,
Dix,	Keenan,	Owens,	Weise,
Dolon,	Kenehan,	Petrosky,	Welsh, E. B.,
D'Ortona,	Kline,	Pettit,	Welsh, M. J.,
Duffy,	Knoble,	Polaski,	Williams,
Early,	Kolankiewicz,	Polen,	Winner,
Eckels,	Komorofski,	Powers,	Wolf,
Elder,	Krise,	Prosen,	Wood, L. H.,
Ely,	Lee, T. H.,	Rank,	Wood, N.,
Falkenstein,	Leisey,	Readinger,	Woodring,
Finestone,	Leonard,	Reagan,	Wright,
Finnerty,	Lesko,	Reese, D. P.,	Yeakel,
Fisher,	Levy,	Reese, R. E.,	Yester,
Fiss,	Leydic,	Regan,	Young,
	Lichtenwalter,	Reynolds,	Kilroy,
			Speaker

NAYS—0

The majority required by the Constitution having vot in the affirmative, the question was determined in t affirmative.

Ordered, That the Clerk present the same to the Sena for concurrence.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and conside ation of House Bill No. 52, as follows:

An Act to further amend section twenty-one of the a approved the seventh day of June one thousand ni hundred fifteen (P. L. 900) entitled "An act to provi for the immediate registration of all births and deat throughout the Commonwealth of Pennsylvania

means of certificates of births and deaths and burial or removal permits requiring prompt returns to the Central Bureau of Vital Statistics as required to be established by the State Department of Health and in order to secure prompt and faithful registration of births marriages deaths and diseases of practitioners of medicine and surgery of midwives nurses and undertakers and of all persons whose occupation is deemed to be of importance in obtaining complete registration of births deaths marriages and diseases throughout the State as provided in section ten of an act entitled 'An act creating the Department of Health and defining its powers and duties' approved the twenty-seventh day of April nineteen hundred and five and providing penalties for violations of this act" by providing for the issuance of short form birth certificates by the Department of Health of the Commonwealth of Pennsylvania during the continuance of the present war emergency and for six months thereafter.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section twenty-one of the act approved the seventh day of June one thousand nine hundred fifteen (P. L. 900) entitled "An act to provide for the immediate registration of all births and deaths throughout the Commonwealth of Pennsylvania by means of certificates of births and deaths and burial or removal permits requiring prompt returns to the Central Bureau of Vital Statistics as required to be established by the State Department of Health and in order to secure prompt and faithful registration of births marriages deaths and diseases of practitioners of medicine and surgery of midwives nurses and undertakers and of all persons whose occupation is deemed to be of importance in obtaining complete registration of births deaths marriages and diseases throughout the State as provided in section ten of an act entitled 'An act creating the Department of Health and defining its powers and duties' approved the twenty-seventh day of April nineteen hundred and five and providing penalties for violations of this act" as last amend by section seven of the act approved the twenty-second day of April one thousand nine hundred thirty-seven (P. L. 399) is hereby further amended to read as follows

Section 21 The Department of Health shall upon request and the payment of the fee as hereinafter provided furnish any applicant a certified copy of the record of any birth death or marriage registered under provisions of this act Provided however That no certified copy of an illegitimate birth record nor any information relative thereto except as herein otherwise provided shall be furnished to any person other than the illegitimate child or the mother of the child or upon an order of a court of competent jurisdiction When a certified copy is furnished of a birth certificate which was not filed within ten days from the birth there shall be furnished with such copy a true copy of any affidavit or affidavits or other papers filed with such birth certificate When a request is made for a birth certificate of any person who has been adopted by any other person pursuant to the provisions of any law and there is filed with such request a certified copy of the decree of the court in such adoption proceedings the department shall upon special request therefor issue in lieu of a certified copy of the original record a certificate showing only (a) the name of the adopted person as changed by the decree of adoption if changed (d) the date and place of birth (c) the names of the adopting parent or parents and (d) the permanent file number of the original birth certificate Such special certificate shall be accepted by all school authorities as evidence of the child's age for all purposes connected with employment or school attendance For the making and certification of each certified copy of the record of any birth death or marriage or of any special birth certificate the department shall be entitled to a fee of one dollar to be paid by the applicant and any such copy of the record of a birth or death or marriage when properly certified by the Department of Health to be a true copy thereof shall be prima facie evidence in all courts and places of the facts therein stated Provided That certified copies of the record of any birth death or marriage shall be furnished to honorably discharged soldiers sailors marines war nurses and their dependents without the payment of any fee For any search of the files and records when no certified copy is made the Department of Health shall be entitled to a fee of fifty cents for each hour or fractional hour of time of search to be paid by the applicant And the Department of Health shall keep a true and correct account of all fees by it received under these provisions and pay the same into the State Treasury through the Department of Revenue

During the period in which the United States of America is engaged in war with any foreign country and for six months thereafter the Department of Health shall issue a short form birth certificate unless otherwise requested Such short form birth certificate shall set forth only the name of the person involved the place of birth the date of birth the sex and the color of such person Any short form birth certificate issued under the authority of this act shall have the same force and effect as the complete certified copy of a birth record issued under the foregoing provisions of this section Such short form birth certificate shall be prima facie evidence of all matters therein contained and shall be admissible in all judicial proceedings

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—180

Achterman,	Fleming,	Longo,	Rhea,
Auker,	Fletcher,	Lovett,	Riley,
Baker,	Flynn,	Lyons,	Rooney,
Balthaser,	French,	Malloy,	Rose, S.,
Baugher,	Gallagher,	Marks,	Rosenfeld,
Bentzel,	Gates,	Maxwell,	Royer,
Boles,	Gerard,	McClanaghan,	Rush,
Boney,	Gillan,	McClester,	Scanlon,
Boorse,	Goodwin,	McDermott,	Schwab,
Bower,	Greenwood,	McDowell,	Serrill,
Breth,	Gross,	McFall,	Shaffer,
Bretherick,	Gryskewicz,	McGrath,	Shaw,
Brown,	Gyger,	McIntosh,	Shepard,
Brunner, C. H.,	Habbyshaw,	McKinney,	Simons,
Brunner, P. A.,	Haberlen,	McLanahan,	Skale,
Burns,	Haines,	McLane,	Snyder,
Burris,	Hall,	McMillen,	Sollenberger,
Cadwalader,	Hamilton,	McSurdy,	Sorg,
Chervenak,	Harris,	Mihm,	Stambaugh,
Chudoff,	Heatherington,	Modell,	Stine,
Cochran,	Helm,	Monks,	Tarr,
Cohen, M. M.,	Hering,	Mooney,	Tate,
Cohen, R. E.,	Herman,	Muir,	Thompson, E. F.,
Cook,	Hersch,	Munley,	Thompson, R. L.,
Cooper,	Hewitt,	Nagel,	Trout,
Cordier,	Hirsch,	Nunemacher,	VanAllsburg,
Corrigan,	Huntley,	O'Brien,	Vincent,
Croop,	Imbrie,	O'Connor	Vogt,
Cullen,	James,	O'Dare,	Voldow,
Dalrymple,	Jefferson,	O'Mullen,	Wagner,
Dennison,	Jones, P. N.,	O'Neill,	Weingartner,
DiGenova,	Keenan,	Owens,	Weiss,
Dix,	Kenehan,	Petrosky,	Welsh, E. B.,
Dolon,	Kline,	Pettit,	Welsh, M. J.,
D'Ortona,	Knoble,	Polaski,	Williams,
Duffy,	Kolankiewicz,	Polen,	Winner,
Early,	Komorofski,	Powers,	Wolf,
Eckels,	Krise,	Prosen,	Wood, L. H.,
Elder,	Lee, T. H.,	Rank,	Wood, N.,
Ely,	Leisey,	Readinger,	Woodring,
Falkenstein,	Leonard,	Reagan,	Wright,
Finestone,	Lesko,	Reese, D. P.,	Yeakel,
Finnerty,	Levy,	Reese, R. E.,	Yester,
Fisher,	Leydic,	Regan,	Young,
Fiss,	Lichtenwalter,	Reynolds,	Kilroy, Speaker

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 76, as follows:

An Act suspending and modifying for the period of the present war and for a time thereafter the provisions of section one of the act approved the eighth day of July one thousand nine hundred and nineteen (P. L. 737) entitled "A supplement to an act entitled 'An act to establish a Board of Commissioners of Navigation for the River Delaware and its navigable tributaries regulating their jurisdiction over ships vessels and boats and wharves piers bulkheads docks slips and basins and exempting cities of the first class from certain of its provisions and making an appropriation therefor' approved the eighth day of June Anno Domini one thousand nine hundred and seven authorizing and directing the commissioners to provide and maintain a nautical school for the education and training of pupils from the various counties of the Commonwealth of Pennsylvania in the science and practice of navigation and making an appropriation for two years from the first day of June Anno Domini one thousand nine hundred and nineteen towards its maintenance" and its amendments in so far as they require the furnishing of accommodations on board a proper vessel for the nautical school when no such vessel is available and imposing upon the State Council of Defense the duty of furnishing other accommodations

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The provisions of section one of the act approved the eighth day of July one thousand nine hundred and nineteen (P. L. 737) entitled "A supplement to an act entitled 'An act to establish a Board of Commissioners of Navigation for the River Delaware and its navigable tributaries regulating their jurisdiction over ships vessels and boats and wharves piers bulkheads docks ships and basins and exempting cities of the first class from certain of its provisions and making an appropriation therefor' approved the eighth day of June Anno Domini one thousand nine hundred and seven authorizing and directing the commissioners to provide and maintain a nautical school for the education and training of pupils from the various counties of the Commonwealth of Pennsylvania in the science and practice of navigation and making an appropriation for two years from the first day of June Anno Domini one thousand nine hundred and nineteen towards its maintenance" and its amendments are hereby suspended in so far as they require the furnishing of accommodations for the nautical school on board a proper vessel when no such vessel may be available for the period of the duration of the present war and for six months after the conclusion of hostilities

Section 2 Whenever during the period of the duration of the present war and for six months thereafter the Navigation Commission for the Delaware River is unable to furnish accommodations for the training of pupils on board a proper vessel other accommodations shall be furnished The State Council of Defense of the Commonwealth of Pennsylvania is hereby empowered and directed and it shall be the duty of said council to provide such other accommodations for the continued operation of the nautical school by said commission

And said bill having been read at length the third time, considered and agreed to,

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—180

Achterman,	Fletcher,	Longo,	Riley,
Auker,	Flynn,	Lovett,	Rooney,
Baker,	French,	Lyons,	Rose, S.,
Balthaser,	Gallagher,	Marks,	Rosenfeld,
Baugher,	Gates,	Maxwell,	Royer,
Bentzel,	Gerard,	McClanaghan,	Rush,
Boney,	Gillan,	McClester,	Scanlon,
Boorse,	Goodwin,	McDermott,	Schwab,
Bower,	Greenwood,	McDowell,	Serrill,
Breth,	Gross,	McFall,	Shaffer,
Bretherick,	Gryskewicz,	McIntosh,	Shepard,
Brown,	Gyger,	McKinney,	Simons,
Brunner, C. H.,	Habbyshaw,	McLanahan,	Skale,
Brunner, P. A.,	Haberlen,	McLane,	Snyder,
Burns,	Haines,	McMillen,	Sollenberger,
Burris,	Hall,	McSurdy,	Sorg,
Cadwalader,	Hamilton,	Melchiorre,	Stambaugh,
Chervenak,	Harris,	Mihm,	Stine,
Chudoff,	Heatherington,	Modell,	Stockham,
Cochran,	Helm,	Monks,	Tarr,
Cohen, M. M.,	Hering,	Mooney,	Tate,
Cohen, R. E.,	Herman,	Muir,	Thompson, E.
Cook,	Hersch,	Munley	Thompson, R.
Cooper,	Hewitt,	Nagel	Trout,
Cordier,	Hirsch,	Nunemacher	Turner,
Corrigan,	Huntley,	O'Brien,	VanAllsburg,
Croop,	Imbrie,	O'Connor,	Vincent,
Cullen,	James,	O'Dare,	Vogt,
Dalrymple,	Jefferson,	O'Mullen,	Voldow,
Dennison,	Jones, P. N.,	O'Neill,	Wagner,
DiGenova,	Keenan,	Owens,	Weingartner,
Dix,	Kline,	Petrosky,	Weiss,
Dolon,	Knoble,	Pettit,	Welsh, E. B.,
D'Ortona,	Kolankiewicz,	Polaski,	Welsh, M. J.,
Duffy,	Komorofski,	Polen,	Williams,
Early,	Krise,	Powers,	Winner,
Eckels,	Lee, E. A.,	Prosen,	Wolf,
Elder,	Lee, T. H.,	Rank,	Wood, L. H.,
Ely,	Leisey,	Readinger,	Wood, N.,
Falkenstein,	Leonard,	Reagan,	Woodring,
Finestone,	Lesko,	Reese, D. P.,	Wright,
Finnerty,	Levy,	Reese, R. E.,	Yeakel,
Fisher,	Leydic,	Regan,	Yester,
Fiss,	Lichtenwalter,	Reynolds,	Young,
Fleming,		Rhea,	Kilroy, Speak

NAYS—0

The majority required by the Constitution having vo in the affirmative, the question was determined in affirmative.

Ordered, That the Clerk present the same to the Sen for concurrence.

Agreeably to order,

The House proceeded to the third reading and cons eration of House Bill No. 59, as follows:

An Act to amend Section 18.1 of the act approved seventh day of June one thousand nine hundred fift (P. L. 900) entitled "An act to provide for the mediate registration of all births and deaths throu out the Commonwealth of Pennsylvania by means certificates of births and deaths and burial or rem permits requiring prompt returns to the Central reau of Vital Statistics as required to be established the State Department of Health and in order to se prompt and faithful registration of births marri deaths and diseases of practitioners of medicine surgery of midwives nurses and undertakers and all persons whose occupation is deemed to be of portance in obtaining complete registration of bi deaths marriages and diseases throughout the S as provided in section ten of an act entitled 'An creating the Department of Health and defining powers and duties' approved the twenty-seventh of April nineteen hundred and five and providing alties for violations of this act" as added by direc

the Department of Health to extend the special birth record file provided for by said section so as to include birth records of veterans of wars other than the World War and so as to include honorably discharged soldiers sailors and marines and providing for the issuance of certified copies of such records without cost

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 18.1 of the act approved the seventh day of June one thousand nine hundred fifteen (P. L. 900) entitled "An act to provide for the immediate registration of all births and deaths throughout the Commonwealth of Pennsylvania by means of certificates of births and deaths and burial or removal permits requiring prompt returns to the Central Bureau of Vital Statistics as required to be established by the State Department of Health and in order to secure prompt and faithful registration of births marriages deaths and diseases of practitioners of medicine and surgery of midwives nurses and undertakers and of all persons whose occupation is deemed to be of importance in obtaining complete registration of births deaths marriages and diseases throughout the State as provided in section ten of an act entitled 'An act creating the Department of Health and defining its powers and duties' approved the twenty-seventh day of April nineteen hundred and five and providing penalties for violations of this act" as added to said act by the act approved the second day of July one thousand nine hundred thirty-seven (P. L. 2719) is hereby amended to read as follows

Section 18.1 The Department of Health shall inaugurate and maintain a special file for receiving and registering the records of birth of all veterans of the World War or of any other war in which this country has been engaged and also of all honorably discharged soldiers sailors and marines Such records shall be received and filed upon presentation of documentary evidence in the form of affidavits baptismal or school records and proof satisfactory to the department that the person whose record is submitted is a veteran of the World War or of some other war in which this country has been engaged or that the person whose record is submitted is an honorably discharged soldier sailor or marine If a record is accepted by the department certified copies of the same shall be issued without cost of each such [veteran] person upon request

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—180

Achterman,	Fletcher,	Lovett	Riley,
Auker,	Flynn,	Lyons,	Rooney,
Baker,	French,	Malloy,	Rose, S.,
Balthaser,	Gallagher,	Marks,	Rosenfeld,
Baugher,	Gates,	Maxwell,	Royer,
Bentzel,	Gerard,	McClanaghan	Rush,
Boney,	Gillan,	McClester,	Scanlon,
Boorse,	Goodwin,	McDermott	Schwab,
Bower,	Greenwood,	McDowell	Serrill,
Breth,	Gross,	McFall,	Shaffer,
Bretherick,	Gryskewicz,	McGrath,	Shaw,
Brown,	Gyger,	McIntosh	Shepard,
Brunner, C. H.,	Habbyshaw,	McKinney,	Simons,
Brunner, P. A.,	Haberlen,	McLanahan,	Skale,
Burns,	Haines,	McLane,	Snyder,
Burris,	Hall,	McMillen,	Sollenberger,
Cadwalader,	Hamilton,	McSurdy,	Sorg,
Chervenak,	Harris,	Mihm,	Stambaugh,
Chudoff,	Heatherington,	Modell,	Stine,
Cochran,	Helm,	Monks,	Tarr,
Cohen, M. M.,	Hering,	Mooney,	Tate,
Cohen, R. E.,	Herman,	Muir,	Thompson, E. F.,
Cook,	Hersch,	Munley,	Thompson, R. L.,
Cooper,	Hewitt,	Nagel,	Trout,
Cordier,	Hirsch,	Nunemacher	Van Allsburg,
Corrigan,	Huntley,	O'Brien,	Vincent,
Croop,	Imbrie,	O'Connor,	Vogt,
Cullen,	James,	O'Dare,	Voldow,
Dalrymple,	Jefferson,	O'Mullen,	Wagner,
Dennison,	Jones, P. N.,	O'Neill,	Weingartner,
DiGenova,	Keenan,	Owens,	Weiss,
Dix,	Kenehan,	Petrosky,	Welsh, E. B.,
Dolon,	Kline,	Pettit,	Welsh, M. J.,
D'Ortona,	Knoble,	Polaski,	Williams,
Duffy,	Kolankiewicz,	Polen,	Winner,
Early,	Komorofski,	Powers,	Wolf,
Eckels,	Krise,	Prosen,	Wood, L. H.,
Elder,	Lee, T. H.,	Rank,	Wood, N.,
Ely,	Leisey,	Readinger	Woodring,
Falkenstein,	Leonard,	Reagan,	Wright,
Finestone,	Lesko,	Reese, D. P.,	Yeakel,
Finnerty,	Levy,	Reese, R. E.,	Yester,
Fisher,	Leydic,	Regan,	Young,
Fiss,	Lichtenwalter,	Reynolds,	Kilroy,
Fleming,	Longo,	Rhea,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 78, as follows:

An Act to amend section six of the act approved the twenty-fourth day of June one thousand eight hundred ninety-five (P. L. 212) entitled "An act to establish an immediate court of appeal regulating its constitution officers jurisdiction powers practice and its relation to the Supreme Court and other courts providing for the reports of its decisions the compensation of the judges and other officers and the practice and costs on appeals from its judgments" by making further provision as to the preparation custody and disposition of plates used in the printing of Superior Court Reports

Whereas The involvement of the United States of America in the present crucial world war and the consequent necessity for all out war production on the part of our industries has resulted in shortages of many indispensable metals and

Whereas Any unnecessary or unused metals in the possession of the Commonwealth should be released immediately if necessary for war purposes therefore

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section six of the act approved the twenty-fourth day of June one thousand eight hundred ninety-five (P. L. 212) entitled "An act to establish an intermediate court of appeal regulating its constitution officers jurisdiction powers practice and its relation to the Supreme Court and other courts providing for the reports of its decisions the compensation of the judges and other officers and the practice and costs on appeals from its judgments" is hereby amended to read as follows

Section 6 All the decisions of the said court shall be reported by the State reporter in volumes to be entitled "Pennsylvania Superior Court Reports" and for this service the present reporter and his successors shall be allowed to employ an assistant at a salary of not more than two thousand dollars per year

The said reports shall be printed on first class book paper and bound in good full law sheep in style not inferior to volume one of Harris' Reports and shall be in form and manner of execution similar thereto and shall contain not less than seven hundred pages of printed matter in each volume including an index and title of cases similar to those in said volume which shall be prepared and furnished by said reporter and there shall be printed on the back of said volume the words "Pennsylvania Superior Court Reports" the number of the volume

in the series of said reports and the year of publication

The reporter shall have no pecuniary interest in such reports but the same shall be published under the supervision of the reporter by contract to be entered into by the reporter Secretary of the Commonwealth and Auditor General with the person or persons who in addition to furnishing the State Librarian for library and exchange fifty copies of each volume shall agree to publish and sell the said reports on terms most advantageous to the public and at the lowest price which contract shall be for a term of ten years and shall provide that every volume printed under such contract shall be stereotyped or electrotyped and the plates thereof preserved within the Commonwealth and be delivered to the Secretary of the Commonwealth as the property of the State within [three] five years after the expiration of the contract [and] Upon the receipt of such plates the Secretary of the Commonwealth may in his discretion dispose of them as unserviceable property in the manner provided by law Such contract shall provide that all volumes published under such contract shall be kept by the contractor at some convenient place within this Commonwealth to be designated by the said Secretary for the sale at the contract price to all citizens of the Commonwealth desiring the same during the term of his said contract and for five years thereafter

Before letting any contract as provided by this act the Secretary of the Commonwealth shall give notice of the time and place of awarding the contract by advertising in the newspaper having the greatest circulation in each of the cities of Philadelphia and Pittsburgh once a week for six consecutive weeks immediately preceding the letting of such contract and shall receive sealed proposals or bids and shall award the contract to the lowest bidder who can give the security required by the following clause of this act

The person to whom any contract shall be awarded under this act shall at the time of executing said contract give bond to the Commonwealth with at least three sureties to be approved by the Governor in the sum of twenty thousand dollars conditional for the faithful performance of said contract

It shall not be lawful for the reporter or any other person to secure or obtain any copyright of said reports but the copyright of said reports shall be taken in the name of the Secretary of the Commonwealth

And said bill having been read at length the third time, considered and agreed to,

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—180

Achterman,	Fletcher,	Lovett,	Riley,
Auker,	Flynn,	Lyons,	Rooney,
Baker,	French,	Malloy,	Rose, S.,
Balthaser,	Gallagher,	Marks,	Rosenfeld,
Baugher,	Gates,	Maxwell,	Royer,
Bentzel,	Gerard,	McClanaghan	Rush,
Boney,	Gillan,	McClester	Scanlon,
Boorse,	Goodwin,	McDermott	Schwab,
Bower,	Greenwood,	McDowell	Serrill,
Breth,	Gross,	McFall	Shaffer,
Bretherick,	Gryskewicz,	McGrath	Shaw,
Brown,	Gyger,	McIntosh	Shepard,
Brunner, C. H.,	Habbyshaw,	McKinney	Simons,
Brunner, P. A.,	Haberlen,	McLanahan	Skale,
Burns,	Haines,	McLane,	Snyder,
Burris,	Hall,	McMillen,	Sollenberger,
Cadwalader,	Hamilton,	McSurdy,	Sorg,
Chervenak,	Harris,	Mihm,	Stambaugh,
Chudoff,	Heatherington,	Modell,	Stine,
Cochran,	Helm,	Monks,	Tarr,
Cohen, M. M.,	Hering,	Mooney,	Tate,
Cohen, R. E.,	Herman,	Muir,	Thompson, E. F.,
Cook,	Hersch,	Munley,	Thompson, R. L.,
Cooper,	Hewitt,	Nagel,	Trout,
Cordier,	Hirsch,	Nunemacher,	VanAllsburg,
Corrigan,	Huntley,	O'Brien,	Vincent,
Croop,	Imbrie,	O'Connor,	Vogt,
Cullen,	James,	O'Dare,	Voldow,
Dalrymple,	Jefferson,	O'Mullen,	Wagner,
Dennison,	Jones, P. N.,	O'Neill,	Weingartner,
DiGenova,	Keenan,	Owens,	Weiss,
Dix,	Kenehan,	Petrosky,	Welsh, E. B.,
Dolon,	Kline,	Pettit,	Welsh, M. J.,
D'Ortona,	Knoble,	Polaski,	Williams,
Duffy,	Kolankiewicz,	Polen,	Winner,
Early,	Komorofski,	Powers,	Wolf,
Eckels,	Krise,	Prosen,	Wood, L. H.,
Elder,	Lee, T. H.,	Rank,	Wood, N.,
Ely,	Leisey,	Readinger,	Woodring,
Falkenstein,	Leonard,	Reagan,	Wright,
Finestone,	Lesko,	Reese, D. P.,	Yeakel,
Finnerty,	Levy,	Reese, R. E.,	Yester,
Fisher,	Leydic,	Regan,	Young,
Fiss,	Lichtenwalter,	Reynolds,	Kilroy, Speaker
Fleming,	Longo,	Rhea,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 79, as follows:

An Act to further amend section seven of the act approved the twelfth day of June one thousand eight hundred seventy-eight (P. L. 201) entitled "An act to provide for the publication of the decisions of the supreme court and the appointment of a state reporter" by making further provision relative to the custody and disposition of plates used in the printing of supreme court reports and supreme court advance sheets

Whereas The involvement of the United States of America in the present crucial world war and the consequent necessity for all out war production on the part of our industries has resulted in shortages of many indispensable metals and

Whereas Any unnecessary or unused metals in the possession of the Commonwealth should be released immediately if necessary for war purposes therefore

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section seven of the act approved the twelfth day of June one thousand eight hundred seventy-eight (P. L. 201) entitled "An act to provide for the publication of the decisions of the supreme court and the appointment of a state reporter" as amended by the act approved the fifteenth day of May one thousand nine hundred forty-one (P. L. 40) is hereby further amended to read as follows

Section 7 The reporter shall have no pecuniary interest in such reports but the same shall be published under the supervision of the reporter by contract to be entered into by the reporter secretary of the commonwealth and auditor general with the responsible person or persons who in addition to furnishing the state librarian for library and exchange fifty copies of each volume shall agree to publish and sell the said reports and advance sheets thereof at the lowest price as hereinafter provided in this section which contract shall be for a term of four years from the first day of July one thousand nine hundred and forty-one and thereafter for terms of five years each and shall provide that the said reports and advance sheets shall be printed and published in this commonwealth and that every volume printed under such contract shall be stereotyped or electrotyped and the plates thereof preserved within this Commonwealth and be delivered to the secretary of the commonwealth as the property of the state within [three]

five years after the expiration of the contract [and] Upon the receipt of such plates the secretary of the commonwealth may in his discretion dispose of them as unserviceable property in the manner provided by law Such contract shall further provide that all volumes published under such contract shall be kept by the contractor at his place of business within this commonwealth for sale at a price established by the contractor in conformity with the provisions of this section to all citizens of the commonwealth desiring the same during the term of his said contract and for five years thereafter and shall further provide that the contractor shall currently sell at a price established by him in conformity with the provisions of this section to all citizens of the commonwealth desiring the same advance sheets of such reports to be published weekly with reasonable promptitude after decision completion of the work of the reporter and approval thereof by the justices of the court in accordance with specifications to be prescribed by the reporter secretary of the commonwealth and auditor general conforming as nearly as may be to the typographical form of the reports Each bidder for the said contract shall designate the price at which he will under the conditions specified in this section sell and deliver prepaid anywhere within the commonwealth to any citizen thereof each volume of said reports including the advance sheets thereof and upon award of the contract as hereinbefore provided the contractor shall be entitled to charge for each volume (without advance sheets) a price not exceeding eighty per cent and for the advance sheets thereof (without the volume) a price not exceeding forty per cent of the amount so bid by him

And said bill having been read at length the third time, considered and agreed to,

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—180

Achterman,	Fletcher,	Lovett,	Riley,
Auker,	Flynn,	Lyons,	Rooney,
Baker,	French,	Malloy,	Rose, S.,
Balthaser,	Gallagher,	Marks,	Rosenfeld,
Baugher,	Gates,	Maxwell,	Royer,
Bentzel,	Gerard,	McClanaghan,	Rush,
Boney,	Gillan,	McClester,	Scanlon,
Boorse,	Goodwin,	McDermott,	Schwab,
Bower,	Greenwood,	McDowell,	Serrill,
Breth,	Gross,	McFall,	Shaffer,
Bretherick,	Gryskewicz,	McGrath,	Shaw,
Brown,	Gyger,	McIntosh,	Shepard,
Brunner, C. H.,	Habbyshaw,	McKinney,	Simons,
Brunner, P. A.,	Haberlen,	McLanahan,	Skale,
Burns,	Haines,	McLane,	Snyder,
Burris,	Hall,	McMillen,	Sollenberger,
Cadwalader,	Hamilton,	McSurdy,	Sorg,
Chervenak,	Harris,	Mihm,	Stambaugh,
Chudoff,	Heatherington,	Modell,	Stine,
Cochran,	Helm,	Monks,	Tarr,
Cohen, M. M.,	Hering,	Mooney,	Tate,
Cohen, R. E.,	Herman,	Muir,	Thompson, E. F.,
Cook,	Hersch,	Munley,	Thompson, R. L.,
Cooper,	Hewitt,	Nagel,	Trout,
Cordier,	Hirsch,	Nunemacher,	Van Allsburg,
Corrigan,	Huntley,	O'Brien,	Vincent,
Croop,	Imbrie,	O'Connor,	Vogt,
Cullen,	James,	O'Dare,	Voldow,
Dalrymple,	Jefferson,	O'Mullen,	Wagner,
Dennison,	Jones, P. N.,	O'Neill,	Weingartner,
DiGenova,	Keenan,	Owens,	Weiss,
Dix,	Kenehan,	Petrosky,	Welsh, E. B.,
Dolon,	Kline,	Pettit,	Welsh, M. J.,
D'Ortona,	Knoble,	Polaski,	Williams,
Duffy,	Kolankiewicz,	Polen,	Winner,
Early,	Komorofski,	Powers,	Wolf,
Eckels,	Krise,	Prosen,	Wood, L. H.,
Elder,	Lee, T. H.,	Rank,	Wood, N.,
Ely,	Leisey,	Readinger,	Woodring,
Falkenstein,	Leonard,	Reagan,	Wright,
Finestone,	Lesko,	Reese, D. P.,	Yeakel,
Finnerty,	Levy,	Reese, R. E.,	Yester,
Fisher,	Leydic,	Regan,	Young,
Fiss,	Lichtenwalter,	Reynolds,	Kilroy,
Fleming,	Longo,	Rhea,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 56, as follows:

An Act authorizing the Secretary of Revenue of the Commonwealth of Pennsylvania with approval of the Secretary of Highways and during a certain limited period of time to adopt rules and regulations relative to the use of the highways by motor vehicles tractors trailers or other equipment which cannot be fitted with rubber tires or treads because of the shortage of rubber and providing for the suspension of certain inconsistent legislation

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The Secretary of Revenue of the Commonwealth of Pennsylvania with approval of the Secretary of Highways is hereby authorized to adopt suitable rules and regulations prescribing the type of wheels or treads which may be used on motor vehicles tractors trailers or other equipment traveling over the highways of the Commonwealth when rubber tires or treads for such vehicles have become unavailable because of rubber shortages occasioned by the present war

Section 2 The Secretary of Revenue is hereby authorized to suspend any provisions of the act approved the first day of May one thousand nine hundred twenty-nine (P. L. 905) and the act approved the first day of May one thousand nine hundred twenty-nine (P. L. 1005) or any other act and parts of acts in so far as they are inconsistent with the rules and regulations adopted under the authority of this act

Section 3 The provisions of this act shall become effective immediately upon final enactment and shall continue in operation until the first day of March one thousand nine hundred forty-three

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—180

Achterman,	Fletcher,	Lovett,	Riley,
Auker,	Flynn,	Lyons,	Rooney,
Baker,	French,	Malloy,	Rose, S.,
Balthaser,	Gallagher,	Marks,	Rosenfeld,
Baugher,	Gates,	Maxwell,	Royer,
Bentzel,	Gerard,	McClanaghan	Rush,
Boney,	Gillan,	McClester,	Scanlon,
Boorse,	Goodwin,	McDermott,	Schwab,
Bower,	Greenwood,	McDowell,	Serrill,
Breth,	Gross,	McFall,	Shaffer,
Bretherick,	Gryskewicz,	McGrath,	Shaw,
Brown,	Gyger,	McIntosh	Shepard,
Brunner, C. H.,	Habbyshaw,	McKinney,	Simons,
Brunner, P. A.,	Haberlen,	McLanahan,	Skale,
Burns,	Haines,	McLane,	Snyder,
Burris,	Hall,	McMillen,	Sollenberger,
Cadwalader,	Hamilton,	McSurdy,	Sorg,
Chervenak,	Harris,	Mihm,	Stambaugh,
Chudoff,	Heatherington,	Modell,	Stine,

Cochran,	Helm,	Monks,	Tarr,
Cohen, M. M.,	Hering,	Mooney,	Tate,
Cohen, R. E.,	Herman,	Muir,	Thompson, E. F.,
Cook,	Hersch,	Munley,	Thompson, R. L.,
Cooper,	Hewitt,	Nagel,	Trout,
Cordier,	Hirsch,	Nunemacher,	VanAllsburg,
Corrigan,	Huntley,	O'Brien,	Vincent,
Croop,	Imbrie,	O'Connor,	Vogt,
Cullen,	James,	O'Dare,	Voldow,
Dalrymple,	Jefferson,	O'Mullen,	Wagner,
Dennison,	Jones, P. N.,	O'Neill,	Weingartner,
DiGenova,	Keenan,	Owens,	Weiss,
Dix,	Kenehan,	Petrosky,	Welsh, E. B.,
Dolon,	Kline,	Pettit,	Welsh, M. J.,
D'Ortona,	Knoble,	Polaski,	Williams,
Duffy,	Kolankiewicz,	Polen,	Winner,
Early,	Komorofski,	Powers,	Wolf,
Eckels,	Krise,	Prosen,	Wood, L. H.,
Elder,	Lee, T. H.,	Rank,	Wood, N.,
Ely,	Leisey,	Readinger,	Woodring,
Falkenstein,	Leonard,	Reagan,	Wright,
Finestone,	Lesko,	Reese, D. P.,	Yeakel,
Finnerty,	Levy,	Reese, R. E.,	Yester,
Fisher,	Leydic,	Regan,	Young,
Fiss,	Lichtenwalter,	Reynolds,	Kilroy,
Fleming,	Longo,	Rhea,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 75, as follows:

An Act authorizing the President of the Pennsylvania Game Commission with the unanimous approval of the commission and for a certain limited period of time to lease lands to political subdivisions or to Federal agencies for use as aviation landing fields conferring certain powers upon political subdivisions relative to the acceptance and development of such lands and suspending certain inconsistent legislation

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The President of the Pennsylvania Game Commission with the unanimous approval of the commission is hereby authorized during the continuation of the present war and for one year thereafter to lease either with or without the reservation of rent any portion of the state game lands now owned or hereafter required by the commission to any county city borough town or township of the Commonwealth or to any agency of the Federal Government for use as aviation landing fields if it is ascertained that the needs of National Defense require that such fields be made available Any lease made under the authority of this act shall provide that it may be terminated upon six months' notice from the Executive Director of the Game Commission or on the date this act become inoperative Any such lease shall also provide that the property involved may be used only for an aviation landing field to be devoted to the needs of National Defense.

Section 2 The governing body of any county city borough town or township not heretofore specifically granted such power by act of Assembly is hereby authorized to acquire by lease from the President of the Pennsylvania Game Commission under the provisions of this act the use of lands to be developed and maintained as aviation landing fields to appropriate such funds as may be necessary in connection therewith and to perform any other act or acts necessary and proper in order to facilitate the furnishing of aviation landing facilities on such lands for the purposes of National Defense

Section 3 The provisions of this act shall become effective immediately upon final enactment and shall remain operative during the continuation of the present war and for one year thereafter

All acts and parts of acts inconsistent with the provisions of this act are hereby suspended during the period it remains in operation

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—180

Achterman,	Fletcher,	Lovett,	Riley,
Auker,	Flynn,	Lyons,	Rooney,
Baker,	French,	Malloy,	Rose, S.,
Balthaser,	Gallagher,	Marks,	Rosenfeld,
Baugher,	Gates,	Maxwell,	Royer,
Bentzel,	Gerard,	McClanaghan,	Rush,
Boney,	Gillan,	McChester,	Scanlon,
Boorse,	Goodwin,	McDermott,	Schwab,
Bower,	Greenwood,	McDowell,	Serrill,
Breth,	Gross,	McFall,	Shaffer,
Bretherick,	Gryskewicz,	McGrath,	Shaw,
Brown,	Gyger,	McIntosh,	Shepard,
Brunner, C. H.,	Habbyshaw,	McKinney,	Simons,
Brunner, P. A.,	Haberlen,	McLanahan,	Skale,
Burns,	Haines,	McLane,	Snyder,
Burris,	Hall,	McMillen,	Sollenberger,
Cadwalader,	Hamilton,	McSurdy,	Sorg,
Chervenak,	Harris,	Mihm,	Stambaugh,
Chudoff,	Heatherington,	Modell,	Stine,
Cochran,	Helm,	Monks,	Tarr,
Cohen, M. M.,	Hering,	Mooney,	Tate,
Cohen, R. E.,	Herman,	Muir,	Thompson, E. F.,
Cook,	Hersch,	Munley,	Thompson, R. L.,
Cooper,	Hewitt,	Nagel,	Trout,
Cordier,	Hirsch,	Nunemacher,	VanAllsburg,
Corrigan,	Huntley,	O'Brien,	Vincent,
Croop,	Imbrie,	O'Connor,	Vogt,
Cullen,	James,	O'Dare,	Voldow,
Dalrymple,	Jefferson,	O'Mullen,	Wagner,
Dennison,	Jones, P. N.,	O'Neill,	Weingartner,
DiGenova,	Keenan,	Owens,	Weiss,
Dix,	Kenehan,	Petrosky,	Welsh, E. B.,
Dolon,	Kline,	Pettit,	Welsh, M. J.,
D'Ortona,	Knoble,	Polaski,	Williams,
Duffy,	Kolankiewicz,	Polen,	Winner,
Early,	Komorofski,	Powers,	Wolf,
Eckels,	Krise,	Prosen,	Wood, L. H.,
Elder,	Lee, T. H.,	Rank,	Wood, N.,
Ely,	Leisey,	Readinger,	Woodring,
Falkenstein,	Leonard,	Reagan,	Wright,
Finestone,	Lesko,	Reese, D. P.,	Yeakel,
Finnerty,	Levy,	Reese, R. E.,	Yester,
Fisher,	Leydic,	Regan,	Young,
Fiss,	Lichtenwalter,	Reynolds,	Kilroy,
Fleming,	Longo,	Rhea,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

RECESS

The SPEAKER. If there is no objection the Chair will declare a recess until 4 p. m. Is there objection? The Chair hears none and a recess is declared.

AFTER RECESS

The House reconvened at 4 p. m.

The SPEAKER (Elmer Kilroy) in the Chair.

BILLS INTRODUCED AND REFERRED

By Messrs. HEATHERINGTON and HARE.

HOUSE BILL No. 103.

An Act providing that, for a certain limited period of time, registration plates shall not be issued to or required for certain vehicles and equipment owned by political subdivisions, volunteer fire departments, and the Pennsylvania Motor Police, and used exclusively in fire or police work; and requiring that such vehicles and equipment, operating without registration plates, shall be satisfactorily identified.

Referred to the Select Committee on Special Session Legislation.

By Mr. ECKELS. HOUSE BILL No. 104.

An Act to authorize counties, cities, boroughs, incorporated towns, townships, school districts, poor districts, and county institution districts to file tax and municipal claims not filed within the time specified by law, and to file suggestions of nonpayment and averments of default, or to sue out writs of scire facias on certain tax or municipal claims, and to revive judgments where the liens of such claims or the judgments thereon have been lost; and providing for the reinstatement of the liens of such claims and judgments.

Referred to the Select Committee on Special Session Legislation.

RESOLUTION INTRODUCED AND REFERRED

By Mr. BRETHERICK. RESOLUTION No. 41.

In the House of Representatives, March 31, 1942.

Whereas, The need for transportation, by reason of present war conditions, has become an acute problem; and

Whereas, Anything which tends to deprive operators of their driving privileges may seriously interfere with and hamper the present war effort; and

Whereas, The Department of Revenue has suspended operators' licenses of commercial drivers for violations of our speed laws to the detriment of the Nation in these crucial times; now therefore be it

Resolved, By the House of Representatives of the Commonwealth of Pennsylvania, That the policy of suspending commercial operators' licenses should be abandoned for the duration of the war in all cases where a commercial vehicle operator has been found guilty for the first time of violating the speed laws of this Commonwealth; and be it further

Resolved, That the Secretary of Revenue of the Commonwealth of Pennsylvania be furnished with a copy of this resolution.

Referred to the Select Committee on Special Session Legislation.

SENATE MESSAGES

TIME OF NEXT MEETING

The Clerk of the Senate being introduced presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, March 31, 1942.

Resolved, (if the House of Representatives concur), That when the Senate adjourns this week, it reconvene on Monday, April 6, 1942, at four o'clock p. m., and when the House of Representatives adjourns this week, it reconvene on Monday, April 6, 1942, at nine o'clock p. m.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

On the question,

Will the House concur in the resolution of the Senate?

It was unanimously concurred in.

Ordered, That the Clerk inform the Senate accordingly.

AMENDED RESOLUTION RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced returned resolution from the House of Representatives as follows:

In the House of Representatives, March 30, 1942.

Resolved, (if the Senate concur), That the State Treasurer be and hereby is authorized to pay upon warrant of the Auditor General to each employe of the Senate and House of Representatives, the salary or per diem compensation to which they are entitled under law for an Extraordinary Session of the General Assembly by virtue of the provisions of the Acts of Assembly under which they are elected or appointed; this resolution to be effective until a supplement to the General Appropriation Law, approved March 11, 1942, Act No. 2, entitled "An act to provide for the expenses of the extraordinary session of the Legislature assembled February seventeenth, one thousand nine hundred forty-two, in pursuance of the proclamation of the Governor of the Commonwealth, dated February tenth, one thousand nine hundred forty-two, and the supplement thereto." providing for additional appropriations for the payment of the salaries of the employes of the Senate and the House of Representatives for the extraordinary session of 1942, is enacted into law.

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The amendments were read by the Clerk as follows:

Amend line 3, by striking out after the word "each" the word "employe" and inserting in lieu thereof the word "member"; also in same line, by inserting after the word "Representatives", the following "the mileage to which they are entitled, and to each employe thereof"; also in line 15, by inserting after the word "the" and before the word "salaries" the words "mileage of the members and the".

On the question,

Will the House concur in the amendments made by the Senate?

Mr. ACHTERMAN. Mr. Speaker, I move that the House do concur in the amendments made by the Senate.

The motion was agreed to.

Ordered, That the Clerk inform the Senate accordingly.

PERMISSION TO ADDRESS HOUSE

Mr. WOODRING asked and obtained unanimous consent to address the House.

Mr. Speaker, last evening my colleague, Mr. McFall, announced the tragic accident which occurred at Sandts Eddy, Northampton County, on the morning of Thursday, March 26. Mr. McFall graphically described the horror and the carnage which attended the explosion of twenty-one tons of dynamite at the quarry of the Lehigh Portland Cement Co. He told of the shocking death of thirty-one men engaged in defense work and of the public's disregard

of civilian defense instructions with the resultant blocking of the highways against the orderly movement of fire fighting equipment, ambulances, and other vehicles for relief of the stricken.

I join with my colleague in paying tribute to the thirty-one men who lost their lives in this terrific explosion. I extend my deepest sympathy to the families and friends of these departed workers. The loss and grief which this accident occasioned can never be mitigated nor lessened. We as legislators of the Commonwealth of Pennsylvania can and should do our utmost to prevent a recurrence of such a tragic explosion. We cannot conduct an orderly investigation and study of the laws and regulations pertaining to the transportation, storage, handling and use of explosives. We can and should inquire whether or not it is reasonable to collect twenty-one tons of dynamite at one place? We should ask the Secretary of Labor and Industry, and the Chairman of the Division of Mines and Quarries what regulations that Department has adopted and what further limitations should be imposed upon the handling of high explosives. Unless we take this simple action, we are condoning the brutal death meted out to thirty-one of our citizens and the harrowing shock to a schoolhouse-full of children, all of whom might have perished.

I am reliably informed by a member of the Safety Division of the Federal Government that until twenty years ago dynamite cases were opened with wooden chisels and wooden mallets; further, employes engaged in handling dynamite were not permitted to carry any metal upon their person nor even to wear clothing with metal fasteners. These regulations of course were designed to prevent the creation of sparks in and about the premises where dynamite was being handled. Sparks, incidentally are the detonating force and the cause of the explosions. Today speed and carelessness have given way to these reasonable precautions with the result that explosions occur with much greater frequency and with the needless death of men beloved in their homes and necessary in the man power of our nation.

For the protection of our citizens, my colleague, Mr. Longo and I therefore submit the following resolution and ask unanimous consent that it be read for the information of the House.

RESOLUTION

COMMITTEE TO INVESTIGATE SANDTS EDDY EXPLOSION

Messrs. WOODRING and LONGO offered a resolution and asked and obtained unanimous consent that it be read for the information of the House.

The resolution was read by the Clerk as follows:

In the House of Representatives, March 31, 1942.

Whereas, The residents of the County of Northampton on March 26, 1942, experienced a horrible tragedy, resulting from a dynamite explosion in Sandts Eddy in that county, causing the death of 31 persons; and

Whereas, The explosion was heard and its force felt for a distance of approximately 72 miles, in which radius a schoolhouse was wrecked, and thousands of windows broken; and

Whereas, The operation of quarries is a major industry in the County of Northampton, and the continued use of explosives and dynamite is apparently important to the continued operation of said industries; and

Whereas, This House in noting with sorrow the tragic death of these men and the untold suffering occasioned to their families cannot and will not permit this disastrous incident to pass without exerting every effort to prevent and forestall a recurrence thereof, with its horrible consequence of loss of life, destruction of property, and constant threat to the safety and tranquility of persons employed in this industry; and

Whereas, For the future protection of these men and their families and for the well being and protection of all the residents of the County of Northampton and of the Commonwealth. legislation may be necessary to prevent other incidents of a similar nature; therefore be it

Resolved, That the Speaker of this House, appoint a committee of nine members, whose duty it shall be to make a careful and thorough study of the laws of the Commonwealth and all regulations thereunder relating to the transportation, storage, handling and use of all types of explosives; and be it further

Resolved, That said committee shall have power to hold public hearings in order to become acquainted with the practices and usages in the matter of explosives in its investigation of this and other explosions, and after due consideration to make its report, together with recommendations to this House, the Secretary of Labor and Industry and to the Chief of the Division of Mines and Quarries.

The SPEAKER. The resolution lies over for printing under the Rules.

SENATE MESSAGES

ADJOURNMENT SINE DIE

The Clerk of the Senate being introduced presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, March 31, 1942.

Resolved, (if the House of Representatives concur), That this special session of the General Assembly adjourn sine die on Tuesday, April 7, 1942, at twelve o'clock noon, Eastern War Time.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

Referred to the Committee on Rules.

RESOLUTION CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives, as follows:

In the House of Representatives, March 25, 1942.

Whereas, The 11th day of October, this year, will mark the 163rd anniversary of the death of Brigadier-General Casimir Pulaski, from wounds received at the siege of Savannah, Georgia; and

Whereas, In recognition of the heroic deeds of General Pulaski during that great war for independence, most of the states of the Nation have, by legislative enactment, designated October 11th of each year as "General Pulaski" memorial day; and

Whereas, This year particularly the Valley Forge Cathedral will dedicate a day in honor of the memory of General Pulaski; and

Whereas, It is fitting that the recurring anniversary of this day be commemorated with suitable patriotic and public exercises in observing and commemorating the heroic death of this great American hero of the Revolutionary War; therefore be it

Resolved (if the Senate concur), That the General Assembly of the Commonwealth of Pennsylvania hereby requests the Governor of the Commonwealth, by virtue of the authority vested in him, to issue a proclamation designating October 11th, 1942 as "General Pulaski Memorial Day," so the memory of this great man may be appropriately honored.

PERMISSION TO ADDRESS HOUSE

Mr. PRESLEY N. JONES asked and obtained unanimous consent to address the House.

Mr. Speaker and Gentlemen of the House, last evening we heard the statement of the gentleman from Delaware, Mr. Turner, in which he called for increases in salaries for General State Employes in the lower brackets. This was really quite amusing for it comes from the Republican Minority Floor Leader just 4½ months after the Governor was asked to do the very same thing.

It was on November 17, 1941, that I directed a letter to the Governor requesting that he include in his call for a special session, should there be one, provisions necessary to provide for increases in salaries, commensurate to the increased cost of living. This letter was acknowledged by one of his secretaries, Mr. Leroy Greene, on November 18, 1941. Immediately upon its release to the press, Senator Harvey Taylor also aired himself by calling for the same provisions. However, the request that I made of the dear Governor has gone into a state of coma.

But, it's about time, in fact it's very propitious that the Governor take cognizance of the fact that this is total war. It is no fan dance and the morale, well being and health of the citizens at home is as necessary as the supply lines to the boys at the front.

True, the Governor has the power within the Administrative Code to increase certain salaries but he hasn't made the step forward as yet. And if he does take this step, it will be only after this special session has adjourned sine die and at that time I forecast that he will call in the press and, with great fanfare and publicity, will exclaim, "I, Little Arthur, am going to take care of our good people of the Commonwealth." But in doing so, he must remember that he will have to retract his ridiculous statement of a short while ago, in which he said "living costs have not increased since 1937." How utterly assinine. Yet, back in the session of 1941, after he had vetoed the Liquor Store Clerks' pay raise bill, he suddenly found cause to increase the salary of his Secretary, Mr. Paul Pedigo, from $7,500 to $9,000 annually. Boy, some catastrophe must have befallen secretarial duties to merit such an increase, and while we're at it, let's compare the secretary's former pay of $7,500 and his new pay of $9,000:

17 States pay their Governors more than $7,500.
10 States pay their Governors an even $7,500.
21 States pay their Governors less than $7,500.

On the $9,000 basis:

14 States pay their Governors more than $9,000.
0 States pay their Governor an even $9,000.
34 States pay their Governor less than $9,000.

If the Governor could find cause to increase Mr. Pedigo's salary last May when living cost increases were not so evident, then he can find an even greater necessity to increase the lowly paid workers now. The efficiency of the State's system is being sorely crippled. Just recently 13 employes left the Banking Department, walked four blocks and obtained new jobs at a splendid increase in salary. Many have left other departments and particular emphasis should be laid on the Bureau of Vital Statistics. Many green hands were hired there recently in order to cover up the lousy efficiency while the special session was on. Living conditions are high in Harrisburg and with very little effort, you will find many employes packed in apartments like sardines, living in sordid conditions, in order to maintain their self-respect and decency here, while trying to send the old folks at home a wee bit of sustenance. Sure, I introduced a bill in this session, No. 14, attempting to force the Governor's hand. But little Arthur, who seems to aspire to be little Caesar, has as yet to move. How nice it must be to fiddle while Rome burns. The real workers in this Capitol are not being paid what they so justly deserve. They want to buy Defense Stamps, the same as you and I, but they can't afford it. They are as patriotic as you and I, and desire to aid in ending this war as quickly as possible.

Let me quote from the State Government Magazine of April, 1942, as stated by the Council of State Government:

> "The rapidly rising spiral of living costs has called for the consideration of possible upward revision of salaries for state employes by the legislatures of a number of the States which are meeting in regular session this year. Massachusetts has temporarily increased the salaries of certain of the officers and employes in the service of the Commonwealth, to be effective as of February 1, 1942. In Maine, bills have been introduced which would raise the salaries of county officials, police, and the Attorney General, due to the increased work necessitated by the present war emergency. In New York State, increases in salaries for the state police have been proposed in one Assembly Bill, while a second bill provides for adjustments in the salaries of state civil service employes. This latter bill would automatically increase salaries by 10% for every 15% increase in living costs. A bill is also pending in Virginia which would provide for a temporary addition to the regular cash compensation of all state officers and employes. Research concerning the increased cost of living on a nation-wide basis is being carried on at the present time by the United States Bureau of Labor Statistics and by the National Industrial Conference Board. The national index at which these agencies arrive is based of course on an average of figures taken in all of the large cities of the nation. Indicative of the rapidity with which the index shifts is the fact that the Bureau of Labor Statistics now publishes its report monthly, rather than quarterly."

The Commonwealth has a healthy surplus as does the Commonwealth of Virginia and here is what that good state is doing for the duration only: 10% increase of first $1,000 and 5% of the next $1,000 and any part thereof. Total not to exceed $2400 yearly. Estimated increases $3,600,000 for next two years to come out of State's $12,000,000 surplus for 1941.

New Jersey and New York now have under consideration increases for all.

In Michigan and Rhode Island, the pay levels have been revised upwards by State Civil Service Commission.

Massachusetts—permanent increase of $150.00 yearly on salaries up to $1500 and $100 yearly increases on salaries from $1500 to $2500. And this includes county employes also.

Maine—increase of 10% of weekly salaries not to exceed $30.00 for the duration.

But where, Oh where is Pennsylvania? Still playing politics in this administration and as the gentleman from Allegheny Mr. Moran so nobly put it last night, somebody is up for re-election.

In the words of our President, stated two years ago, we have rendezvous with Destiny. Let's keep that rendezvous even though the dear Governor dilly dallied on the purchase of metal for license plates and now wants his property and supplies to buy tin, so sorely lacking for Hunter's licenses.

Even though he wants $95,000 expended to beguile the tourist trade when tires and gas are rationed and the railroad coordinator, Mr. Eastman, requested a cessation of train travel when not necessary.

We must keep that rendezvous and bring home the fruits of victory. We must put more sweat into the mortar, if our democratic principle and structures are to withstand the mongrels of Hitler and Hirohito and the elements of the future. It's time for the Governor to move and help create a healthy morale and a healthy body for our workers.

If it were within my power, I'd demand a decent living wage for the people, but, to the Governor, I can only insist, and I do insist most vehemently.

PERMISSION TO ADDRESS HOUSE

Mr. TURNER asked and obtained unanimous consent to address the House.

Mr. Speaker, last evening I made a short address to the House on a subject on which I have been thinking for some time and on which I have been endeavoring to gather statistics but have not been as successful as I thought I would be. It was a very serious attempt to call to the attention of the House the problem which I thought ought to be called not only to the attention of the House but to the officials of the State generally. It must have been prety good; the boys are jumping on the train just as fast as they can jump on.

PERMISSION TO ADDRESS HOUSE

Mr. DIX asked and obtained unanimous consent to address the House.

Mr. Speaker, last night I intended to say a few words with reference to taxes and salaries and so forth, but it was getting so late that I felt if I started out to say anything there would be a war of words and we would be here until midnight. But now I assure you I am not going to talk any longer than Mr. Jones or some of the former speakers.

The gentleman from Delaware says that he just noticed the boys were all jumping on the train. Mr. Speaker, I want to say that here is one who is not jumping on the train. About all I have heard of during this session is grabbing for something, grabbing for something that will take money out of the taxpayers' pocket, and I for one believe that the taxpayer should have more representation in the Hall of the House of Representatives.

We talk about giving the teachers more pay. Here is one group, Mr. Speaker, that is entitled to more pay, and if I recall correctly,—and I am not blowing any political bugles either,—if I recall correctly, I presented a bill here to pay the teachers One Hundred Dollars increment for two years which would bring the salary up to One Thousand Two Hundred Dollars a year. What did my Democratic friends do in the Polen and Pettit bill? According to the Democratic leadership that was too much money for the teachers; they cut it down fifty percent. In other words all the increment they allowed was Fifty Dollars for the coming year and another Fifty Dollars for the second year.

Now, that doesn't show a very good spirit of paying more money and a willingness to give the teachers more salary.

What I have to say, Mr. Speaker, is more in regard to what I would call the forgotten groups of Pennsylvania. Who are the forgotten groups of Pennsylvania? Certainly not the state employes; they were given a five per cent increase a short time ago. I think they are entitled to another five per cent increase. On the other hand, what about the forgotten groups?

Go into any small town, on Main street and go up and down Main street, and what will you find? You will find stenographers, you will find sales clerks, you will find sales people, you will find mechanics in small industries, you will find various classes of people who are earning only from five hundred to a thousand dollars a year, the great majority of them under a thousand dollars. And believe me, those people are just tickled to death to come down to Harrisburg and get a thousand dollars a year. I know it because I have had some of them come to me and to ask me to help them to get down here, and when anybody is so anxious to get down to Harrisburg for a thousand dollars a year or eleven hundred or twelve hundred dollars, why is it that we should raise their salaries and forget about the forgotten groups in our own towns?

I have a relative living in the northeastern section of Pennsylvania who just lost a very valuable girl, an employe that he had three and a half years. He was paying this girl all he could afford to pay her, yet she comes down here to Harrisburg and gets about twenty-five or thirty percent increase in salary and he has lost a valuable employe.

He tells me this is going on all over the State, that everybody is anxious to go to Washington or to Harrisburg, and I can't see any reason, when there is such a great demand to go to the state capital or to go to Washington—I can't see any reason for helping the people on Capitol Hill and forgetting the taxpayers, the forgotten group on Main street in the villages and towns.

I have noticed that big business is getting theirs and that big labor is getting theirs. I mean big organized business and big organized labor; they are getting what

they ask for, they are getting plenty of profits and they are getting plenty of wages, but I want to tell you that little business and little labor is not getting a square deal in the state of Pennsylvania; little business and little labor are getting it in the neck.

In addition to that, they have to pay the taxes, they have to support the churches, they have to support the local organizations and they are called on for all kinds of contributions, while these people who go to Harrisburg or Washington escape all these extras that the local people are called upon to pay.

I believe that we should show more concern for the taxpayers, more concern for the forgotten group on Main street, the forgotten groups on our farms, and not worry our heads off about what is going on on Capitol Hill.

We come here and shed crocodile tears over ten thousand people and we forget that there are a million people in the State of Pennsylvania that are getting less than a thousand dollars a year. It is high time that we think in terms of the million people and not of the thousand. I propose if there is time, to present a resolution and have a committee appointed that will make a study of the low income groups in Pennsylvania that can be presented to the next session of the Legislature.

PERMISSION TO ADDRESS HOUSE

Mr. STAMBAUGH asked and obtained unanimous consent to address the House.

Mr. Speaker, I hesitate after the barrage that we have heard concerning salaries to bring up the subject that I wish to mention, but in order to get back to normal and have every one feeling that we are really going some place, I shall at this time endeavor to get off my chest what I have to say.

Today I had the extreme satisfaction of having had passed in this House a bill on third reading, the so-called wooden tire bill, so dubbed by a member of the Press. I thought it was so fitting when it was mentioned in the paper that I accepted it as very complimentary, especially as I come from the county of Perry, where we have long been known as "hoop hole Perry" another wooden product. So I, with the tip concerning the wooden tire, which is not what the bill really meant at all—and it might be one of them—I went to my local planing mill and had them reproduce a tire in facsimile. I have that tire here now. It is just a nice little gadget made from gum wood, a native Perry County stock, and it will stand a lot of punishment.

Mr. Speaker, in recognition of the fact that I was one of the very few Republicans who was able to get a bill out on the floor of the House during this Special Session, I want to present to you, this little gadget that I have had made.

The SPEAKER. The Chair thanks the gentleman from Perry, and requests the gentleman to ask the planing mill to make three more, so that we can then go places together. The Chair appreciates it very much.

QUESTION OF PARLIAMENTARY INQUIRY

Mr. COOPER. Mr. Speaker, I rise to a question of parliamentary inquiry.

The SPEAKER. The gentleman from Allegheny will state his question of parliamentary inquiry.

Mr. COOPER. Since the Speaker has now gotten a tire there seems to be some confusion in the minds of the Members of both sides of the House as to the exact date of the Speaker's picnic.

The SPEAKER. Tomorrow will be the day, April first.

PERMISSION TO ADDRESS HOUSE

Mr. LEONARD asked and obtained unanimous consent to address the House.

Mr. Speaker, I am not getting on the train as referred to by Mr. Turner from Delaware, but I am forced to say a few words on a subject that was discussed here last night and today, due to the remarks of Mr. Turner, with which I am in accord one hundred percent.

One of the recent speakers this afternoon made reference to big business and labor getting theirs. I agree that big business has been getting its share of all the good things, due to what? Due to one hundred percent organization, which is what made big business big business. A lot of complaint is going around about the closed shop and the dues that members of labor organizations have to pay. None of them can compare with big business and its organization, and it is one hundred percent closed shop. When you talk about a closed shop, big business has that closed shop.

The working people of America woke up in 1932 and elected an administration of the affairs of this great country of ours that gave proper consideration to the people who labored, such as big business had enjoyed prior to that administration, and labor is gradually taking advantage of its privileges in accordance with the Bill of Rights, and labor organizations are gradually bringing in the wages that labor is rightfully entitled to receive.

To the little businessman and to the small worker, referred to, I say they too can do the same thing big business has done and which labor is now struggling so hard to do, with all the opposition that it is having to overcome.

I am not jumping on the train as Mr. Turner said, for the simple reason that I demonstrated my position in the regular session when I introduced a bill here, and this House, Democrats and Republicans alike, saw eye to eye with me and passed the bill to raise the wages of the liquor store employes, which do not come from taxes but from profits that the state makes on selling liquor. If there was anybody in the state entitled to financial consideration in wages it was that group, as I outlined and as the record shows at the time the bill was passed. The bill went over to the Senate and was passed there but the Governor saw fit to veto it. He since has made some effort to justify his position by giving them a raise.

It is to me, Mr. Speaker, quite embarrassing as a member of the legislature of this great State of Pennsylvania that we should permit our people to manage and run such a business and all the work that is connected therewith on such measly wages. The State of Pennsylvania, or in fact any municipal government, should lead the way as a guide to the employer, and you would not then have so many strikes and so much confusion if the state itself or the cities or the counties should take the lead. What

difference does it make whether I am working in a steel mill or whether I am pushing a pencil here for the State of Pennsylvania? I have to live the same as the fellow who is making big wages. I believe in the principles of our democracy. Why shouldn't I receive a fair wage for the work I perform, regardless of the work that I am doing? That is the way I always look at this question. The last one who should pay low wages is this great state, and I hope and trust that by the time the next legislature meets a year hence they will give this matter proper consideration and pay the employes of this state the wages they are entitled to, somewhat in measurement with the salaries that are being paid to some of the executive officers of our state.

SENATE MESSAGE

SENATE BILLS FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence, bills numbered and entitled as follows:

SENATE BILL No. 60. (HOUSE BILL No. 105).

An Act to modify existing law of the Commonwealth regulating the operation of motor driven vehicles which limit the gross weight or length of such vehicles as are permitted to be operated upon the highways of the Commonwealth by authorizing the Secretary of the Department of Highways to issue permits for the use of over weight and over length vehicles in certain cases.

Referred to the Select Committee on Special Session Legislation.

SENATE BILL No. 72. (HOUSE BILL No. 106).

An Act to further amend section nine of the act approved the thirty-first day of May one thousand nine hundred and thirty-three (P. L. 1108) entitled "An act providing for the appointment promotion reduction removal and reinstatement of paid officers firemen and employes of fire departments and of fire alarm operators and fire box inspectors in the bureaus of electricity in cities of the second and third class defining the powers and duties of civil service commissions for such purposes and fixing penalties" by permitting applications to be made for such positions by persons forty-five years of age or under.

Referred to the Select Committee on Special Session Legislation.

REPORT FROM SLATE COMMITTEE

Mr. LOVETT offered a resolution and asked and obtained unanimous consent for its immediate consideration.

The resolution was twice read, considered and adopted as follows:

In the House of Representatives, March 31, 1942.

Resolved, that Joseph Boerio, R. D. 1, Latrobe, Pa., be appointed Custodian of the Committee Rooms in place of Charles J. Jim, resigned, and Cornelius Hays, Spokane Avenue, Pittsburgh as Clerk to Committee vice John Killeen, Pittsburgh, effective as of today.

ANNOUNCEMENT

The hearing between the Sanitary Water Board Members and the Stream Pollution Committee will be continued tomorrow (April 1) at 9:30 a. m. in the New House Caucus Room. Committee members are asked to be present.

PERMISSION TO ADDRESS HOUSE

Mr. DIX asked and obtained unanimous consent to address the House.

Mr. Speaker, I would like to clarify my statement, inasmuch as some people might be under the impression that I am opposed to big business or big labor. I wish to say this, I am not opposed to big business, neither am I opposed to big labor, but I have observed in the Hall of the House that there is no voice for little business or little labor.

ADJOURNMENT

Mr. DAVID P. REESE. Mr. Speaker, I move that this House do now adjourn until Wednesday, April 1, 1942, at 11 a. m.

The motion was agreed to, and (at 4:52 p. m.) the House adjourned.

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal.

Extraordinary Session of 1942.

Vol. 26. • HARRISBURG, PA., WEDNESDAY, APRIL 1, 1942. No. 21,

SENATE

WEDNESDAY, April 1, 1942

The Senate met at 11:00 o'clock, a. m., E. W. T.

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the Chair.

PRAYER

The Chaplain, Rev. EDWIN S. WALLACE, D. D., offered the following prayer:

Great is Thy name, O God, and greatly to be praised. As is Thy name, so is Thy praise in all the earth. And as Thy name is holy may we take it on reverent lips, that we sin not with our tongues.

Help each of us to order his life in obedience to Thy law, for "The law of the Lord is perfect," and "the statutes of the Lord are right."

The individual or the nation that violates Thy law has no escape from its just penalties. Give grace to us as a people, O God, that in all our dealings, national and international, we may "do justice, love mercy and walk humbly with our God." Only by so doing can we hold our present exalted position among the nations of the earth and win the favor of God and man.

We pray Thy protection for all men in the armed service of our country. May they, with Thy assistance, and the support of a united nation, win a just and lasting peace.

We pray for our President and our Governor that wisdom and strength sufficient for the day be given them. Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. SNOWDEN and Mr. HELTZ, the further reading was dispensed with, and the Journal was approved.

LEAVE OF ABSENCE

Mr. Thomas asked and obtained leave of absence for the Senator from Dauphin, Mr. TAYLOR.

Mr. Edmonds asked and obtained leave of absence for the Senator from Lancaster, Mr. HOMSHER, who has been detained on account of illness.

Mr. Reed asked and obtained leave of absence for the Senator from Fayette, Mr. CAVALCANTE.

HOUSE MESSAGE

AMENDMENT TO HOUSE BILL No. 10 RECALLED FROM THE GOVERNOR

The Clerk of the House of Representatives being introduced, presented for concurrence bill of the House of Representatives, as follows:

House Bill No. 10, entitled:

An Act to further amend section six hundred twenty-eight, and to amend section six hundred twenty-nine of the act approved the third day of June, one thousand nine hundred thirty-seven (P. L. 1333), entitled "Pennsylvania Election Code," extending the time within which writs of election may issue for holding special elections to fill vacancies occurring in either house of the General Assembly, and the time within which nominations therefore may be filed.

Said bill having been recalled from the Governor for amendment, the votes had on final passage and third reading were reconsidered in the House and the bill amended, in which amendments the concurrence of the Senate is requested.

On the question,

Will the Senate concur in the amendments?

Mr. EALY. Mr. President, as I understand it, this is a bill to amend the election code, which was a subject contained in the Governor's call. The bill was passed and sent to the governor, and has been recalled for amendment. The House has now placed an amendment in the bill which is satisfactory, I believe.

SENATE CONCURS IN HOUSE AMENDMENTS

Mr. EALY. Therefore, Mr. President, I move that the Senate do now concur in the House amendments.

Mr. EDMONDS. I second the motion, Mr. President.

Mr. EDMONDS. Mr. President, what is the printer's number of that bill.

The PRESIDENT. Printer's No. 41.

Mr. EALY. Before a vote is taken, Mr. President, the Senator from Montgomery wishes to look at the amendment. I therefore ask that the Senate be at ease for a moment.

(The Senate was at ease.)

Mr. EDMONDS. After looking at the amendment, Mr. President, I am satisfied.

And the question recurring,

Will the Senate concur in the amendments?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—42

Barr,	Ealy,	Mallery,	Tallman,
Bartlett,	Edmonds,	McGinnis,	Thomas,
Becker,	Farrell,	McQuiddy,	Tyler,
Carr,	Geltz,	Miller,	Wade,
Chapman,	Haluska,	Reed,	Walker,
Coleman,	Heyburn,	Ruth,	Watkins,
Cox,	James,	Scarlett,	Wilson, H. I.,
Crider,	Jaspan,	Snowden,	Wilson, T. B.,
Crowe,	Kephart,	Stevenson,	Woodward,
Deitrick,	Lanius,	Stiefel,	Ziesenheim,
Dent,	Letzler,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the House of Representatives to be notified accordingly.

RECALLING SENATE BIILL No. 42 FROM THE GOVERNOR

Mr. EDMONDS offered the following resolution which was twice read, considered and agreed to:

In the Senate, April 1, 1942.

Resolved (if the House of Representatives concur), that Senate Bill No. 42, Printer's No. 44, entitled "An act to suspend and modify existing law providing for and requiring the use of plates or tags as evidence of (1) the payment of any license or registration fee or (2) in compliance with any other legal requirement insofar as such laws require the use of plates or tags manufactured of metal and by authorizing the use of other material in whole or in part,"

be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk present the same to the House of Representatives for concurrence.

NOMINATIONS BY THE GOVERNOR

NOTARIES PUBLIC

The Secretary to the Governor being introduced, presented in writing from His Excellency, the Governor of the Commonwealth, nominations for appointment as Notaries Public.

CONSIDERATION OF NOTARIES PUBLIC

Mr. JAMES. Mr. President, I move that the Senate do now proceed to the consideration of nominations for appointment as Notaries Public, sent to the Senate, April 1, 1942, by His Excellency, the Governor of the Commonwealth.

Mr. GELTZ. Mr. President, I second the motion.

The motion was agreed to.

The nominations were read as follows:

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 1, 1942.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

Mrs. Laura D. Cole, Pittsburgh, 477 Melwood St.
F. H. Thompson, Bellevue.

MONTGOMERY COUNTY

George W. Ott, Horsham Twp., Pitcairn Field, Willow Grove.

NORTHUMBERLAND COUNTY

Paul A. Donnelly, Shamokin.

PHILADELPHIA COUNTY

Mrs. Mary C. Britt, Phila., 1321 Arch St.
F. B. Cortese, Phila., 1509 S. Broad St.
Mrs. Rae F. Kear, Phila., 1419 W. Girard Av.

LACKAWANNA COUNTY

Miss Miriam DeLaney, Carbondale.

ALLEGHENY COUNTY

Miss Winifred Meehan, Pittsburgh, 910 River Ave.

ARTHUR H. JAMES.

NOMINATIONS FOR NOTARIES PUBLIC

A motion was made by Mr. JAMES and Mr. GELTZ,

That the Senate do advise and consent to said nominations.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—42

Barr,	Ealy,	Mallery,	Tallman,
Bartlett,	Edmonds,	McGinnis,	Thomas,
Becker,	Farrell,	McQuiddy,	Tyler,
Carr,	Geltz,	Miller,	Wade,
Chapman	Haluska,	Reed,	Walker,
Coleman,	Heyburn,	Ruth,	Watkins,
Cox,	James,	Scarlett,	Wilson, H. I.,
Crider,	Jaspan,	Snowden,	Wilson, T. B.,
Crowe,	Kephart,	Stevenson,	Woodward,
Deitrick,	Lanius,	Stiefel,	Ziesenheim,
Dent,	Letzler,		

NAYS—0

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly

He also presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Executive Nominations.

APPOINTMENT AS MEMBER OF INDIANA COUNTY BOARD OF ASSISTANCE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 31, 1942.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate Dr. J. J. Connolly, of Indiana, for appointment as a member of the Indiana County Board of Assistance, until December 31, 1944, and until his successor is duly appointed and qualified, vice Paul B. Hasinger, Indiana, deceased.

ARTHUR H. JAMES.

REPORTS FROM COMMITTEES

Mr. FARRELL, from the Committee on State Government, reported as committed, Senate Bill No. 67, (House Bill No. 24), entitled:

An Act relating to air raid precautions including blackouts conferring certain powers and duties upon the State Council of Defense local and district Councils of Defense political subdivisions members of certain municipal and volunteer agencies and civilians necessary for the safety defense and protection of civilians and property in the Commonwealth providing for the mobilization coordination and use of certain municipal agencies and volunteer agencies including their personnel and equipment providing for immunity from liability for injury or death to persons or damage to property under certain circumstances and providing penalties

Mr. WADE, from the Committee on State Government, reported as committed, Senate Bill No. 82, (House Bill No. 79), entitled:

An Act to further amend section seven of the act approved the twelfth day of June one thousand eight hundred seventy-eight (P. L. 201), entitled "An act to provide for the publication of the decisions of the supreme court and the appointment of a state reporter" by making further provision relative to the custody and disposition of plates used in the printing of supreme court reports and supreme court advance sheets.

He also, from the Committee on State Government, reported as committed, Senate Bill No. 81, (House Bill No. 78), entitled:

An Act to amend section six of the act approved the twenty-fourth day of June one thousand eight hundred ninety-five (P. L. 212), entitled "An act to establish an intermediate court of appeal regulating its constitution officers jurisdiction powers practice and its relation to the Supreme Court and other courts providing for the reports of its decisions the compensation of the judges and other officers and the practice and costs on appeals from its judgments" by making further provision as to the preparation custody and disposition of plates used in the printing of Superior Court Reports.

BILL INTRODUCED

Messrs. EDMONDS and THOMAS B. WILSON read in their places and presented to the Chair, Senate Bill No. 85, entitled:

An Act prescribing temporary emergency war provisions with respect to the administration of certain provisions of the school laws of this Commonwealth relating to days for schools to be in session, closing schools temporarily, assignment and reassignment of teachers, and temporary farm and domestic employment certificates for certain pupils, and authorizing boards of school directors (or boards of public instruction) with the approval of the Superintendent of Public Instruction to put such provisions into operation and to suspend the provisions of existing school laws inconsistent therewith upon findings by such boards and department and the State Council of Defense.

Which was committed to the Committee on Education.

REPORT FROM COMMITTEE

Mr. HEYBURN. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. HEYBURN, from the Committee on State Government, reported as committed, Senate Bill No. 83, (House Bill No. 56), entitled:

An Act authorizing the Secretary of Revenue of the Commonwealth of Pennsylvania with approval of the Secretary of Highways and during a certain limited period of time to adopt rules and regulations relative to the use of the highways by motor vehicles tractors trailers or other equipment which cannot be fitted with rubber tires or treads because of the shortage of rubber and providing for the suspension of certain inconsistent legislation.

BILL ON CONCURRENCE IN HOUSE AMENDMENTS RECALLED FROM THE GOVERNOR

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 28, entitled:

An Act to further amend Section 801 of the act approved the fifth day of May one thousand nine hundred and thirty-three (P. L. 457) entitled "An act relating to the business of building and loan associations providing for the organization and voluntary dissolution of such associations defining the rights powers duties liabilities and immunities of such associations and of their officers directors shareholders solicitors and other employes prohibiting the transaction of business in this Commonwealth by foreign building and loan associations conferring powers and imposing duties upon the courts recorders of deeds and certain State departments commissions and officers establishing limitations of actions imposing penalties and repealing certain acts and parts of acts" by authorizing building and loan associations to act as fiscal agents of the United States Government for the sale of United States Defense Bonds and Defense Stamps and permitting such associations to pledge their assets for the faithful performance of their duties as such agents

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate concur in the same?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—42

Barr,	Ealy,	Mallery,	Tallman,
Bartlett,	Edmonds,	McGinnis,	Thomas,
Becker,	Farrell,	McQuiddy,	Tyler,
Carr,	Geltz,	Miller,	Wade,
Chapman,	Haluska,	Reed,	Walker,
Coleman,	Heyburn,	Ruth,	Watkins,
Cox,	James,	Scarlett,	Wilson, H. I.,
Crider,	Jaspan,	Snowden,	Wilson, T. B.,
Crowe,	Kephart,	Stevenson,	Woodward,
Deitrick,	Lanius,	Stiefel,	Ziesenheim,
Dent,	Letzler,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

BILL OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 56, (House Bill No. 8), on third reading, entitled:

An Act to further amend section two of and to add Sections four and five to the act approved the seventh day of June one thousand nine hundred seventeen (P. L. 600), entitled "An act providing that appointive officers and employes employed by the Commonwealth of Pennsylvania in its civil service or by any deparmtent bureau commission or office thereof or by any county municipality township or school district shall not be deemed or held to have resigned or abandoned their offices or employments by reason of enlistment enrollment or draft in the military or naval service of the United States or any branch or unit thereof in time of war or contemplated war prohibiting the removal from their offices or employments of such officers and employes during the period of their service in the Army or Navy directing that one-half of the salaries or wages of such officers or employes as have dependent wives children or parents and not exceeding two thousand dollars per annum be paid during the term of their service in the Army or Navy to such dependents authorizing the employment during said term of substitutes to perform the duties theretofore performed by such officers or employes respectively and providing for the compensation of such substitutes" by more fully defining amounts payable limiting the time such amounts are payable and limiting the conditions of resumption of office or employment.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 61, as follows:

An Act to add section one thousand one hundred and ten to the act approved the twenty-fourth day of June one thousand nine hundred and thirty-nine (P. L. 872) entitled "An act to consolidate amend and revise the penal laws of the Commonwealth" by prescribing additional penalties in the case of the commission of larceny or robbery of things affected by priorities rationing or other restrictions during time of war

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Article eleven of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-nine (P. L. 872) entitled "An act to consolidate amend and revise the penal laws of the Commonwealth" is hereby amended by addding thereto after section one thousand one hundred and nine a new section to read as follows

Section 1110 Additional Penalties in Case of Larceny or Robbery of Things Subject to Priorities etc in Time of War Whenever it shall be charged in any indictment charging the commission of any form of larceny or robbery that the thing or things alleged to have been stolen cannot be readily replaced by reason of priorities rationing or any other restriction imposed by any agency of the Government of the United States during time of war and whenever such facts are found by a special verdict of the jury the court shall in imposing sentence for such larceny or robbery include therein a fine or term of imprisonment or both as the case may be in addition to the fine imprisonment or both that could have been imposed had the thing or things stolen not been of such a character as to be affected by any such priority rationing or other restriction No such additional fine or term of imprisonment shall exceed the maximum fine or imprisonment fixed by law for the particular form of larceny or robbery of which the accused shall have been convicted

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—42

Barr,	Ealy,	Mallery,	Tallman,
Bartlett,	Edmonds,	McGinnis,	Thomas,
Becker,	Farrell,	McQuiddy,	Tyler,
Carr,	Geltz,	Miller,	Wade,
Chapman,	Haluska,	Reed,	Walker,
Coleman,	Heyburn,	Ruth,	Watkins,
Cox,	James,	Scarlett,	Wilson, H. I.,
Crider,	Jaspan,	Snowden,	Wilson, T. B.,
Crowe,	Kephart,	Stevenson,	Woodward,
Deitrick,	Lanius,	Stiefel,	Ziesenheim,
Dent,	Letzler,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That tho Clerk present said bill to the House of Representatives for concurrence.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 68, (House Bill No. 42), entitled:

An Act to further amend section eight of the act approved the nineteenth day of March one thousand nine hundred nine (P. L. 46) entitled "An act to regulate the practice of osteopathy in the State of Pennsylvania to provide for the establishment of a State Board of Osteopathic Examiners to define the powers and duties of said Board of Osteopathic Examiners to provide for the examining and licensing of osteopaths in this State and to provide penalties for the violation of this act" by further regulating for a limited period the time necessary for graduation and for admission to practice as osteopathic physicians and surgeons in this state.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 70, (House Bill No. 68), entitled:

An Act to amend section two of the act approved the tenth day of July one thousand nine hundred thirty-five (P. L. 645), entitled "An act imposing certain requirements on certain hospitals receiving State aid authorizing the withholding of appropriations and imposing duties on the Department of Welfare" by providing that

during the present war and six months thereafter funds shall not be withheld from hospitals for violation of such act if the Secretary of Welfare determines that the constant attendance of licensed physician or resident interne cannot be secured by such hospitals because of the war emergency.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 74, entitled:

An Act prescribing the procedure for the adoption and promulgation of rules and regulations to supply provisions of law which have been suspended because they interfere with the prosecution of any war in which the United States of America is engaged at the time of the final enactment of this act.

And said bill having been read at length the second time.

Will the Senate agree to the bill?

The first section was read.

On the question,

Will the Senate agree to the section?

Mr. EDMONDS. Mr. President, I desire to offer amendments.

The Clerk read the amendments as follows:

Amend Section 1 page 1 line 6 by inserting after the word "adopt" the following: "and promulgate"; Amend Section 1 page 2 by adding after line 15 the following:

Copies thereof shall be distributed upon request by the department, board or commission adopting and promulgating such rules and regulations.

Section 2. This act shall expire upon the termination of the last war in which the United States of America was engaged at the time of the final enactment of this act.

On the question,

Will the Senate agree to the amendments?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The second section was read.

On the question,

Will the Senate agree to the section?

Mr. EDMONDS. Mr. President, I desire to offer amendments.

The Clerk read the amendments as follows:

Amend Section 2 page 2 line 5 by inserting after the word "adopted" the following: "and promulgated"; Amend Section 2 page 2 line 7 by inserting after the word "have" the following: "first"; Amend Section 2 page 2 line 10 by inserting after the word "state" the following: "the date".

On the question,

Will the Senate agree to the amendments?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The title was read and agreed to.

And said bill as amended having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 76, entitled:

An Act providing for the repayment to persons inducted into or enlisting in the army, navy or marine corps of the United States of a part of the cost of registering a motor vehicle before such induction or enlistment.

And said bill having been read at length the second time.

Will the Senate agree to the bill?

The first section was read.

On the question,

Will the Senate agree to the section?

Mr. MALLERY. Mr. President, I desire to offer an amendment.

The Clerk read the amendment as follows:

Amend Section 1 page 2 line 2 by adding after the word "December" the following:

Such sums however shall be payable only upon the return of the registration plates issued to such person or persons together with proof of such induction or enlistment.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The second section was read and agreed to.

The title was read and agreed to.

And said bill as amended having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Mr. MALLERY. Mr. President, for the purpose of completing the record, I wish to state that Senate Bill No. 76, Printer's No. 55 is an act providing for repayment to persons inducted into or enlisting in the army, navy or marine corps of the United States of part of the cost of registering a motor vehicle before such induction or enlistment.

It has been called to my attention that possibly we left out the men who are in the air service. I do not think that we have, because I do not believe that we have a separate air corps or air service; such men are, to my mind, either members of the army, or of the navy or of the marine corps, so that we are, by this bill, taking care of the men who are in the air service.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and con-

sideration of Senate Bill No. 79, (House Bill No. 75), entitled:

An Act authorizing the President of the Pennsylvania Game Commission with the unanimous approval of the commission and for a certain limited period of time to lease lands to political subdivisions or to Federal agencies for use as aviation landing fields conferring certain powers upon political subdivisions relative to the acceptance and development of such lands and suspending certain inconsistent legislation.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 80, (House Bill No. 76), entitled:

An Act suspending and modifying for the period of the present war and for a time thereafter the provisions of section one of the act approved the eighth day of July one thousand nine hundred and nineteen (P. L. 737) entitled "A supplement to an act entitled 'An act to establish a Board of Commissioners of Navigation for the River Delaware and its navigable tributaries regulating their jurisdiction over ships vessels and boats and wharves piers bulkheads docks slips and basins and exempting cities of the first class from certain of its provisions and making an appropriation therefor' approved the eighth day of June Anno Domini one thousand nine hundred and seven authorizing and directing the commissioners to provide and maintain a nautical school for the education and training of pupils from the various counties of the Commonwealth of Pennsylvania in the science and practice of navigation and making an appropriation for two years from the first day of June Anno Domini one thousand nine hundred and nineteen towards its maintenance" and its amendments in so far as they require the furnishing of accommodations on board a proper vessel for the nautical school when no such vessel is available and imposing upon the State Council of Defense the duty of furnishing other accommodations.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

SENATE BILL No. 56 (HOUSE BILL No. 8) CALLED UP ON THIRD READING

Mr. EDMONDS. Mr. President, on page 2 of today's Calendar appears House Bill No. 8, Senate Bill No. 56, which went over by request. There are amendments that have been prepared, and inasmuch as the amendments themselves are inocuous, but which I think, clarify the bill, I would like at this time to call up Senate Bill No. 56, House Bill No. 8.

Mr. MALLERY. I second the motion.

It was agreed to.

BILL ON THIRD READING

Agreeably to order,

The Senate resumed the third reading and consideration of Senate Bill No. 56, (House Bill No. 8), entitled:

An Act to further amend section two of and to add Sections four and five to the act approved the seventh day of June one thousand nine hundred seventeen (P. L. 600) entitled "An act providing that appointive officers and employes employed by the Commonwealth of Pennsylvania in its civil service or by any department bureau commission or office thereof or by any county municipality township or school district shall not be deemed or held to have resigned or abandoned their offices or employments by reason of enlistment enrollment or draft in the military or naval service of the United States or any branch or unit thereof in time of war or contemplated war prohibiting the removal from their offices or employments of such officers and employes during the period of their service in the Army or Navy directing that one-half of the salaries or wages of such officers or employes as have dependent wives children or parents and not exceeding two thousand dollars per annum be paid during the term of their service in the Army or Navy to such dependents authorizing the employment during said term of substitutes to perform the duties theretofore performed by such officers or employes respectively and providing for the compensation of such substitutes" by more fully defining amounts payable limiting the time such amounts are payable and limiting the conditions of resumption of office or employment.

And said bill having been read at length the third time,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

Mr. EDMONDS. Mr. President, I ask unanimous consent to amend Section 1 page 5 line 4 by striking out the words: "not including commutation;" amend Section 1 page 5 line 5 by inserting before the word "dependency" the following: "and,"

The PRESIDENT. Is there objection? The Chair hears none.

The amendments were agreed to.

On the question,

Will the Senate agree to the bill on third reading, as amended?

It was agreed to.

Ordered, That said bill as amended be printed for the use of the Senate.

MOTION TO READ BILLS THE FIRST TIME

Mr. GELTZ. Mr. President, I move that the Senate do now proceed to the first reading of all bills reported from committees for the first time at today's session.

Mr. MILLER. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 67, (House Bill No. 24), entitled:

An Act relating to air raid precautions including blackouts conferring certain powers and duties upon the State Council of Defense local and district Councils of Defense political subdivisions members of certain municipal and volunteer agencies and civilians necessary for the safety defense and protection of civilians and property in the Commonwealth providing for the mobilization coordination and use of certain municipal agencies and volunteer agencies including their personnel and equipment provid-

ing for immunity from liability for injury or death to persons or damage to property under certain circumstances and providing penalties

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 81, (House Bill No. 78), entitled:

An Act to amend section six of the act approved the twenty-fourth day of June one thousand eight hundred ninety-five (P. L. 212) entitled "An act to establish an intermediate court of appeal regulating its constitution officers jurisdiction powers practice and its relation to the Supreme Court and other courts providing for the reports of its decisions the compensation of the judges and other officers and the practice and costs on appeals from its judgments" by making further provision as to the preparation custody and disposition of plates used in the printing of Superior Court Reports.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 82, (House Bill No. 79), entitled:

An Act to further amend section seven of the act approved the twelfth day of June one thousand eight hundred seventy-eight (P. L. 201) entitled "An act to provide for the publication of the decisions of the supreme court and the appointment of a state reporter" by making further provision relative to the custody and disposition of plates used in the printing of supreme court reports and supreme court advance sheets.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 83, (House Bill No. 56), entitled:

An Act authorizing the Secretary of Revenue of the Commonwealth of Pennsylvania with approval of the Secretary of Highways and during a certain limited period of time to adopt rules and regulations relative to the use of the highways by motor vehicles tractors trailers or other equipment which cannot be fitted with rubber tires or treads because of the shortage of rubber and providing for the suspension of certain inconsistent legislation.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

RECESS

Mr. GELTZ. Mr. President, I move that the Senate do now take a recess for thirty minutes.

Mr. SCARLETT. Mr. President, I second the motion.

The motion was agreed to.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed the Senate will be in order.

HOUSE MESSAGE

HOUSE CONCURS IN RESOLUTION RECALLING FROM THE GOVERNOR SENATE BILL No. 42

The Clerk of the House of Representatives being introduced, presented communication from the House of Representatives informing the Senate that the House has concurred in resolution from the Senate as follows:

In the Senate, April 1, 1942.

Resolved (if the House of Representatives concur), that Senate Bill No. 42, Printer's No. 44, entitled "An act to suspend and modify existing law providing for and requiring the use of plates or tags as evidence of (1) the payment of any license or registration fee or (2) in compliance with any other legal requirement insofar as such laws require the use of plates or tags manufactured of metal and by authorizing the use of other material in whole or in part"

be recalled from the Governor for the purpose of amendment.

HOUSE BILL FOR CONCURRENCE

He also presented for concurrence bills of the House, as follows:

House Bill No. 55, (Senate Bill No. 86), entitled:

An Act authorizing the Secretary of Internal Affairs to issue patents for lands to be used by the United States for war purposes, upon the payment of the original purchase price without interest accrued thereon, and to temporarily suspend the law requiring the payment of said interest.

Which was committed to the Committee on State Government.

REPORT FROM COMMITTEE

Mr. RUTH. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. RUTH, from the Committee on Education reported as committed, Senate Bill No. 85, entitled:

An Act prescribing temporary emergency war provisions with respect to the administration of certain provisions of the school laws of this Commonwealth relating to days for schools to be in session, closing schools temporarily, assignment and reassignment of teachers, and temporary farm and domestic employment certificates for certain pupils, and authorizing boards of school directors (or boards of public instruction) with the approval of the Superintendent of Public Instruction to put such provisions into operation and to suspend the provisions of existing school laws inconsistent therewith upon findings by such boards and department and the State Council of Defense.

MOTION TO READ BILL THE FIRST TIME

Mr. GELTZ. Mr. President, I move that the Senate do now proceed to the first reading of all bills reported from committees for the first time at today's session.

Mr. LETZLER. Mr. President, I second the motion.

The motion was agreed to.

BILL ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 85, entitled:

An Act prescribing temporary emergency war provisions with respect to the administration of certain provisions of the school laws of this Commonwealth relating to days for schools to be in session, closing schools temporarily assignment and reassignment of teachers, and temporary farm and domestic employment certificates for certain pupils, and authorizing boards of school directors (or boards of public instruction) with the approval of the Superintendent of Public Instruction to put such provisions into operation and to suspend the provisions of existing school laws inconsistent therewith upon finding by such boards and department and the State Council of Defense.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

ADJOURNMENT

Mr. GELTZ. Mr. President, I move that the Senate do now adjourn until Monday, April 6, 1942, at 4:00 o'clock, p. m. Eastern War Time.

Mr. SCARLETT. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 1:02 o'clock, p. m. Eastern War Time until Monday, April 6, 1942, at 4:00 o'clock, p. m. Eastern War Time.

HOUSE OF REPRESENTATIVES

WEDNESDAY, April 1, 1942

The House met at 11 a. m.
The SPEAKER (Elmer Kilroy) in the Chair.

PRAYER

The Chaplain, Rev. Donald McFall offered the following prayer:

O God, our Father, save us in these terrible days in which Thou hast called us to live. Help us to realize that Thou art a prayer hearing and a prayer answering God today, as in the days when Thou did'st lead Thy children of Israel out of a land of bondage into a land of freedom. Bless the men of this House who shall give thought to Israel's oldest holiday in observing the Feast of the Passover.

We beseech Thee that Thou wouldst not only breathe into us the breath of Life, but to give us the passion and desire to lift life out of the sordid up to the plane of high endeavor.

"Direct, control, suggest this day
All I design, or do, or say,
That all my powers, with all my might,
In Thy sole glory may unite." Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of yesterday.

The Clerk proceeded to read the Journal of yesterday, when, on motion of Mr. LESKO, unanimously agreed to, the further reading was dispensed with and the Journal approved.

RESOLUTION INTRODUCED AND REFERRED

By Messrs. WOODRING and LONGO.

RESOLUTION No. 42.

In the House of Representatives, March 31, 1942.

Whereas, The residents of the County of Northampton on March 26, 1942, experienced a horrible tragedy, resulting from a dynamite explosion in Sandts Eddy in that county, causing the death of 31 persons; and

Whereas, The explosion was heard and its force felt for a distance of approximately 72 miles, in which radius a schoolhouse was wrecked, and thousands of windows broken; and

Whereas, The operation of quarries is a major industry in the County of Northampton, and the continued use of explosives and dynamite is apparently important to the continued operation of said industries; and

Whereas, This House in noting with sorrow the tragic death of these men and the untold suffering occasioned to their families cannot and will not permit this disastrous incident to pass without exerting every effort to prevent and forestall a recurrance thereof, with its horrible consequence of loss of life, destruction of property, and constant threat to the safety and tranquility of persons employed in this industry; and

Whereas, For the future protection of these men and their families and for the well being and protection of all the residents of the County of Northampton and of the Commonwealth, legislation may be necessary to prevent other incidents of a similar nature; therefore be it

Resolved, That the Speaker of this House, appoint a committee of nine members, whose duty it shall be to make a careful and thorough study of the laws of the Commonwealth and all regulations thereunder relating to the transportation, storage, handling and use of all types of explosives; and be it further

Resolved, That said committee shall have power to hold public hearings in order to become acquainted with the practices and usages in the matter of explosives in its investigation of this and other explosions, and after due consideration to make its report, together with recommendations to this House, the Secretary of Labor and Industry and to the Chief of the Division of Mines and Quarries.

Referred to the Select Committee on Special Session Legislation.

LEAVE OF ABSENCE

By unanimous consent leave of absence was granted as follows:

Mr. Simons for Mr. LEISEY for the remainder of the week.

Mr. WEINGARTNER for himself for the remainder of the week after today's session.

Mr. HIRSCH for himself for the remainder of the week after today's session.

MR. FOOR IN THE CHAIR

REPORTS FROM COMMITTEES

Mr. HIRSCH, from the Select Committee on Special Session Legislation, reported as amended House Bill No. 92, (Senate Bill No. 46), entitled:

An Act to suspend for a limited time the operation of laws regulating or relating to the movement loading lightering docking and anchorage of vessels carrying or having on board certain explosives insofar as the same relate to the handling or stowing of small arms ammunition or ammunition which contains the projectile and the explosive in one container or shell to from or in such vessels docking or anchoring in the Delaware River and its navigable tributaries.

Mr. BROWN, from the Select Committee on Special Session Legislation, reported as committed, House Bill No. 69, entitled:

An Act to further amend section two of the act approved the seventh day of June, one thousand nine hundred seventeen (P. L. 600), entitled "An act providing that appointive officers and employes, employed by the Commonwealth of Pennsylvania in its civil service, or by any department, bureau, commission, or office thereof, or by any county, municipality, township, or school district, shall not be deemed or held to have resigned or abandoned their offices or employments by reason of enlistment, enrollment, or draft in the military or naval service of the United States or any branch or unit thereof, in time of war or contemplated war; prohibiting the removal from their offices or employments of such officers and employes during the period of their service in the Army or Navy; directing that one-half of the salaries or wages of such officers or employes as have dependent wives, children, or parents, and not exceeding two thousand dollars per annum, be paid during the term of their service in the Army or Navy to such dependents; authorizing the employment during said term of substitutes to perform the duties theretofore performed by such officers or employes, respectively, and providing for the compensation of such substitutes," by providing for the payment into the School Employes' Retirement Fund of certain amounts of the salaries or wages of certain officers or employes under certain circumstances.

Mr. BROWN from the Select Committee on Special Session Legislation, reported as committed House Bill No. 71, entitled:

A Supplement to the act, approved the eighteenth day of July, one thousand nine hundred seventeen (P. L. 1043), entitled "An act establishing a public school employes' retirement system, and creating a retirement board for the administration thereof; establishing certain funds from contributions by the Commonwealth and contributing employes, defining the uses and purposes thereof and the manner of payments therefrom, and providing for the guaranty by the Commonwealth of certain of said funds; imposing powers and duties upon boards having the employment of public school employes; exempting annuities, allowances, returns, benefits, and rights from taxation and judicial process; and providing penalties," defining the rights and obligations of certain members of the School Employes' Retirement Association engaged in active military service.

THE SPEAKER (Elmer Kilroy) IN THE CHAIR

The SPEAKER. The Chair thanks the gentleman from Bedford, Mr. Foor, for presiding.

REPORTS FROM COMMITTEES

Mr. MELCHIORRE from the Select Committee on Special Session Legislation reported as committed House Bill No. 101 entitled:

An Act to amend the appropriation to the Department of Military Affairs in section two of the act, approved the sixteenth day of June, one thousand nine hundred and forty-one (Appropriation Act No. 12-A), entitled "An act to provide for the ordinary expenses of the Executive, Legislative and Judicial Departments of the Commonwealth, interest on the public debt, and the support of the public schools for two years beginning June first, one thousand nine hundred and forty-one, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first, one thousand nine hundred and forty-one," by providing specifically for the expenses of the State Council of Defense for the maintenance of a nautical school.

Mr. READINGER from the Select Committee on Special Session Legislation reported as committed House Bill No. 99 (Senate Bill No. 65), entitled:

An Act to amend section twenty-one as amended of the act approved the seventh day of June one thousand nine hundred and fifteen (P. L. 900) entitled "An act to provide for the immediate registration of all births and deaths throughout the Commonwealth of Pennsylvania by means of certificates of births and deaths and burial or removal permits requiring prompt returns to the Central Bureau of Vital Statistics as required to be established by the State Department of Health and in order to secure prompt and faithful registration of birth marriages deaths and diseases of practitioners of medicine and surgery or midwives and undertakers and of all persons whose occupation is deemed to be of importance in obtaining complete registration of births deaths marriages and diseases throughout the State as provided in section ten of an act entitled 'An act creating the Department of Health and defining its powers and duties' approved the twenty-seventh day of April nineteen hundred and five and providing penalties for violations of this act" by further regulating the giving of certified copies of birth certificates to soldiers sailors and marines and war nurses.

Mr. NAGLE, from the Select Committee on Special Session Legislation, reported as committed, House Bill No. 85, (Senate Bill No. 58), entitled:

An Act to further amend section seven hundred two, to amend section seven hundred nineteen, and to further amend section eight hundred and six of the act, approved the third day of June, one thousand nine hundred and thirty-seven (P. L. 1225), entitled "An act concerning game and other wild birds and wild animals; and amending, revising, consolidating, and changing the law relating thereto," by vesting in the Pennsylvania Game Commission the power to adjust hours for hunting, training of dogs, and carrying certain firearms and ammunition.

Mr. FINNERTY from the Select Committee on Special Session Legislation reported as committed, House Resolution No. 9.

Mr. O'BRIEN from the Select Committee on Special Session Legislation reported as committed, House Resolution No. 30.

Mr. MELCHIORRE from the Select Committee on Special Session Legislation reported as committed, House Resolution No. 15.

Mr. NORMAN WOOD from the Select Committee on Special Session Legislation reported as committed, House Resolution No. 24.

Mr. BAKER, from the Select Committee on Special Session Legislation, reported with negative recommendation, House Bill No. 77, (Senate Bill No. 13), entitled:

An Act to amend Section 36 and to repeal Section 37 of the act approved the sixth day of August, one thousand nine hundred and forty-one (P. L. 861), entitled "An act to create a uniform and exclusive system for the administration of parole in this Commonwealth; estab-

lishing the 'Pennsylvania Board of Parole'; conferring and defining its jurisdiction, duties, powers and functions, including the supervision of persons placed upon probation in certain designated cases; providing for the method of appointment of its members; regulating the appointment, removal and discharge of its officers, clerks and employes; dividing the Commonwealth into administrative districts for purposes of parole; fixing the salaries of members of the board and of certain other officers and employes thereof; making violations of certain provisions of this act misdemeanors; providing penalties therefor; and for other cognate purposes, and making an appropriation; by postponing the operation and effective date of the act and repealing the appropriation made by said act.

BILLS ON FIRST READING

Mr. ACHTERMAN asked and obtained unanimous consent for all bills reported as committed to be read the first time.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 69, entitled:

An Act to further amend section two of the act approved the seventh day of June, one thousand nine hundred seventeen (P. L. 600), entitled "An act providing that appointive officers and employes, employed by the Commonwealth of Pennsylvania in its civil service, or by any department, bureau, commission, or office thereof, or by any county, municipality, township, or school district, shall not be deemed or held to have resigned or abandoned their offices or employments by reason of enlistment, enrollment, or draft in the military or naval service of the United States or any branch or unit thereof, in time of war or contemplated war; prohibiting the removal from their offices or employment of such officers and employes during the period of their service in the Army or Navy; directing that one-half of the salaries or wages of such officers or employes as have dependent wives, children, or parents, and not exceeding two thousand dollars per annum, be paid during the term of their service in the Army or Navy to such dependents; authorizing the employment during said term of substitutes to perform the duties theretofore performed by such employes, respectively, and providing for the compensation of such substitutes," by providing for the payment into the School Employes' Retirement Fund of certain amounts of the salaries or wages of certain officers or employes under certain circumstances.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 71, entitled:

A Supplement to the act, approved the eighteenth day of July, one thousand nine hundred seventeen (P. L. 1043), entitled "An act establishing a public school employes' retirement system, and creating a retirement board for the administration thereof; establishing certain funds from contributions by the Commonwealth and contributing employes, defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds; imposing powers and duties upon boards having the employment of public school employes; exempting annuities, allowances, returns, benefits, and rights from taxation and judicial process; and providing penalties," defining the rights and obligations of certain members of the School Employes' Retirement Association engaged in active military service.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 101, entitled:

An Act to amend the appropriation to the Department of Military Affairs in section two of the act, approved the sixteenth day of June, one thousand nine hundred and forty-one (Appropriation Act No. 12-A), entitled "An act to provide for the ordinary expenses of the Executive, Legislative and Judicial Departments of the Commonwealth, interest on the public debt, and the support of the public schools for two years beginning June first, one thousand nine hundred and forty-one, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first, one thousand nine hundred and forty-one," by providing specifically for the expenses of the State Council of Defense for the maintenance of a nautical school.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 99, (Senate Bill No. 65), entitled:

An Act to amend section twenty-one as amended of the act approved the seventh day of June one thousand nine hundred and fifteen (P. L. 900) entitled "An act to provide for the immediate registration of all births and deaths throughout the Commonwealth of Pennsylvania by means of certificates of births and deaths and burial or removal permits requiring prompt returns to the Central Bureau of Vital Statistics as required to be established by the State Department of Health and in order to secure prompt and faithful registration of births marriages deaths and diseases of practitioners of medicine and surgery or midwives nurses and undertakers and of all persons whose occupation is deemed to be of importance in obtaining complete registration of births deaths marriages and diseases throughout the State as provdied in section ten of an act entitled 'An act creating the Department of Health and defining its powers and duties' approved the twenty-seventh day of April nineteen hundred and five and providing penalties for violation of this act" by further regulating the giving of certified copies of birth certificates to soldiers sailors and marines and war nurses.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 85, (Senate Bill No. 58), entitled:

An Act to further amend section seven hundred two, to amend section seven hundred nineteen, and to further amend section eight hundred and six of the act, approved the third day of June, one thousand nine hundred and thirty-seven (P. L. 1225), entitled "An act concerning game and other wild birds and wild animals; and amending, revising, consolidating, and changing the law relating thereto," by vesting in the Pennsylvania Game Commission the power to adjust hours for hunting, training of dogs, and carrying certain firearms and ammunition.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF CONCURRENT RESOLUTION

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 1, 1942.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Concurrent Resolution authorizing the State Treasurer to pay, upon warrant of the Auditor General, to each member of the Senate and House of Representatives the mileage to which they are entitled, and to each employe thereof the salary or per diem compensation to which they are entitled under law for an Extraordinary Session of the General Assembly.

ARTHUR H. JAMES

BILL ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 57, entitled:

An Act authorizing the secretary of the board of health in the various cities of the third class throughout the Commonwealth during the continuation of the present war and for six months thereafter to search and issue certified copies of birth and death records maintained by such cities after the State-wide system for registering vital statistics was established requiring that such birth and death records be made available to the secretary of the board of health for the purposes of this act and authorizing the respective city councils to prescribe fees for such services

And said bill having been read at length the second time and agreed to

Ordered, To be transcribed for third reading.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 55, as follows:

An Act authorizing the Secretary of Internal Affairs to issue patents for lands to be used by the United States for war purposes upon the payment of the original purchase price without interest accrued thereon and to temporarily suspend the law requiring the payment of said interest

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Whenever during the continuance of any war in which this Nation is or may become engaged the United States Government or any agency thereof wishes to purchase lease or take over any land within this Commonwealth for any purpose which will aid in the prosecution of the war and a patent has never been issued by the Commonwealth for such land but an application for such patent has at some time prior thereto been made and under existing law a patent for such land may not be issued by the Commonwealth unless and until all interest accrued on the original agreed purchase price shall be paid in addition to the purchase price in such cases if the provisions of said law requiring the payment of such accrued interest is found by the Secretary of Internal Affairs to interfere with the prosecution of such war he shall have power as a temporary emergency war measure to issue a patent for such land upon the payment of the actual amount of the purchase price thereof without the payment of such accrued interst and to suspend or modify the operation of such law to the extent necessary therefor

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—170

Achterman,	Finnerty,	Leonard,	Riley,
Auker,	Fiss,	Lesko,	Rooney,
Baker,	Fleming,	Leydic,	Rose, S.,
Balthaser,	Fletcher,	Lichtenwalter,	Rosenfeld,
Baugher,	Flynn,	Longo,	Rush,
Bentley,	Foor,	Lovett,	Sarraf,
Bentzel,	French,	Malloy,	Scanlon,
Boles,	Gallagher,	Maxwell,	Schwab,
Boney,	Gates,	McClanaghan,	Serrill,
Boorse,	Gerard,	McClester,	Shaffer,
Bower,	Goodwin,	McDermott,	Shepard,
Bradley,	Greenwood,	McFall,	Simons,
Breth,	Gross,	McIntosh,	Snyder,
Bretherick,	Gryskewicz,	McKinney,	Sorg,
Brown,	Gyger,	McLanahan,	Stambaugh,
Brunner, C. H.,	Haberlen,	McMillen,	Stank,
Brunner, P. A.,	Haines,	Melchiorre,	Stine,
Burns,	Hall,	Mihm,	Stockham,
Burris,	Hamilton,	Modell,	Tarr,
Cadwalader,	Hare,	Monks,	Taylor,
Chervenak,	Harris,	Mooney,	Thompson, E. F.,
Chudoff,	Heatherington,	Moran,	Thompson, R. L.,
Cohen, M. M.,	Helm,	Muir,	Turner,
Cohen, R. E.,	Hering,	Munley	Vincent,
Cook,	Herman,	Nagel	Vogt,
Cooper,	Hersch,	Nunemacher	Voldow,
Cordier,	Hewitt,	O'Brien,	Wagner,
Croop,	Hirsch,	O'Connor,	Watkins,
Cullen,	Holland,	O'Dare,	Weingartner,
Dalrymple,	Huntley,	O'Mullen,	Weiss,
Dennison,	Imbrie,	O'Neill,	Welsh, E. B.,
DiGenova,	James,	Owens,	Welsh, M. J.,
Dix,	Jefferson,	Petrosky,	Williams,
Dolon,	Jones, P. N.,	Pettit,	Winner,
D'Ortona,	Keenan,	Polen,	Wolf,
Duffy,	Kenehan,	Powers,	Wood, N.,
Early,	Kline,	Prosen,	Woodring,
Eckels,	Kolankiewicz,	Readinger,	Wright,
Elder,	Komorofski,	Reagan,	Yeakel,
Elliott,	Krise,	Reese, D. P.,	Yester,
Ely,	Lee, E. A.,	Regan,	Young,
Falkenstein,	Lee, T. H.,	Reynolds,	Kilroy,
Finestone,		Rhea,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 43, (Senate Bill No. 31), entitled:

An Act making available the services of recipients of general assistance under certain conditions by permitting them to earn a limited amount of money in work essential to the prosecution of the existing war in which the United States of America is engaged without forfeiting their right to assistance or any part thereof.

On the question,

Will the House agree to the bill on third reading?

BILL POSTPONED

Mr. TURNER. Mr. Speaker, I move that this bill be placed on the postponed calendar.

The motion was agreed to.

TIME EXTENDED ON BILL

Mr. MELCHIORRE. Mr. Speaker, I move that the time on House Bill No. 29, Printer's No. 10, entitled:

An Act relating to air raid precautions and the prevention of sabotage in cities of the first class creating a Board of Inspection in the Department of Public Works in such cities imposing powers and duties on such boards and any lessee of water and gas mains owned by such cities and repealing inconsistent legislation

on page 1 of today's calendar, bills on final passage, postponed, be extended five days.

The motion was agreed to.

SENATE MESSAGE

RESOLUTION FOR CONCURRENCE

The Clerk of the Senate being introduced, presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, April 1, 1942.

Resolved, (if the House of Representatives concur), That Senate Bill No. 42, Printer's No. 44, entitled: "An Act to suspend and modify existing law providing for and requiring the use of plates or tags as evidence of (1) the payment of any license or registration fee or (2) in compliance with any other legal requirement insofar as such laws require the use of plates or tags manufactured of metal and by authorizing the use of other material in whole or in part,"

be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

On the question,

Will the House concur in the resolution of the Senate?

It was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

RESOLUTION

LINCOLN UNIVERSITY

Messrs. SHEPARD and BROWN offered a resolution and asked and obtained unanimous consent that it be read for the information of the House.

The resolution was read by the Clerk as follows:

In the House of Representatives, April 1, 1942.

Lincoln University, located forty miles from Philadelphia, is a liberal arts college for Negro men, with an enrollment of 367. It is an old established institution which has carried on its work for more than eighty years. Among its graduates have been some of the most prominent leaders of the Negro race. Many of its alumni now occupy responsible positions in public life. It is the only liberal arts college for Negros in the northeastern area of the United States.

The University owns 275 acres in the most beautiful part of southeastern rural Pennsylvania. It is State aided, receiving biennial appropriations from the State of Pennsylvania. During the last war, Lincoln University had a student army training corps, which in 1918, received a high official rating; therefore be it

Resolved, That the House of Representatives of the General Assembly of Pennsylvania hereby respectfully petitions the War Department of the United States Government to install a Reserve Officers Training Corps at Lincoln University, in Chester County, Pennsylvania, for the training of students to become officers in the United States Army; and be it further

Resolved, That certified copies of this resolution be transmitted to the President of the United States, to the Secretary of War of the United States, and to each senator and member from this Commonwealth in the Congress of the United States.

The SPEAKER. The resolution will lie over for printing under the Rules.

DERRY TOWNSHIP HIGH SCHOOL CLASS WELCOMED

The SPEAKER. The Chair welcomes to the House this afternoon the Senior Class of the Derry Township High School, who are the guests of the gentleman from Mifflin County, Mr. French.

PERMISSION TO ADDRESS HOUSE

Mr. REUBEN E. COHEN asked and obtained unanimous consent to address the House.

Mr. Speaker, the past couple weeks I have been told by many members that one of the things holding up final adjournment of this House was the unemployment compensation bill.

Since that bill passed the House I have been laying aside all other business, both in Harrisburg and back home, attempting to work with the Members of the Senate in preparing a measure which could meet with almost full approval of both the Members of the House and the Senate of each political party. I have been told in the past couple weeks by Members of the House particularly that if the unemployment compensation squabble were ended we could pack up and go home.

Yesterday afternoon there was a resolution presented on this floor suggesting that we adjourn sine die next Tuesday. I am informed that the Senate yesterday took some action looking toward adjourning sine die next week, and we appear now at the end of this week, to have made no further progress on unemployment compensation than to have gone up a blind alley in the Senate and to find the obstinacy of the Republican committee in charge of the bill, just as blind, just as impossible to get over as the stone wall at the end of that blind alley.

When the bill was up for consideration in the House there was a serious question raised on the other side as to the wisdom of one of the provisions of the bill. There was some talk about its liberalized provisions insofar as benefits were concerned being so great as to possibly wreck the bill.

There was also talk that the so called provision for partial benefits was not based upon any scientific or practical facts and it was therefore another indication that the drain on the fund would be too great.

Since that time the evidence has mounted; since that

time things have happened. I agreed in part with representatives of the Senate that the benefits could be decreased in House Bill 18 from ten dollars to twenty dollars to eight dollars to eighteen dollars, and I understand that the Secretary of Labor and Industry favors that amount, and I understand that even the Governor's office does.

I have also agreed, and so stated yesterday that I would be perfectly willing to cut out of House Bill 18, which is now in the Senate, any mention whatsoever of the partial plan of payments, which would then put that bill in the shape that the Republican Members of this House would have voted for this bill without any mental reservation, and for which they did vote with the explanation that they felt it proper to have those items deleted from the bill, so that the bill as finally agreed to was pretty much what the Republican Members of the House would like to have in the bill.

I am not complaining about getting a run around by the Senate, I am not complaining about the work that I did, because I have learned a lot. But I am complaining about the tactics of the Senate that is still playing the age-old game of the Senate of Pennsylvania of not doing anything and then blaming the House for not getting out.

I have been told that maybe they will do something next week, but I can't take any more promises. I am ready to ask for my leave of absence for the balance of the week or until such time as they say they are ready to work, and then I will be glad to come back and get to work, but the point I want to make very clear is that the Republican Members in this House took a position, and the Republican Members in the Senate disregarded that position, because when the proposition was finally offered to them to pass a bill which in its most important aspects was what the Republican members of the House wanted, they have refused again to talk, they have refused again to act.

I said before that the evidence in favor of an effective plan of partial payment was mounting. Since the debate between the gentleman from Cambria, Mr. Rose and myself in this House several weeks ago, the Governor of New York, which is one of the only three states in this nation which today does not have a partial payment plan in effect, recommended to the Legislature of New York that certain changes be made in the unemployment compensation laws of New York, and he has asked that the benefits be placed at eight dollars to eighteen dollars and the payment period to be thirteen weeks instead of our idea of sixteen. He has also suggested that a partial payment plan be put in effect.

That has been substantiated by the Senate Committee in New York. Senator Ivens happens to be the majority leader of the Senate in New York, a Republican, and his committee after a study since last year has recommended that the effective day plan and the partial payment plan should be enacted into law in New York.

I assume that they made a scientific and a careful inquiry, and it merely adds more substance and more foundation to my own thoughts and those who believe in the partial payment plan under the effective day theory. It merely gives more support to the feeling that the effective day plan could be put into effect in Pennsylvania.

However, the Senators in the Senate, the Republican Senators have refused to see that or have refused to see anything else. I have been talking around and I have been trying to understand what their attitude is, what it could be based upon.

I am told at one point that they found out that the Governor wants it and therefore they are against it. I was thinking maybe I should ask the Governor to be against it so they would be for it. Someone told me they wanted to use it as a campaign issue, so therefore do not enact any legislation.

I do not know what the reason is, all I know is that I have compromised to the point where I have come to the position of the eighty-four Republican members of the House, and the Republican Senators refuse to go along.

One thing that has happened; in the last week letters started to come to the Senators. Chambers of Commerce and Boards of Trade are sending out duplicate copies of letters which are signed by secretaries and executive secretaries, presidents and excutive vice-presidents saying that the bill is too expensive, and the dear Senators on the other side have been reading their mail again. They are afraid they are going to offend the Chambers of Commerce in this election year. I think someone ought to remind them that they are coming up for office before the electorate in an election year, and why don't they do something about it?

I have been thinking that maybe someone from this side might go over and explain to them, take them by the hand and tell them that Chambers of Commerce are not people, that Chambers of Commerce are organizations and are paid for by some people against the interests of a lot of other people, and if the Senators on the other side want to face an electorate this year, if they want to apologize or explain why we didn't pass more liberal unemployment compensation legislation when the Governor called for it not only once but twice, when this House can unanimously agree on it, let them explain, let them now know that our position is, at least mine is that we are giving them everything, that both parties on this side practically agreed on, but that they stubbornly refused to discuss the matter further other than to say "I have got a lot of letters and they are all against it."

I wonder when they will wake up to the fact that the average voter doesn't write letters, because the average voter doesn't follow legislation, but Chambers of Commerce can knock out letters on a mimeograph machine; Chambers of Commerce can send messages over to the telegraph office; Chambers of Commerce can get school kids to sit down and write letters to the legislators and to legislative bodies. We have had a remarkable example of that in Oklahoma. In Oklahoma they are sending them out by the bale and we know it is all propaganda, against the forty hour week.

But they are afraid of it in Pennsylvania, our dear Senators are. I think it is time that we went over to them and told them the hard facts of life, and if they will listen to nothing else, let them understand that this is an election year, in the hope that they will sit down with House Bill 18 and put in it actually what the Republican

Members of the House have agreed upon, as sponsored by myself and Mr. O'Neill.

I hope the eighty-four Republican Members of the House and the Republican Senators will get somewhere. I can't get anywhere.

PERMISSION TO ADDRESS HOUSE

Mr. TURNER asked and obtained unanimous consent to address the House.

Mr. Speaker, I listened with as much attention as I could because of a number of other conversations going on at the same time, to the gentleman from Philadelphia, and I think I understand fully the purport of what he is trying to say to the House.

I do not think this is a political question, however, nor have I ever conceived it to be my business to try to tell the Senate how to run their business—that is their responsibility as Senators of Pennsylvania. I do, however, want to say for myself that I agree with the gentleman from Philadelphia that this unemployment compensation problem is a very important one and that I have believed all along that we should not adjourn until we have disposed of this matter. We have had presented a new bill which amends our present statute in the manner in which the Members of the House, with the exceptions which the gentleman from Philadelphia has mentioned, have felt it should be amended.

I am pleased that the question of partials has been taken out. I think that those who have been vitally interested in the measure on both sides are pleased that it is out, because it needed more study, it needed more information than we had, and certainly the approach was a dangerous one, because after all our primary duty is to protect the working man and to protect the fund which they need in time of distress.

I have never felt that we should not measure our desire on legislation by the need to get out in a hurry. Unfortunately there has been prevalent in the Legislature of Pennsylvania the idea that the people of Pennsylvania wanted us to march right up here, rush through and get out. In the spirit of economy that is always advisable, and I think also in the spirit of good parliamentary procedure it is advisable when you have the facts, when you have an understanding of the problems and when you can act upon them intelligently. But whether there is a desire to get out early or whether the people of Pennsylvania think we ought to get out early, as far as I am concerned as a Member of the Legislature, that has no influence upon me unless I can feel that the work has been done and that we can expedite it in some way.

I do not think we ought to raise this as a political question; it's too big and too broad a question. I desire to compliment the gentleman from Philadelphia on the spirit in which he has approached the question, and I think my Republican colleagues on this side approached it in the same broad spirit when they said they were going to vote for the bill, despite the fact that they believed it had many dangerous elements in it. It had many good provisions which we believed were necessary, and we believed it would go into conference where the difficulties and the differences could be ironed out, and if the same broad spirit prevailed that prevailed in the House, we could do something for the people of Pennsylvania.

I have not had an opportunity to consult my colleagues on the Republican side since this measure has been in the Senate and since we took our stand on it in the House, but I am confident they will agree with me that we should pass the amendments to the unemployment compensation bill which are needed, but that we should eliminate the question of partials in this session, because I understand provisions are being made for a study of this question, and which can be taken up in the 1943 session which is now only nine months away.

PERMISSION TO ADDRESS HOUSE

Mr. ROSENFELD asked and obtained unanimous consent to address the House.

Mr. Speaker and members of the House: never before in the history of this Commonwealth, has the Chief Executive attempted to vitiate an act of this Legislature, in a manner so repugnant to democratic processes as the manner in which Governor James has refused to carry out the mandate of this Assembly, which required him to appoint the members of the Parole Board on or before October 1, 1941.

If, Mr. Speaker, the Governor maintains that a mandate of this Legislature can be deliberately ignored, particularly when its object is the protection of society, and the rehabilitation of maladjusted men, then, this is a stern indictment.

The issue before us at this time, is not the merits of the Parole Act already considered and approved by this House without a dissenting vote, but rather the merits of the Governor's proposal which is intended to defer until June 1, 1943, the deadline for appointment of the five-man Parole Board.

Gentlemen, the Governor has already ignored for almost six months the mandate of the Parole Law, so that, any attempt by us now to ratify such despotism would expose us as the willing instruments of a designing Executive rather than to a body devoted to legislative progress and achievement.

Governor James argues that the United States is at war; that, therefore the time is inopportune to set up the new system. My answer is the query—What is there about the emergency that makes it desirable to work under a parole law that has failed miserably?

I cannot agree with Governor James, that the new Parole Program, falls into the category of those projects our national leaders would have us postpone. We cannot arbitrarily refer to a substituted parole program as falling into the category mentioned.

An efficient parole system cannot be regarded as a frill or luxury but as a vital defense measure. We must avoid the error of curtailing such a program only to find that it is more essential than ever in a war period.

Let us examine further, what is the attitude of our national leaders with regard to parole. The President of the United States, a firm believer in parole and an intelligent critic of its operation, recently helped to chart the future course of parole by convening in Washington,

D. C. in April 1939, the National Parole Conference. Six hundred delegates assembled in the East Room of the White House, heard the President of the United States say, I quote, "We know from experience that parole when it is honestly and expertly managed provides better protection for society than does any other method of release from prison" unquote.

Contrary to the argument that the the time is unpropitious to set up the new parole machinery, I contend that the war accentuates the necessity for adequate parole administration. Following the last war, crime increased about 250 per cent. It was attributable, according to Rodney H. Brandon, Illinois State Director of Public Welfare, to the destruction of life and property occasioned by the war, which resulted in complete disregard for law and order by civilians, especially by youths in their teens. At a conference of 3,000 welfare workers, psychiatrists and educators, called by the Institute for Juvenile Research recently at the University of Illinois, it was agreed that juvenile delinquency can be expected to increase during the war period.

Prisoners released on parole, are not accepted in the United States Army and to permit them to return to the community, under the present inadequate system is a danger to society, at a time when the war effort is exhausting all of our man power.

Answering the second reason advanced for postponement of the new law, the Governor would have us believe that suggestions designed to augment the efficiency of an already efficient system amounts to criticism of the act. Everyone recognizes as a universal proposition that perfection can not be achieved under any plan and that mistakes will be made under the best possible system administered in the wisest possible way. But we can, by adopting a progressive attitude, reduce such mistakes to a minimum.

Here is what a member of Governor James' cabinet thinks of the new Parole Act. In a letter directed to me under date of July 16, 1941, Commissioner Lynn G. Adams of the Pennsylvania Motor Police writes, I quote "This is an excellent piece of legislation and should go a long way toward correcting a situation that sorely needs attention" unquote.

The view held by Commissioner Adams is shared by such public-spirited citizens as: former Dean William E. Mikell of the University of Pennsylvania Law School; Superior Court Judge Chester H. Rhodes; Thomas R. Wickersham; Judge Ralph Smith of Pittsburgh; President Judge James Gay Gordon, Jr. of Philadelphia, and many others.

The Medical Society of the State of Pennsylvania says of the new law, I quote "The Pennsylvania Parole Law is one of the outstanding advances in criminal justice, the immediate installation of which is most imperative. The present defense emergency cannot be advanced as a sound reason for the indefinite postponement and threatened repeal of the Parole Law. The defense emergency adds to the cogency of such a law and its operation now in order that it may effectively meet the inevitable, greater criminal problem in post war social reconstruction" unquote.

Let us observe what Governor James, himself, said of a similar measure vetoed by him in 1939, because of the failure of the Legislature to appropriate funds, I quote "This bill is the result of much study, consideration and labor by a commission of eminent and outstanding men, presided over by Judge James Gay Gordon, Jr., of the Court of Common Pleas No. 2 of Philadelphia County, who deserve public encomium for this perfectly coordinated piece of Legislation which represents a definite forward step toward solving the problem of rehabilitating persons convicted of violations of our criminal statutes," unquote.

Are these eulogies to be considered criticisms of the Act?

As to the suggestion that the proper men for the system are in the government defense services, my answer is that defense work has undoubtedly absorbed many able men who might be appointed, but there is nevertheless a resourceful field of competent men from which appointments may be made. I am sure, that you will not find in the government defense services Albert G. Fraser, secretary of the Pennsylvania Prison Society; nor Commander John D. Pennington, of the Pennsylvania Industrial School; nor, Dr. Kenneth E. Appel, widely known psychiatrist; nor, Stanley P. Ashe, warden of the Western Penitentiary; nor Leon T. Stern, secretary of the Pennsylvania Committee on Penal Affairs; nor Dr. Philip Q. Loche, chairman of the Committee on Psychiatric Services to Criminal Courts; nor, Mrs. S. M. R. O'Hara, Secretary of the Commonwealth; nor, Richard P. Brown, former Secretary of Commerce. Why does the Governor avail himself of this argument in connection with the Parole Act and not with reference to the Civil Service Commission Act?

Why has the Governor refused to carry out the mandate of the Legislature which required the appointment of the board prior to October 1, 1941 at a time when no emergency existed? Was the Governor then concerned with the very persons in whom he now shows a sudden interest?

It is regrettable that the Chief Executive of this Commonwealth, to whom all citizens might reasonably look for example in law observance, should ignore the requirements of an act of the Legislature.

It is still more regrettable that the Governor would have us ratify his neglect of duty. No one will contend that the functions of State Government must now cease because of the war effort.

The Governor initially contended that because of the war effort, there is need for economy. This as a general proposition is undoubtedly true. But, should the question of economy stand in the way of efforts to rebuild men—should it stand in the way of an adequate parole administration affording better protection to the public?

The Governor would have us be parsimonious in making appropriations for parole. The same suspicion and misunderstanding of parole that has caused us to operate under a defective system will now be the reason for withholding appropriations for parole personnel and equipment without which parole cannot give to the public adequate protection. The Governor would have us make liberal appropriations for facilities to keep men in prison instead of having us appropriate money to keep them

out of prison. And this in spite of the fact that even from a financial point of view, the advantages are all on the side of parole. The average cost of keeping a man in prison is probably between $300.00-$400.00 per year, while the average cost of efficient parole administration is less. It costs one-fourth as much to supervise a man on parole as to keep him behind prison walls. If it is wise from a pecuniary point of view to be liberal with appropriations for the building of prisons and for the safekeeping of prison inmates, it is unwise or parsimonious to provide proportionately less for a parole system that will keep him out of prison by reforming him?

The mind that would deliberately choose to continue a make-shift inadequate and part time parole administration in preference to what the Governor himself has described as "a perfectly co-ordinated" system must have a strange and devious process of reasoning or is secretly hostile to modern and enlightened conceptions of penology. What ulterior motives are behind such a bizarre attitude I cannot guess. But this I do know that the board of directors of any business concern would condemn a manager who gave such a reason for not putting into operation an improvement they had directed in the management of the company's affairs.

Says James V. Bennett, Director of the Federal Bureau of Prisons I quote "It costs in the neighborhood of $60,000,000.00 a year to guard, feed, and clothe the 162,000 men and women who are in prison, and yet we spend probably not more than $1,500,000.00 a year supervising and guiding the approximately 40,000 men and women on parole" unquote.

Governor Saltonstall of Massachusetts is authority for the statement that, I quote "It cost our commonwealth about $50.00 per year to provide parole supervision. But to maintain each inmate in prison costs about $450.00 per year. It is appalling to consider the increased expense for new buildings and personnel if the prisoners now paroled were to be kept to the end of their maximum sentences in confinement where prison cells cost about $6,000.000 for each complete unit" unquote.

I hope the day will soon be past when parole machinery can be kept pitifully inadequate because legislators are parsimonious in the matter of appropriations. The crime problem is too serious to let expense stand in the way of modern machinery.

In the light of these observations, why then the plea of economy particularly now that there is more than $20,000,000.00 in the State Treasury over and above budget estimates for the current period.

This disingenuous excuse is the fiddle-faddle which keeps some 3600 patients waiting for admission to State Hospitals while the model $3,000,000.00 Butler sanatorium stands empty.

Let us observe further how hollow is the argument of economy in the face of present expenditures for the maintenance of an antiquated deficient system.

(1) The estimated total cost of operation of the present State Parole System (1941-1942) is $180,000.00.

(2) The estimated cost of operation of the present county Parole System (based on figures for 1940) is $100,000.00. The latter figure does not include any expenditures for parole in 14 counties of the Commonwealth which have no parole or probation systems. The approximate total cost, therefore, for operating the present system is $280,000.00.

How will the new law remedy the faults that abound in our present system? The best answer is to be found in an examination of the 1941 Parole Act itself, which:

1. Sets up a full time independent board of parole, the members of which are to be experienced in this field.

2. Gives jurisdiction over all prisoners sentenced to a maximum sentence of two years or more, regardless of the types of crimes committed or the institutions involved.

3. Centralizes in the Board of Parole both selection and supervision.

4. Vests discretion in the Board of Parole as to the time when parole shall be granted after expiration of the minimum sentence and as to the maximum time for parole supervision.

5. Assures an adequate parole staff, including a sufficient number of qualified parole officers chosen by competitive examination not only for the work of supervision but for making pre-parole studies.

6. Prohibits political activity not only by the members of the board but by any of its agents or employes.

7. Vests broad powers to impose conditions and to revoke for violations thereof.

It is obvious that a repeal of the Parole Act would be effectuated by a postponement of its operation under Senate Bill No. 13. Section No. 2, which repeals Section No. 37 of the Parole Act, repeals the appropriation provision. This in effect would invalidate the Act and make it inoperative unless and until a future legislature enacted subsequent legislation appropriating monies for operation of the new system.

In this respect, the Governor himself has given us the best reason for declining his proposal. In his veto of a similar measure in 1939, the Governor states, I quote "It would be bad administrative practice to place a law on our statute books which cannot be put into effect because of the failure of the Legislature to appropriate the necessary funds" unquote.

No well informed person doubts that parole, when properly administered, is the most humane and efficient method available for the treatment of the criminal. When it fails, it does so either because the wrong individuals have been selected for parole, or the parole officers are inefficient, or the community has failed in its attitude toward the paroled prisoner. It cannot be applied to all prisoners, because there are some men who ought never to be released into society. It must be administered with discrimination, with a thorough understanding of the man to be paroled and an appreciation of all the influences which go to make or break a socially disabled individual.

The machinery upon which parole now depends in Pennsylvania consists in the main of judges granting parole from county prisons, the State Board of Pardons granting parole from a State prison on recommendation of the Board of Trustees, and the reformatory trustees granting parole from their institutions. A leading penologist refers to the existing system in Pennsylvania as

being defective, with serious lack of centralization. Supervision of parolees is split up between State parole officers covering cases released by the State, and probation officers covering prisoners released from the County jails and other county penal institutions. It is interesting to note, that neither the probation officers who supervise parolees for the judges nor the State parole officers are appointed on the basis of their qualifications. The law authorizing the appointment of probation officers simply states that the judges may appoint discreet persons of respectable character to serve as probation officers.

This hybrid system, consisting of parole units, unconnected and uncoordinated in many cases causes flagrant injustice. This is because the individual units are concerned with particular groups of parolees, rather than with different types of prisoners. Persons committed for similar crimes are treated in one way by one institution and in another way by another institution. This system of paroling, therefore, does not depend on the type of crime perpetrated but rather on the institution to which the person is committed.

Another serious defect in the existing system, is in the fact that the various paroling authorities decide on our parole cases only as a spare time activity. It is significant that the four members of the State Board of Pardons are busy State executives whose time is fully occupied with other duties, and they act in an ex-officio capacity attending to parole only when the Pardon Board meets.

The meager time available to the Attorney General and Secretary of the Commonwealth to devote to their parole functions is obvious when it is realized they are members of other boards and agencies, and are now, in addition to the work of their offices, occupied with the numerous duties of the defense council.

The suggestion of Governor James that the County judges can adequately administer parole is without merit. This disorganized, unwieldy and decentralized system is exercised by the 145 judges of the 67 counties in this Commonwealth. The principal defect in this system is the chaos created in parole by a different system for each county and judge. To allow judges to grant paroles when they are burdened with trial work, the preparation of opinions, and duties which devolve upon them by reason of their membership on boards is lacking in wisdom. The expediency of placing power to grant paroles in the hands of judges has never proven satisfactory. This is not such a power as can be properly vested in a judge who is not chosen for his qualifications for the task and for his peculiar ability with respect to penalogical problems. Quite evident is the lack of preparation for parole hearings, the insufficient data available for study in reaching a decision and the consequent careless paroling of prisoners in the majority of cases.

An example of the liberal attitude that some courts take toward parole may be found in the decision of the Court of Appeals of the District of Columbia in Sims vs. Rives, 66 App. Cases 25 where in an opinion of Associate Justice Harold M. Stephens, the court upheld a parole statute and concluded that parole is not a judicial function.

The sad truth is that in almost every case under the present archaic system the judge indulges in guess work when he considers an application for parole. Without doubt, the parole practices of judges are being subjected to more and more criticism. Much of the criticism is deserved because the parole records of too many judges disclose arbitrary practices and a "hunch system" of paroling offenders. The existence of varying standards in the paroling of prisoners is fraught with serious consequences which does not promote public confidence in the administration of the criminal law.

This condition is not altogether the fault of the judges. They are performing their task with much fidelity. This disjunctive system of paroling prisoners by 145 individual judges is bad, not so much because of any delinquency on the part of the judges, as because the inherent evil of the system itself.

The outstanding weakness in this system of parole is the absence of adequate preparole studies. It is not only improper but dangerous to grant paroles without obtaining all possible data concerning the applicant and his background. In most of the counties, the only information available to the judge is the past record of the prisoner and such data (not usually worth much) as the prosecuting attorney can supply. To parole criminals without a careful investigation of their backgrounds and of their past criminal records is to gravely endanger the public safety.

With the dangerously inadequate supervision of our parolees, the judicial parole has proven a failure. Some paroled prisoners fail because there are relatively few parole officers or because the case load is too heavy. The parolee writes in at stated intervals and reports that he is doing well, or he may appear in person and have his card stamped. For all anybody knows, he may be regularly engaged in committing serious crimes since the time he was paroled.

The parole agent is the last representative of Justice with whom the offender usually has contact. His chief task under an efficient system, is to supervise the offender's transition from incarceration to freedom. Realistically interpreted, this means that the parole agent needs to know the parolee and his background thoroughly, to prepare the ex-prisoner's family for his return and to aid him in obtaining employment; that he needs to cope intelligently with emotional and conduct crises in the life of the parolee and to help him over the obstacles to reinstatement in the community; and finally, that he must have the firmness and courage to arrest the parolee who is flagrantly violating the conditions of his freedom.

These tasks require a parole agent adequately equipped as compared to the politically sponsored, unskilled, untrained and unimaginative variety employed in many counties of this Commonwealth.

The establishment of the State Parole Board is a pressing need for social defense in Pennsylvania. The present situation is dangerous to the safety of our communities and to the welfare of the State. We can not break faith with the citizens of Pennsylvania—we are opposed to any further postponement of the new Parole Law. In the words of the Philadelphia Record, I quote "The times cry out for the best that America has—in brains, in courage, in leadership. That's what we expect of the Pennsyl-

vania Legislature," and that gentlemen is what the Democratic Party has displayed. We insist that the Governor stop flouting his oath of office and carry out the mandate of this Legislature without any further delay.

PERMISSION TO ADDRESS HOUSE

Mr. WILLIAMS asked and obtained unanimous consent to address the House.

Mr. Speaker, today, April 1, 1942, of course, to many people is just April Fool's Day, but to us who come from the coal mining fields of Pennsylvania and also from all over the United States, it is something other than April Fool's Day; it is the day on which we celebrate the founding of the eight hour day in the coal mines in the United States, the day when the men of the mines assemble throughout the entire nation and take stock as to what has happened in the past and what the future might hold for them. Today as the men march down the streets of the small communities things are somewhat different than they were in the past. Our nation is at war and our men as they march in their demonstrations today looking at the ranks of the men in line, will see missing therefrom thousands of young men who a few months ago were working in the mines, bringing the minerals from the bowels of the earth which are used in the manufacture of steel, and other finished product, which a few months ago were used in our peace time efforts and which made luxuries for people, but which today are being used to grind out in the factories and mills the material that is going into our gigantic war efforts.

Yes, they are meeting today and they are listening to the addresses of people from throughout the nation who are aware of the dangers that exist. They are meeting today to pledge themselves to whatever effort this nation of ours calls upon them to perform to win this war.

Mr. Speaker, I have heard in this House many remarks against the laboring man since my tenure started in January of 1939. I have stood on this floor and defended the laboring man of Pennsylvania and of this nation while others have tried to state that we were trying to give them special privileges. We know from the remarks of many of our leaders and from their words of praise that this war must be won through the efforts of the working men and the working women in the United States of America.

For the information of the Members of the House I would like to read an article which appeared in the Philadelphia Inquirer, dated Wednesday morning, April 1, 1942. This cable comes from Australia and reads as follows:

"Washington, March 31. General Douglas MacArthur today cabled the C.I.O. Executive board that it is his firm conviction that labor will 'prove the indestructible backbone that will determine the present vital struggle.'

"MacArthur's message expressed appreciation for a pledge made to him by the C. I. O. for a 100 percent war production, and was accompanied by a cable from Albert Monk, president of the Australian Council of Trade Unions, who said a close bond has been established between workers of Australia and the United States."

That is the very statement I made here in the regular session of 1941 when we were trying to put the labor anti-injunction bill and labor relation bills back to the 1937 status, that regardless of the fact that some of the industries are willing to take from this government of ours as high as two hundred and sixteen percent profit on war orders, regardless of what obstruction they might make, the working man and working woman would eventually be the ones who would win this war.

I make this statement for the record because I know that there are six hundred thousand United Mine Workers assembled throughout the United States and Canada today who are pledging themselves, to make whatever sacrifices they are called upon to make in order that we might be successful from now on. I thank you.

PERMISSION TO ADDRESS HOUSE

Mr. SHEPARD asked and obtained unanimous consent to address the House.

Mr. Speaker, I want to bring to the attention of this House a matter of vital importance to the war effort of this Nation insofar as Pennsylvania is concerned. There have been brought to my attention many instances of persons who are engaged in our defense efforts who have misused the privileges afforded them because of their positions in the various defense agencies, to carry on political, partisan activities.

I think it ought to be said again and again and stated in no uncertain terms that this is not a Republican war or a Democratic war; it is not a white man's war or a black man's war, though I submit, Mr. Speaker and members of the House, if the black men were given a more equal opportunity in the prosecution of this war it would be over much sooner.

But I do want to state, Mr. Speaker, that many times it has been brought to my attention that the persons acting as air raid wardens and auxiliary policemen and firemen and even members of certain priority and tire rationing boards, have been accused of political favoritism. This ought not to be so. This is a war of all the people of this country for the preservation of certain freedoms and decencies in life without which life would not be worth while on this earth.

To this end, Mr. Speaker, in order to prevent such miscarriages of justice, such betrayals of trust, I offer and introduce a bill. This may not be the correct bill, insofar as lawyers are concerned, I will have to submit that to their judgment because I am not a lawyer. Thank God! I do say, Mr. Speaker, that if necessary this House should remain in session long enough to pass this bill. I have no pride of authorship—familiar words—but I do think this legislature ought to stay in session long enough to pass this bill or a similar bill or any bill that is designed and will serve to prohibit political activities on the part of those persons connected with our defense efforts, so that the all-out effort of America to win this war will be an all-out effort in every respect. I thank you.

The SPEAKER. The bill will be filed with the Clerk under the rules of the House.

PERMISSION TO ADDRESS HOUSE

Mr. TURNER asked and obtained unanimous consent to address the House.

Mr. Speaker, the gentleman from Philadelphia is accustomed to slinging barbs at the profession of which I happen to be a member, and of which I am very proud to be a member, because after all it always seemed to me that lawyers knew where they were going after this life, but ministers never knew just where they were going. Of course, there are some ministers about whom we have no doubt as to where they are going. You can take that either way.

I arise in defense of the men and women who are doing this great voluntary work in civilian defense. After all, politics pervades most everything we do in life. I see no difference between what happens in the local communities and what is happening in Washington. I take no umbrage at the fact that they are playing as much politics in Washington in the war effort as would be played at any other time. All the newspapers constantly recount, and those who are observers in Washington constantly recount the fact that there politics is being played with war efforts as far as the national efforts are concerned. Yet I raise no question about that because it seems to me that it is just human nature and you cannot do very much about it.

As the war effort intensifies, as our people become more concerned with the war, as I think they are today, as they redouble their efforts, tighten their belts, I think that will all be swept away. There are hundreds and thousands of men and women in Pennsylvania today who I know have no political interest in the work they are doing. They are not injecting any politics, they are just trying to do their part.

Last night I met my former colleague, the former majority and former minority leader on this side, now Judge Woodside, on the street, and he told me that the night before his wife and himself had taken a hitch at two o'clock in the morning as airplane spotters. It would not ordinarily be considered necessary that a judge on the bench partake in that activity, and yet in his desire to do his part he is doing his little bit in civilian defense.

There is no question about the fact that civilian defense was greatly retarded by the politics that were originally injected into its organization. I think if there is any reason for the confusion that exists in the minds of the people, if there is any reason why we do not make as great progress as we ought to make in civilian defense, it is because of the deplorable condition that existed in the leadership in civilian defense. However, after a period of some six or eight months the call of the American people was so loud that that condition was straightened out. I think we have in civilian defense today in Washington and throughout the nation a real desire to bring about order and to bring about efficiency and get the right kind of an organization to do the job.

Therefore, I do not feel it is fair for anyone today to stand here on the floor of the House and accuse a vast majority of able and patriotic men and women, who are actuated by no other desire than to do their duty and to have some opportunity to play some part in the great effort for civilian defense, of playing politics. If some irresponsible minority, if some few who do not realize the responsibility of their position, if some are not patriotic enough, whether it be in civilian defense locally or whether it be in Washington, that is matter that I think we can all condemn, but let us not condemn the great group of men and women, whether they be in Washington or whether they be in Harrisburg, or whether they be in any of the little villages and hamlets in the state of Pennsylvania.

PERMISSION TO ADDRESS HOUSE

Mr. GATES asked and obtained unanimous consent to address the House.

Mr. Speaker, in my six years experience in this House I have never heard more sincere and honest expressions from the Members of this House than I have heard this morning in the speeches that have been made.

I am more particularly interested in the sincerity and efforts of the gentleman from Philadelphia, Mr. Cohen, and also in the sincerity and efforts of the minority floor leader, the gentleman from Delaware, Mr. Turner, in attempting to bring before this House and the Senate the compromise understanding on the unemployment compensation act. I was surprised when I listened to a resolution by the members of the Senate asking that we concur in the resolution to adjourn next Tuesday.

I met Ellwood Turner on the street last evening, and I remonstrated with him about the adjournment. May I say to you that he concurred and agreed with me that we had work to do before adjournment. Mr. Turner said it was not the place of the Members of the House of Representatives to dictate to the Senate what they should do or what they should not do, and I believe all of us concur in that opinion. But I also believe, men of this House, that the opposite is true, that the Senate of the state of Pennsylvania has no right to dictate to the Members of the House of Representatives what we should do. We have a form of government in which we are supposed to work in harmony, to try to iron out the problems of the state of Pennsylvania, and I believe maybe for the first time in the history of the state we should send word back to the honorable body of the Senate of the state of Pennsylvania that we will not concur in the resolution to adjourn until the full duty of this House has been accomplished.

SENATE MESSAGES

AMENDED HOUSE BILL RECALLED FROM THE GOVERNOR CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 10.

An Act to further amend section six hundred twenty-eight and to amend section six hundred twenty-nine of the act approved the third day of June one thousand nine hundred thirty-seven (P. L. 1333), entitled "An act con-

cerning elections including general municipal special and primary elections the nomination of candidates primary and election expenses and election contests creating and defining membership of county boards of elections imposing duties upon the Secretary of the Commonwealth courts county boards of elections county commissioners imposing penalties for violation of the act and codifying revising and consolidating the laws relating thereto and repealing certain acts and parts of acts relating to elections" extending the time within which writs of election may issue for holding special elections to fill vacancies occurring in either house of the General Assembly and the time within which nominations therefor may be filed.

Said bill having been recalled from the Governor for the purpose of amendment, the vote had on final passage and third reading reconsidered in the House and the bill amended, in amendments the Senate has concurred.

AMENDED SENATE BILL RECALLED FROM THE GOVERNOR RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence bill numbered and entitled as follows:

SENATE BILL No. 28.

An Act to further amend Section 801 of the act, approved the fifth day of May, one thousand nine hundred and thirty-three (P. L. 457), entitled "An act relating to the business of building and loan associations, providing for the organization and voluntary dissolution of such associations; defining the rights, powers, duties, liabilities, and immunities of such associations, and of their officers, directors, shareholders, solicitors, and other employes; prohibiting the transaction of business in this Commonwealth by foreign building and loan associations; conferring powers and imposing duties upon the courts, recorders of deeds, and certain State departments, commissions, and officers; establishing limitations of actions; imposing penalties; and repealing certain acts and parts of acts", by authorizing building and loan associations to act as fiscal agents of the United States Government for the sale of United States Defense Bonds and Defense Stamps, and permitting such associations to pledge their assets for the faithful performance of their duties as such agents.

Said bill having been recalled from the Governor for amendment, the vote had on final passage and third reading reconsidered in the Senate and the bill amended, in which amendments the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend Section 1, page 4, line 3, by striking out after the word "Stamps" the word "and".

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—170

Achterman,	Finnerty,	Lesko,	Rooney,
Auker,	Fiss,	Leydic,	Rose, S.,
Baker,	Fleming,	Lichtenwalter,	Rosenfeld,
Balthaser,	Fletcher,	Longo,	Rush,
Baugher,	Flynn,	Lovett,	Sarraf,
Bentley,	Foor,	Malloy,	Scanlon,
Bentzel,	French,	Maxwell,	Schwab,
Boles,	Gallagher,	McClanaghan,	Serrill,
Boney,	Gates,	McClester,	Shaffer,
Boorse,	Gerard,	McDermott,	Shepard,
Bower,	Goodwin,	McFall,	Simons,
Bradley,	Greenwood,	McIntosh	Snyder,
Breth,	Gross,	McKinney,	Sorg,
Bretherick,	Gryskewicz,	McLanahan,	Stambaugh,
Brown,	Gyger,	McMillen,	Stank,
Brunner, C. H.,	Haberlen,	Melchiorre	Stine,
Brunner, P. A.,	Haines,	Mihm,	Stockham,
Burns,	Hall,	Modell,	Tarr,
Burris,	Hamilton,	Monks,	Taylor,
Cadwalader,	Hare,	Mooney,	Thompson, E. F.,
Chervenak,	Harris,	Moran,	Thompson, R. L.,
Chudoff,	Heatherington,	Muir,	Turner,
Cohen, M. M.,	Helm,	Munley,	Vincent,
Cohen, R. E.,	Hering,	Nagel,	Vogt,
Cook,	Herman,	Nunemacher,	Voldow,
Cooper,	Hersch,	O'Brien,	Wagner,
Cordier,	Hewitt,	O'Connor,	Watkins,
Croop,	Hirsch,	O'Dare,	Weingartner,
Cullen,	Holland,	O'Mullen,	Weiss,
Dalrymple,	Huntley,	O'Neill,	Welsh, E. B.,
Dennison,	Imbrie,	Owens,	Welsh, M. J.,
DiGenova,	James,	Petrosky,	Wilkinson,
Dix,	Jefferson,	Pettit,	Williams,
Dolon,	Jones, P. N.,	Polen,	Winner,
D'Ortona,	Keenan,	Powers,	Wolf,
Duffy,	Kenehan,	Prosen,	Wood, N.,
Early,	Kline,	Readinger,	Woodring,
Eckels,	Kolankiewicz,	Reagan,	Wright,
Elder,	Komorofski,	Reese, D. P.,	Yeakel,
Elliott,	Krise,	Regan,	Yester,
Ely,	Lee, E. A.,	Reynolds,	Young,
Falkenstein,	Lee, T. H.,	Rifea,	Kilroy,
Finestone,	Leonard,	Riley,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative, and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

BILLS INTRODUCED AND REFERRED

By Mr. ACHTERMAN. HOUSE BILL No. 107.

An Act to prevent interference with the prosecution of the war in which this Nation is engaged, by suspending section three of the act, approved the twenty-second day of June, one thousand nine hundred thirty-five (P. L. 414), entitled "An act to provide revenue for State purposes; imposing taxes upon certain classes of personal property; providing for the assessment, collection, and lien of the same, and the distribution of the proceeds thereof; imposing duties on executors, administrators, registers of wills, recorders of deeds, prothonotaries, and court clerks, and on persons, copartnerships, associations, banks, national banks, trust companies, and other corporations receiving deposits of money, and on certain corporations and limited partnerships; conferring powers and imposing duties on certain State officers and departments; imposing penalties; and making an appropriation," as reenacted and amended, imposing a State tax on personal property.

Referred to the Select Committee on Special Session Legislation.

By Messrs. WEISS and MAXWELL.

HOUSE BILL No. 108.

An Act to amend section three of the act, approved the sixteenth day of July, one thousand nine hundred forty-one (P. L. 383), entitled "An act concerning the permanent recordation of certain births, birth certificates, the issuance of copies of such certificates, and prescribing the procedure therefor; enlarging the powers and duties of the Department of Health and the Bureau of Vital Statistics; providing for appeals from the action of the Bureau of Vital Statistics to the Orphans' Court, and imposing duties and powers on such Orphans' Court," by

modifying provisions thereof in order to provide for immediate petition to the Orphans' Court under certain circumstances for a limited period of time, and imposing additional duties and powers on such Orphans' Court and the Bureau of Vital Statistics of the Department of Health.

Referred to the Select Committee on Special Session Legislation.

By Mr. SHEPARD. HOUSE BILL No. 109.

An Act to prohibit, during a limited period, certain workers for State, local and district councils of defense, or for certain Federal boards, agencies or instrumentalities engaged in defense and war activities, from engaging in political activity; and providing penalties.

Referred to the Select Committee on Special Session Legislation.

SENATE MESSAGE

SENATE BILL FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence, bill numbered and entitled as follows:

SENATE BILL No. 61. (HOUSE BILL No. 110).

An Act to add section one thousand one hundred and ten to the act approved the twenty-fourth day of June one thousand nine hundred and thirty-nine P. L. 872), entitled "An act to consolidate amend and revise the penal laws of the Commonwealth" by prescribing additional penalties in the case of the commission of larceny or robbery of things affected by priorities rationing or other restrictions during time of war.

Referred to the Select Committee on Special Session Legislation.

RESOLUTIONS INTRODUCED AND REFERRED

By Messrs. SHEPARD and BROWN.

RESOLUTION No. 43.

In the House of Representatives, April 1, 1942.

Lincoln University, located forty miles from Philadelphia, is a liberal arts college for Negro men, with an enrollment of 367. It is an old established institution which has carried on its work for more than eighty years. Among its graduates have been some of the most prominent leaders of the Negro race. Many of its alumni now occupy responsible positions in public life. It is the only liberal arts college for Negroes in the northeastern area of the United States.

The University owns 275 acres in the most beautiful part of southeastern rural Pennsylvania. It is State aided, receiving biennial appropriations from the State of Pennsylvania. During the last war, Lincoln University had a student army training corps, which, in 1918, received a high official rating; therefore be it

Resolved, That the House of Representatives of the General Assembly of Pennsylvania hereby respectfully petitions the War Department of the United States Government to install a Reserve Officers Training Corps at Lincoln University, in Chester County, Pennsylvania, for the training of students to become officers in the United States Army; and be it further

Resolved, That certified copies of this resolution be transmitted to the President of the United States, to the Secretary of War of the United States, and to each senator and member from this Commonwealth in the Congress of the United States.

Referred to the Select Committee on Special Session Legislation.

By Mr. BRADLEY. RESOLUTION No. 44.

In the House of Representatives, April 1, 1942.

Whereas, The United States of America is now engaged in a life and death struggle against a coalition of foreign powers; and

Whereas, The efficient and successful conduct of modern mechanized warfare is as much or more an economic matter as it is a military problem; and

Whereas, One of the most vital elements in strengthening the economic front of the present war is an efficient and adequate transportation system within the boundaries of the United States; and

Whereas, The widespread use of motor trucks constitutes an essential link in such transportation system; and

Whereas, The existence of different weight limitations upon trucks while traveling throughout the various states comprising this Nation has served to impede materially the efficiency of the motor truck transportation system at a time when it is most needed; and

Whereas, The Commonwealth of Pennsylvania now imposes by statute a weight limitation upon motor trucks using the highways of the Commonwealth which is lower than that in effect in certain neighboring states; and

Whereas, The immediate necessity for the motor truck transportation system to operate at its highest possible efficiency requires that the weight limitations on such trucks be suspended during the continuation of the present war so as to permit trucks up to weights of 50,000 pounds to operate over Pennsylvania highways in the hauling of coal, iron, military supplies and other commodities vital to the war effort; now therefore be it

Resolved, That the House of Representatives of the General Assembly of the Commonwealth of Pennsylvania favors relaxation of the weight limitation upon motor trucks in order that the prosecution of the war may be facilitated; and be it further

Resolved, That the Secretary of Revenue be empowered to take whatever steps may be necessary to effectuate such relaxation of weight limitations.

Referred to the Select Committee on Special Session Legislation.

BILL SIGNED BY SPEAKER

Bill numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the title was publicly read as follows:

HOUSE BILL No. 10.

An Act to further amend section six hundred twenty-eight and to amend section six hundred twenty-nine of the act approved the third day of June one thousand nine hundred thirty-seven (P. L. 1333), entitled "An act concerning elections including general municipal special and primary elections the nomination of candidates primary and election expenses and election contests creating and defining membership of county boards of elections imposing duties upon the Secretary of the Commonwealth courts county boards of elections county commissioners imposing penalties for violation of the act and codifying revising and consolidating the laws relating thereto and repealing certain acts and parts of acts relating to elections" extending the time within which writs of election may issue for holding special elections to fill vacancies occurring in either house of the General Assembly and the time within which nominations therefor may be filed.

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. ACHTERMAN, asked and obtained permission for the Committee on Special Session Legislation to meet during the session of the House.

REPORTS FROM COMMITTEES

Mr. O'BRIEN, from the Select Committee on Special Session Legislation, reported as committed House Bill No. 109, entitled:

An Act to prohibit, during a limited period, certain workers for state, local and district councils of defense, or for certain Federal boards, agencies or instrumentalities engaged in defense and war activities, from engaging in political activity; and providing penalties.

Mr. SHEPARD, from the Select Committee on Special Session Legislation, reported as committed, House Bill No. 95, entitled:

An Act authorizing temporary emergency war time increases in salaries of district superintendents, assistant district superintendents, and other professional employes of school districts, and the discontinuance of such increases without the consent of such employe, or a hearing before the board of school directors (or board of public education) or any right of appeal; and suspending inconsistent laws.

Mr. MARSHALL M. COHEN, from the Select Committee on Special Session Legislation, reported as committed, House Bill No. 107, entitled:

An Act to prevent interference with the prosecution of the war in which this Nation is engaged, by suspending section three of the act, approved the twenty-second day of June, one thousand nine hundred thirty-five (P. L. 414), entitled "An act to provide revenue for State purposes; imposing taxes upon certain classes of personal property; providing for the assessment, collection, and lien of the same, and the distribution of the proceeds thereof; imposing duties on executors, administrators, registers of wills, recorders of deeds, prothonotaries, and court clerks, and on persons, copartnerships, associations, banks, nationa' banks, trust companies, and other corporations receiving deposits of money, and on certain corporations and limited partnerships; conferring powers and imposing duties on certain State officers and departments; imposing penalties; and making an appropriation," as reenacted and amended, imposing a State tax on personal property.

Mr. MELCHIORRE, from the Select Committee on Special Session Legislation, re-reported as amended, House Bill No. 58, entitled:

An Act authorizing the Department of Property and Supplies, with the approval of the Board of Commissioners of Public Grounds and Buildings to adopt certain rules and regulations governing purchases, sales and contracts of the Department of Property and Supplies on behalf of the Commonwealth during the continuation of the present war, and for six months thereafter, and suspending certain statutory provisions inconsistent with such rules and regulations.

Mr. WOODRING, from the Select Committee on Special Session Legislation, reported as amended, House Bill No. 33, (Senate Bill No. 19), entitled:

An Act to protect property and prevent sabotage by prohibiting, for a limited period of time, certain intentional injuries to, and interferences with, real and personal property; prohibiting certain intentional defects in workmanship; limiting the privileges of certai witnesses, and providing penalties.

Mr. READINGER, from the Select Committee on Special Session Legislation, reported as amended, House Bill No. 37, (Senate Bill No. 35), entitled:

An Act authorizing the Department of Highways to construct, replace or repair bridges in cities of the third class which form connecting links on State highways necessary for National defense in cases where Federal funds and city funds are available for such purposes and authorizing the Secretary of Highways to enter into agreements with the proper Federal authorities and the authorities of cities of the third class covering the construction, replacement or repair of such bridges; and making an appropriation.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 109, entitled:

An Act to prohibit, during a limited period, certain workers for state, local and district councils of defense, or for certain Federal boards, agencies or instrumentalities engaged in defense and war activities, from engaging in political activity; and providing penalties.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 95, entitled:

An Act authorizing temporary emergency war time increases in salaries of district superintendents, assistant district superintendents, and other professional employes of school districts, and the discontinuance of such increases without the consent of such employe, or a hearing before the board of school directors (or board of public education) or any right of appeal; and suspending inconsistent laws.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 107, entitled:

An Act to prevent interference with the prosecution of the war in which this Nation is engaged, by suspending section three of the act, approved the twenty-second day of June, one thousand nine hundred thirty-five (P. L. 414), entitled "An act to provide revenue for State purposes; imposing taxes upon certain classes of personal property; providing for the assessment, collection, and lien of the same, and the distribution of the proceeds thereof; imposing duties on executors, administrators, registers of wills, recorders of deeds, prothonotaries, and court clerks, and on persons, copartnerships, associations, banks, national banks, trust companies, and other corporations receiving deposits of money, and on certain corporations and limited partnerships; conferring powers and imposing duties on certain State officers and d

partments; imposing penalties; and making an appropriation," as reenacted and amended, imposing a State tax on personal property.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

ADJOURNMENT

Mr. O'DARE. Mr. Speaker, I move that this House do now adjourn until Thursday, April 2, 1942, at 10 a. m.

The motion was agreed to, and (at 1:54 p. m.) the House adjourned.

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal.

Extraordinary Session of 1942.

Vol. 26. HARRISBURG, PA., THURSDAY, APRIL 2, 1942. No. 22.

HOUSE OF REPRESENTATIVES

THURSDAY, April 2, 1942

The House met at 10 a. m.
The SPEAKER (Elmer Kilroy) in the Chair.

PRAYER

The Chaplain, Rev. Donald McFall offered the following prayer:

"I tell Him all my sorrows,
I tell Him all my joys,
I tell Him all that pleases me,
I tell Him what annoys;
He tells me what I ought to do,
He tells me how to try,
And so we talk together, My Lord and I."

Dear God, I covet these words of the poet for every member of this House of Representatives, especially as each man returns home to his family and friends. On the day he chooses to worship Thee may he find the message in Song and Word inspiring and challenging to his own heart and soul.

Today we give thanks to Thee for men in the past who because of a vision have made possible free schools within our beloved State. All that is good has been inspired through Thy love for mankind. Help us, our God, to be true to the principles of right which have as a stimulus, the factor of love—the love of God which passeth all understanding. In Christ's name we pray. Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of yesterday.

The Clerk proceeded to read the Journal of yesterday, when, on motion of Mr. BOORSE, unanimously agreed to, the further reading was dispensed with and the Journal approved.

BILL INTRODUCED AND REFERRED

By Mr. LEVY. HOUSE BILL No. 111.

An Act to amend the act, approved the nineteenth day of March, one thousand nine hundred forty-one (P. L.), entitled "An act relating to national and state defense, providing for the establishment of a State Council of Defense and of local and district councils of defense, prescribing the powers and duties thereof, and making an appropriation therefor," by authorizing and directing the State Council of Defense to provide certain facilities to care for children of women engaged in actual defense work; authorizing the State Council of Defense to accept certain grants, appropriations and gifts; and providing for the custody and disbursement thereof.

Referred to the Select Committee on Special Session Legislation.

RESOLUTION INTRODUCED AND REFERRED

By Mr. LEVY. RESOLUTION No. 45.

In the House of Representatives, April 1, 1942.

Whereas, The United States of America is now engaged in a life and death struggle against a coalition of foreign nations; and

Whereas, Although this war has so far been fought in foreign lands, modern land, sea and air weapons are developing so swiftly that actual blows may be struck within the borders of our country and state; and

Whereas, In a nation such as ours, there is always strong possibility of sabotage by enemy aliens; and

Whereas, These possibilities of destruction and violence here at home necessitate that certain precautions be taken to safeguard the civilian population, particularly the children of school age; and

Whereas, It is of greatest importance that the numerous school buildings throughout the Commonwealth be placed and kept in such condition that the children using such buildings be safeguarded as completely as possible in case of air raids, sabotage, or other acts of violence and destruction; now therefore be it

Resolved, That the State Council of Education and the Superintendent of Public Instruction be requested to make a survey of the condition, equipment and safety of all school buildings throughout the State, to the end that such buildings be placed and kept in the state of greatest possible security and safety for school children who may happen to be therein during any of the disturbances which ay result from the present war; and be it further

Resolved, That copies of this resolution be transmitted by the Chief Clerk of the House to the Superintendent of Public Instruction and to the State Council of Defense.

Referred to the Select Committee on Special Session Legislation.

Mr. RILEY IN THE CHAIR

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 92, (Senate Bill No. 46), entitled:

An Act to suspend for a limited time the operation of laws regulating or relating to the movement loading

lightering docking and anchorage of vessels carrying or having on board certain explosives insofar as the same relate to the handling or stowing of small arms ammunition or ammunition which contains the projectile and the explosive in one container or shell to from or in such vessels docking or anchoring in the Delaware River and its navigable tributaries.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 33, (Senate Bill No. 19), entitled:

An Act to protect property and prevent sabotage by prohibiting, for a limited period of time, certain intentional injuries to, and interferences with, real and personal property; prohibiting certain intentional defects in workmanship; limiting the privileges of certain witnesses, and providing penalties.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 37, (Senate Bill No. 35), entitled:

An Act authorizing the Department of Highways to construct, replace or repair bridges in cities of the third class which form connecting links on State highways necessary for National defense in cases where Federal funds and city funds are available for such purposes and authorizing the Secretary of Highways to enter into agreements with the proper Federal authorities and the authorities of cities of the third class covering the construction replacement or repair of such bridges; and making appropriation.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

THE SPEAKER (Elmer Kilroy) IN THE CHAIR

The SPEAKER. The Chair thanks the gentleman from Lycoming, Mr. Riley, for presiding.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILL No. 28

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 1, 1942.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 28, Printer's No. 9, entitled, "An Act to further amend clause (g) as added to section one thousand one hundred and ten of the act approved the first day of May one thousand nine hundred and twenty-nine (P. L. 905) entitled 'An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds' suspending during the period of present hostilities and for one year thereafter the requirement that all electrically operated traffic signals shall be made to conform with provisions of said act and the regulations of the Secretary of Highways."

ARTHUR H. JAMES

BILLS ON SECOND READING

Agreeably to order,
The House proceeded to the second reading and consideration of House Bill No. 69, entitled:

An Act to further amend section two of the act approved the seventh day of June one thousand nine hundred seventeen (P. L. 600) entitled "An act providing that appointive officers and employes employed by the Commonwealth of Pennsylvania in its civil service or by any department bureau commission or office thereof or by any county municipality township or school district shall not be deemed or held to have resigned or abandoned their offices or employments by reason of enlistment enrollment or draft in the military or naval service of the United States or any branch or unit thereof in time of war or contemplated war prohibiting the removal from their offices or employments of such officers and employes during the period of their service in the Army or Navy directing that one-half of the salaries or wages of such officers or employes as have dependent wives children or parents and not exceeding two thousand dollars per annum be paid during the term of their service in the Army or Navy to such dependents authorizing the employment during said term of substitutes to perform the duties theretofore performed by such officers or employes respectively and providing for the compensation of such substitutes" by providing for the payment into the School Employes' Retirement Fund of certain amounts of the salaries or wages of certain officers or employes under certain circumstances

And said bill having been read at length the second time and agreed to
Ordered, To be transcribed for a third reading.

Agreeably to order,
The House proceeded to the second reading and consideration of House Bill No. 71, entitled:

A Supplement to the act approved the eighteenth day of July one thousand nine hundred seventeen (P. L. 1043) entitled "An act establishing a public school employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon boards having the employment of public school employes exempting annuities allowances returns benefits and rights from taxa-

tion and judicial process and providing penalties" defining the rights and obligations of certain members of the School Employes' Retirement Association engaged in active military service

And said bill having been read at length the second time and agreed to

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 101, entitled:

An Act to amend the appropriation to the Department of Military Affairs in section two of the act approved the sixteenth day of June one thousand nine hundred and forty-one (Appropriation Act No. 12-A) entitled "An act to provide for the ordinary expenses of the Executive Legislative and Judicial Departments of the Commonwealth interest on the public debt and the support of the public schools for two years beginning June first one thousand nine hundred and forty-one and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first one thousand nine hundred and forty-one" by providing specifically for the expenses of the State Council of Defense for the maintenance of a nautical school

And said bill having been read at length the second time and agreed to

Ordered, To be transcribed for a third reading.

BILL PASSED OVER

There being no objection House Bill No. 99, (Senate Bill No. 65), Printer's No. 47, was passed over at the request of the SPEAKER.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 85, (Senate Bill No. 58), entitled:

An Act to further amend section seven hundred two, to amend section seven hundred nineteen, and to further amend section eight hundred and six of the act approved the third day of June, one thousand nine hundred and thirty-seven (P. L. 1225), entitled "An act concerning game and other wild birds and wild animals; and amending, revising, consolidating, and changing the law relating thereto," by vesting in the Pennsylvania Game Commission the power to adjust hours for hunting, training of dogs, and carrying certain firearms and ammunition.

And said bill having been read at length the second time and agreed to

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 109, entitled:

An Act to prohibit, during a limited period, certain workers for state, local and district councils of defense, or for certain Federal boards, agencies or instrumentalities engaged in defense and war activities, from engaging in political activity; and providing penalties.

And said bill having been read at length the second time and agreed to

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 95, entitled:

An Act authorizing temporary emergency war time increases in salaries of district superintendents, assistant district superintendents, and other professional employes of school districts, and the discontinuance of such increases without the consent of such employe, or a hearing before the board of school directors (or board of public education) or any right of appeal; and suspending inconsistent laws.

And said bill having been read at length the second time and agreed to

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 107, entitled:

An Act to prevent interference with the prosecution of the war in which this Nation is engaged, by suspending section three of the act approved the twenty-second day of June, one thousand nine hundred thirty-five (P. L. 414), entitled "An act to provide revenue for State purposes; imposing taxes upon certain classes of personal property; providing for the assessment, collection, and lien of the same, and the distribution of the proceeds thereof; imposing duties on executors, administrators, registers of wills, recorders of deeds, prothonotaries, and court clerks, and on persons, copartnerships, associations, banks, national banks, trust companies, and other corporations receiving deposits of money, and on certain corporations and limited partnerships; conferring powers and imposing duties on certain State officers and departments; imposing penalties; and making an appropriation," as reenacted and amended, imposing a State tax on personal property.

And said bill having been read at length the second time and agreed to

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 58, entitled:

An Act authorizing the Department of Property and Supplies, with the approval of the Board of Commissioners of Public Grounds and Buildings to adopt certain rules and regulations governing purchases, sales and contracts of the Department of Property and Supplies on behalf of the Commonwealth during the continuation of the present war, and for six months thereafter, and suspending certain statutory provisions inconsistent with such rules and regulations.

The first section was read,

On the question,

Will the House agree to the section?

Mr. ACHTERMAN offered the following amendments:

Amend Sec. 1, page 2, line 3, by inserting after the word "thereafter" the following: "But in no event longer than three months after the General Assembly convenes in regular session in the year one thousand nine hundred and forty-three".

Amend Sec. 1, page 2, line 9, by striking out the words "or sale".

They were agreed to.

The section was agreed to as amended.

The second section was read and agreed to.

Mr. ACHTERMAN offered an amendment, a new section.

Amend Bill, page 3, by inserting between lines 13 and 14 the following:

Section 3. No contract shall be entered into by the department, and no purchase of any property or materials shall be made by it, nor shall the department change or modify any specifications or schedules relative to the performance of any contract, nor furnish any materials, supplies or facilities to the Commonwealth or any of the departments, boards and commissions thereof, under or pursuant to any rule or regulation adopted under the provisions of this act unless and until the same shall have been approved by the Board of Commissioners of Public Grounds and Buildings.

It was agreed to.

The third section was read.

On the question,

Will the House agree to the section?

Mr. ACHTERMAN offered the following amendment:

Amend Sec. 3, page 3, line 14, by striking out the figure "3" and inserting in lieu thereof: "4".

It was agreed to.

The section was agreed to as amended.

The preamble was read and agreed to.

The title was read.

On the question,

Will the House agree to the title?

Mr. ACHTERMAN offered the following amendments:

Amend title, page 1, line 3 of title, by inserting after the word "Buildings" the following: "as a temporary emergency war measure, for a limited period of time".

Amend title, page 1, line 4 of title, by striking out the word "sales".

Amend title, page 1, lines 6 and 7 of title, by striking out the words "during the continuation of the present war and for six months thereafter" and inserting in lieu thereof: "and, with like approval, to make and alter purchases and contracts pursuant thereto".

They were agreed to.

The title was agreed to as amended.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

CONDOLENCE RESOLUTION

Messrs. PRESLEY N. JONES and CHARLES H. BRUNNER offered a resolution which was twice read, considered and adopted as follows:

In the House of Representatives, April 2, 1942.

The House of Representatives is grieved to learn of the death on Wednesday, March 25th, of J. Ambrose Weingartner, the only brother of the Hon. George T. Weingartner, popular and able Member of the House of Representatives.

J. Ambrose Weingartner was born in Lawrence County and became outstanding in the contracting field. He and his brother were raised together, attended school together, and remained very close throughout their lives. The passing of J. Ambrose Weingartner is a great loss to our fellow-member from Lawrence County, and the membership of the House of Representatives sympathizes with him in so great a bereavement, therefore be it

Resolved, That the House of Representatives notes with sorrow the passing of J. Ambrose Weingartner, and be it further

Resolved, That a copy of this resolution be forwarded to his son and also to his brother the Hon. George T. Weingartner, by the Chief Clerk of the House of Representatives.

ADJOURNMENT

Mr. BRADLEY. Mr. Speaker, I move that this House do now adjourn until Monday, April 6, 1942, at 9 p. m.

The motion was agreed to, and (at 10:25 a. m.) the House adjourned.

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal.

Extraordinary Session of 1942.

Vol. 26. HARRISBURG, PA., MONDAY, APRIL 6, 1942. No. 23.

SENATE

MONDAY, April 6, 1942

The Senate met at 4:00 o'clock, p. m., E. W. T.

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the Chair.

PRAYER

The Chaplain, Rev. EDWIN S. WALLACE, D. D., offered the following prayer:

Eternal God, whose kingdom is the universe, and whose subjects are the children of men, may we recognize Thy sovereignty and profess with fidelity our loyalty. There is no other ruler to whom we bow the knee. May we bow to Thee in all reverence and humility.

Since last we met many of us have rejoiced on the anniversary of the resurrection of our Lord. He who brought life and immortality to the world by His death and His victory over death gives to those who accept Him that "hope which maketh not ashamed."

When life's road becomes perplexing and the burdens heavy, and faith falters before the fact of death, may He who overcame the world cause the feeble flame on the altars of our hearts to glow again.

We ask Thy guidance and protection for our President, our Governor and for all in authority. Cover with Thy protecting care the officers and all soldiers of our country.

All we ask is in the name of our Lord. Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. CHAPMAN and Mr. GELTZ, the further reading was dispensed with, and the Journal was approved.

LEAVE OF ABSENCE

Mr. Farrell asked and obtained leave of absence for the Senator from Bucks, Mr. JAMES.

Mr. Stiefel asked and obtained leave of absence for the Senator from Philadelphia, Mr. SHAPIRO, for today and tomorrow.

Mr. Geltz asked ond obtained leave of absence for the Senator from McKean, Mr. THOMAS B. WILSON.

NOMINATIONS BY THE GOVERNOR

NOTARIES PUBLIC

The Secretary to the Governor being introduced, presented in writing from His Excellency, the Governor of the Commonwealth, nominations for appointment as Notaries Public.

CONSIDERATION OF NOTARIES PUBLIC

Mr. GELTZ. Mr. President, I move that the Senate do now proceed to the consideration of nominations for appointment as Notaries Public, sent to the Senate, April 6, 1942, by His Excellency, the Governor of the Commonwealth.

Mr. MILLER. Mr. President, I second the motion.

The motion was agreed to.

The nominations were read as follows:

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 6, 1942.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

Albert E. Fair, Pittsburgh, 230 Arlington Ave.
Mrs. Dorothy C. Hamburg, West View.
John F. Lundie, McKeesport.

CHESTER COUNTY

Peter J. Avioli, Coatesville.

ERIE COUNTY

J. Homer Reagle, Corry.

LUZERNE COUNTY

W. F. Aurand, Bear Creek Twp., Drawer P, White Haven.

MONROE COUNTY

Arthur F. Green, East Stroudsburg.

NORTHUMBERLAND COUNTY

Miss Mary Marcia Milewski, Mount Carmel.

PHILADELPHIA COUNTY

Mrs. Esther Y. Biberman, Phila., Drexel Bldg.
Samuel C. Campbell, Phila., Broad St. Station Bldg., 1617 Pennsylvania Blvd.

Harry T. Devine, Phila., 313 North American Bldg., Broad and Sansom Sts.
Miss Mary T. Dougherty, Phila., Room 1212, 12 South 12th St.
Herbert G. Feigel, Phila., 1328 Chestnut St.
William A. Grieb, Phila., 6935 Hegerman St.
Mrs. Esther C. Krebs, Phila., 401 N. Broad St.
Miss Eleanor M. Whitaker, Phila., Fidelity-Phila. Trust Bldg., 123 S. Broad St.

VENANGO COUNTY

Forest B. Irwin, Franklin.

ARTHUR H. JAMES

NOMINATIONS FOR NOTARIES PUBLIC

A motion was made by Mr. GELTZ and Mr. MILLER,

That the Senate do advise and consent to said nominations.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Barr,	Dent,	Kephart,	Stevenson,
Bartlett,	DiSilvestro,	Lanius,	Stiefel,
Becker,	Ealy,	Letzler,	Tallman,
Carr,	Edmonds,	Mallery,	Taylor,
Cavalcante,	Farrell,	McCreesh,	Thomas,
Chapman,	Frey,	McGinnis,	Tyler,
Coleman,	Geltz,	McQuiddy,	Wade,
Cox,	Haluska,	Miller,	Walker,
Crider,	Heyburn,	Reed,	Watkins,
Crowe,	Homsher,	Ruth,	Wilson, H. I.,
Deitrick,	Jaspan,	Snowden,	Ziesenheim,

NAYS—0

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

He also presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Executive Nominations.

JUSTICES OF THE PEACE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 6, 1942.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following:

D. E. Gillung, 722 Broad Street, Brockway, Jefferson County, for appointment as Justice of the Peace in and for the Borough of Brockway, Jefferson County, until the first Monday in January, 1944, to fill a vacancy.

Raymond Daellenbach, R. D. No. 2, Ellwood City, Lawrence County, for appointment as Justice of the Peace in and for the Township of Wayne, Lawrence County, until the first Monday in January, 1944 to fill a vacancy.

Joseph W. Meade, Main Street, Gilberton, (P. O., Mahanoy Plane), Schuylkill County, for appointment as Justice of the Peace in and for the Borough of Gilberton, Schuylkill County, until the first Monday in January, 1944, vice John L. Meade, deceased.

ARTHUR H. JAMES

COMMUNICATION FROM THE GOVERNOR

He also presented communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows:

APPROVED AND SIGNED SENATE CONCURRENT RESOLUTION RECALLING SENATE BILL No. 42

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 1, 1942.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed Senate Concurrent Resolution recalling from the Governor Senate Bill No. 42, Printer's No. 44, for the purpose of amendment.

Accordingly, the original bill is herewith returned.

ARTHUR H. JAMES

RECONSIDERATION OF SENATE BILL No. 42, (HOUSE BILL No. 61)

Mr. EDMONDS. Mr. President, I move that the Senate do now reconsider the vote by which Senate Bill No. 42, (House Bill No. 61), entitled:

An Act to suspend and modify existing law providing for and requiring the use of plates or tags as evidence of (1) the payment of any license or registration fee or (2) in compliance with any other legal requirement insofar as such laws require the use of plates or tags manufactured of metal and by authorizing the use of other material in whole or in part.

was passed finally, March 24, 1942.

The PRESIDENT. How did the Senator vote?

Mr. EDMONDS. Mr. President, I voted "aye."

Mr. HOMSHER. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. HOMSHER. Mr. President, I voted "aye."

The motion was agreed to.

And the question recurring,

Shall the bill pass finally?

Mr. EDMONDS. Mr. President, I move to reconsider the vote by which the bill passed third reading.

The PRESIDENT. How did the Senator vote?

Mr. EDMONDS. Mr. President, I voted "aye."

Mr. HOMSHER. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. HOMSHER. Mr. President, I voted "aye."

The motion was agreed to.

And the question recurring,

Will the Senate agree to the bill on third reading?

Mr. EDMONDS. Mr. President, I ask unanimous consent to

Amend line 1 of the title by striking out after the word "existing" and before the word "providing" the word: "[law]"; and inserting in lieu thereof the word: "laws"; Amend line 2 of the title by striking out at the end of the line the following: "[(1)]"; Amend line 3 of the title by striking out at the beginning of the line before the word "payment" the word: "[the]"; and inserting in lieu thereof the following: "registration of any vehicle or"; Amend

line 3 of the title by striking out at the end of the line after the word "or" the following: "[(2)]"; Amend line 4 of the title by striking out at the beginning of the line before the word "compliance" the word: "[in]"; Amend page 1, line 6 of the title by inserting after the word "metal" and before the word "and" the words: "or the display on plates or tags of the year number for which issued"; Amend section 1, page 2, line 7 by inserting after the word "metal" and before the word "and" the words: "or that such plates or tags shall display thereon the year number for which issued"; Amend section 1, page 2, line 1, line 5 by striking out after the word "of" and before the word "clearly" the words: "or for a sticker or certificate not affixed to such plates or tags"; Amend Section 1, page 1, line 5 by striking out after the word 'of" and before the word "registration" the word: "[the]"; Amend Section 1, page 1, line 5 by striking out after the word "of" and before the word "any" the following: "[(1)]"; Amend Section 1, page 1, line 5 by striking out at the end of the line the word: "[the]"; Amend Section 1, page 1, line 6 by striking out at the end of the line the following: "[(2)]"; Amend Section 1, page 1, line 7 by striking out at the beginning of the line the word: "[in]".

The PRESIDENT. Is there objection? The Chair hears none.

The amendments were agreed to.

On the question,

Will the Senate agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended be printed for the use of the Senate.

Mr. EDMONDS. Mr. President I may say these amendments were prepared by Mr. Shockley.

HOUSE MESSAGE

HOUSE CONCURS IN AMENDMENTS TO SENATE BILL No. 28, RECALLED FROM THE GOVERNOR

The Clerk of the House of Representatives being introduced, informed the Senate that the House has concurred in amendments made by the Senate to Senate Bill No. 28, entitled:

An Act to further amend Section 801 of the act approved the fifth day of May one thousand nine hundred and thirty-three (P. L. 457) entitled, "An act relating to the business of building and loan associations providing for the organization and voluntary dissolution of such associations defining the rights powers duties liabilities and immunities of such associations and of their officers directors shareholders solicitors and other employes prohibiting the transaction of business in this Commonwealth by foreign building and loan associations conferring powers and imposing duties upon the courts recorders of deeds and certain State departments commissions and officers establishing limitations of actions imposing penalties and repealing certain acts and parts of acts" by authorizing building and loan associations to act as fiscal agents of the United States Government for the sale of United State Defense Bonds and Defense Stamps or obligations of the United States Government of a similar character and purpose and permitting such associations to pledge their assets for the faithful performance of their duties as such agents.

Said bill having been recalled from the Governor for the purpose of amendment. The votes had on final passage and third reading were reconsidered in the Senate and the bill amended.

BILLS SIGNED

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) announced that the Chief Clerk having reported that the following bills had passed both houses of the General Assembly and the same being correct, the titles were publicly read as follows:

Senate Bill No. 28, entitled:

An Act to further amend Section 801 of the act approved the fifth day of May one thousand nine hundred and thirty-three (P. L. 457) entitled "An act relating to the business of building and loan associations providing for the organization and voluntary dissolution of such associations defining the rights powers duties liabilities and immunities of such associations and of their officers directors shareholders solicitors and other employes prohibiting the transaction of business in this Commonwealth by foreign building and loan associations conferring powers and imposing duties upon the courts recorders of deeds and certain State departments commissions and officers establishing limitations of actions imposing penalties and repealing certain acts and parts of actst" by authorizing building and loan associations to act as fiscal agents of the United States Government for the sale of United States Defense Bonds and Defense Stamps or obligations of the United States Government of a similar character and purpose and permitting such associations to pledge their assets for the faithful performance of their duties as such agents.

House Bill No. 10, entitled:

An Act to further amend section six hundred twenty-eight and to amend section six hundred twenty-nine of the act approved the third day of June, one thousand nine hundred thirty-seven (P. L. 1333), entitled "Pennsylvania Election Code," extending the time within which writs of election may issue for holding special elections to fill vacancies occurring in either house of the General Assembly, and the time within which nominations therefore may be filed.

Whereupon,

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the presence of the Senate signed the same.

COMMUNICATION FROM SECRETARY OF PROPERTY AND SUPPLIES

The PRESIDENT. The Chair is in receipt of a communication from the Secretary of Property and Supplies, which the Clerk will read.

The communication was read as follows:

REPUBLICAN STATE COMMITTEE
OF PENNSYLVANIA

April 2, 1942.

Hon. Samuel S. Lewis
The Lieutenant-Governor
Commonwealth of Pennsylvania
Harrisburg, Pa.

Dear Sam:

As Presiding Officer of the Senate, will you be good enough to express my sincere appreciation to all members of the Senate for the courtesy extended to me by their

confirmation of my appointment as Secretary of Property and Supplies.

Cordially yours,

(Signed) JAMES F. TORRANCE.

The PRESIDENT. If there is no objection the communication will be spread upon the Journal.

REPORTS FROM COMMITTEES

Mr. CRIDER, from the Committee on Constitutional Changes, reported as committed, Senate Bill No. 59, entitled:

A Joint Resolution proposing an amendment to Article nine of the Constitution of the Commonwealth of Pennsylvania by adding thereto section eighteen.

Mr. SNOWDEN, from the Committee on Highways, reported as amended, Senate Bill No. 84, entitled:

An Act to conserve metal by suspending the provisions of article five of the act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," and its amendments, in so far as they require the issuance and use of more than one registration plate.

BILL INTRODUCED

Mr. HEYBURN. Mr. President, on behalf of the Senator from Allegheny, Mr. Walker, the Senator from Clearfield, Mr. Letzler, the Senator from Allegheny, Mr. Geltz, and the leader of the Pension Party, Senator John J. Haluska, and myself, I introduce the following bill.

I might add, Mr. President, that the Democratic Floor Leader was offered a chance to pick a sponsor, and declined to do so.

Messrs. HEYBURN, WALKER, LETZLER, HALUSKA and GELTZ read in their places and presented to the Chair Senate Bill No. 87, entitled:

An Act creating a Joint Legislative Committee, for the purpose of investigating and studying plans, methods and systems for the liberalization of the Pennsylvania Unemployment Compensation Law to provide benefits for partial unemployment; providing for its appointment; authorizing the employment of necessary assistance and making an appropriation.

Which was committed to the Committee on Appropriations.

Mr. DENT. Mr. President, I just want to remind the majority of the Senate that there is now operating a Joint Legislative Committee doing exactly the same work that is prescribed in that bill, and it has an appropriation made by the last General Assembly.

Mr. HEYBURN. Mr. President, this bill was introduced in response to an urgent request by organized labor. The Republican Party, always having its ears open to the demands of labor, agreed to introduce this bill.

I know that the Senator from Westmoreland, Mr. Dent, happens to be a member of the Joint State Government Commission; I do not know what objections these fellows have to that Commission, unless it be political. I do not know whether that is the objection or not, but they did insist on a special commission, and the Republican Caucus agreed to have introduced such a bill. It is rather late in the session, I know, but the Honorable Leo Achterman of the House of Representatives was requested to introduce such a bill last Thursday, and he having failed to do so, we are introducing it in the Senate today.

Mr. DENT. Mr. President, I do not want to get into any squabble over the thing. Go ahead and put the bill in and pass it if you want to, but I would like to state that a fifty thousand dollar appropriation was made to the Joint State Government Commission, with a wide range of activity that it can indulge in, and a committee was created by that Commission to study nothing but unemployment compensation, of which I am Chairman, and it has already held at least seventeen public hearings, in the Capitol here at Harrisburg. If you want to just go ahead and indulge in pleasing somebody in order to get political votes, that is perfectly all right with me, but anybody with any brains in Pennsylvania knows that the Republican Party always has its ears open for labor, but never has its mouth open to vote for them.

Mr. HEYBURN. Mr. President, I do not want to carry this argument on any longer, but the fact remains that the committee of which the Senator from Westmoreland, Mr. Dent, is chairman, has not produced any solution to the partial unemployment compensation problem, and I suppose that is the reason that organized labor and employers alike want a special study made of it.

Mr. DENT. Mr. President, I can keep up a dog fight as long as anybody else can. The only reason the committee has not produced anything to date is because the committee is not ready to make a report at this useless Session of the Legislature.

BILL ON FINAL PASSAGE

Agreeably to order.

The Senate resumed the third reading and consideration of Senate Bill No. 56, (House Bill No. 8), entitled:

An Act to further amend section two of and to add Sections four and five to the act approved the seventh day of June one thousand nine hundred seventeen (P. L. 600) entitled "An act providing that appointive officers and employes employed by the Commonwealth of Pennsylvania in its civil service or by any department bureau commission or office thereof or by any county municipality township or school district shall not be deemed or held to have resigned or abandoned their offices or employments by reason of enlistment enrollment or draft in the military or naval service of the United States or any branch or unit thereof in time of war or contemplated

war prohibiting the removal from their offices or employments of such officers and employes during the period of their service in the Army or Navy directing that one-half of the salaries or wages of such officers or employes as have dependent wives children or parents and not exceeding two thousand dollars per annum be paid during the term of their service in the Army or Navy to such dependents authorizing the employment during said term of substitutes to perform the duties theretofore performed by such officers or employes respectively and providing for the compensation of such substitutes" by more fully defining amounts payable limiting the time such amounts are payable and limiting the conditions of resumption of office or employment

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—41

Barr,	DiSilvestro,	Kephart,	Stevenson,
Bartlett,	Ealy,	Laniue,	Stiefel,
Becker,	Edmonds,	Letzler,	Tallman,
Carr,	Farrell,	Mallery,	Taylor,
Cavalcante,	Frey,	McCreesh,	Thomas,
Chapman,	Geltz,	McGinnis,	Tyler,
Coleman,	Haluska,	Miller,	Walker,
Cox,	Heyburn,	Reed,	Wilson, H. I.,
Crider,	Homsher,	Ruth,	Wilson, T. B.,
Crowe,	Jaspan,	Snowden,	Ziesenheim,
Deitrick,			

NAYS—4

Dent,	McQuiddy,	Wade,	Watkins,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendment in which the concurrence of the House is requested.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 68, (House Bill No. 42), as follows:

An Act to further amend section eight of the act approved the nineteenth day of March one thousand nine hundred nine (P. L. 46) entitled "An act to regulate the practice of osteopathy in the State of Pennsylvania to provide for the establishment of a State Board of Osteopathic Examiners to define the powers and duties of said Board of Osteopathic Examiners to provide for the examining and licensing of osteopaths in this State and to provide penalties for the violation of this act" by further regulating for a limited period the time necessary for graduation and for admission to practice as osteopathic physicians and surgeons in this state

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section eight of the act approved the nineteenth day of March one thousand nine hundred nine (P. L. 46) entitled "An act to regulate the practice of osteopathy in the State of Pennsylvania to provide for the establishment of a State Board of Osteopathic Examiners to define the powers and duties of said Board of Osteopathic Examiners to provide for the examining and licensing of osteopaths in this State and to provide penalties for the violation of this act" as amended by section one of the act approved the seventeenth day of May one thousand nine hundred seventeen (P. L. 229) is hereby further amended to read as follows

Section 8 From and after the approval of this act any person not theretofore authorized to practice osteopathy in this State and desiring to enter upon such practice, may deliver to the Secretary of the State Board of Osteopathic Examiners upon the payment of a fee of twenty-five dollars a written application for license together with satisfactory proof that the applicant is more than twenty-one years of age is of good moral character has obtained a preliminary education as hereinafter provided and has received a diploma conferring the degree in osteopathy from some legally incorporated reputable osteopathic college of the United States or some foreign country wherein the course of instruction consists of at least three separate years of not less than nine months in each separate year Applicants who receive their degree in osteopathy after the first day of January Anno Domini one thousand nine hundred and twelve must have pursued the study of osteopathy for four [years of at least eight months in each year in four different calendar years] graded courses of not less than thirty-two weeks of not less than thirty-five hours each of actual work in didactic laboratory and clinical studies the work of each [year] course having been successfully passed in some legally incorporated reputable osteopathic college or colleges prior to the granting of said diploma or foreign license Provided further That any one who is in the practice of osteopathy in some other State at the time of the approval of this act and who is a graduate from a reputable and legally incorporated college of osteopathy providing a course of study of at least four terms of five months each shall be eligible for examination upon all other terms and conditions provided for applicants for examination under the provisions of this act And provided further That the completion of the regular four years' course and graduation from a reputable literary college in which four years' course two years were devoted to scientific and biological work in the college shall be accepted by the State Board of Osteopathic Examiners as an equivalent for the first year in a recognized reputable osteopathic college Provided That the examinations of the first year of the said osteopathic college have been successfully passed and accepted by the osteopathic college as dealing adequately with chemistry toxicology physics physiology anatomy and the biologic sciences Such proof shall be made if required on affidavit Upon the making of said payment and proof the State Board of Osteopathic Examiners if satisfied with the same shall admit said applicant to examination as to his other qualifications for the practice of osteopathy which examination shall include the subjects of anatomy physiology chemistry toxicology pathology diagnosis hygiene obstetrics and gynecology surgery principles and practice of osteopathy and such other subjects as the board may require On receiving from the committee of examiners delegated to conduct examinations as provided for in section five of this act official report of the examination of any applicant for license the said State Board of Osteopathic Examiners shall issue forthwith to each applicant who shall have obtained a general average of not less than seventy-five per centum and therefore has been returned as having successfully passed said examination and who shall have been adjudged by the said Board of Examiners to be duly qualified for the practice of osteopathy a license to practice osteopathy in the State of Pennsylvania as provided for in section ten of this act In case of failure at any such examination the candidate after the expiration of six months and within two years shall have the privilege of a second examination Having failed upon a second examination as herein provided application de novo may be made upon complying with the standard of qualification both as to character preliminary and osteopathic education in force at the time

of said application and upon the payment of a fee of twenty-five dollars

Section 2 This act shall become effective immediately upon final enactment and shall remain in operation durlug the period in which the United States of America is at War with any foreign country and for six months thereafter

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	DiSilvestro,	Lanius,	Stiefel,
Bartlett,	Ealy,	Letzler,	Tallman,
Becker,	Edmonds,	Mallery,	Taylor,
Carr,	Farrell,	McCreesh,	Thomas,
Cavalcante,	Frey,	McGinnis,	Tyler,
Chapman,	Geltz,	McQuiddy,	Wade,
Coleman,	Haluska,	Miller,	Walker,
Cox,	Heyburn,	Reed,	Watkins,
Crider,	Homsher,	Ruth,	Wilson, H. I.,
Crowe,	Jaspan,	Snowden,	Wilson, T. B.,
Deitrick,	Kephart,	Stevenson,	Ziesenheim,
Dent,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 70, (House Bill No. 68), as follows:

An Act to amend section two of the act approved the tenth day of July one thousand nine hundred thirty-five (P. L. 645) entitled "An act imposing certain requirements on certain hospitals receiving State aid authorizing the withholding of appropriations and imposing duties on the Department of Welfare" by providing that during the present war and six months thereafter funds shall not be withheld from hospitals for violation of such act if the Secretary of Welfare determines that the constant attendance of a licensed physician or resident interne cannot be secured by such hospitals because of the war emergency

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section two of the act approved the tenth day of July one thousand nine hundred thirty-five (P. L. 645) entitled "An act imposing certain requirements on certain hospitals receiving State aid authorizing the withholding of appropriations and imposing duties on the Department of Welfare" is hereby amended to read as follows

Section 2 The Department of Welfare shall enforce the provisions of this act and shall withhold the payment of all money or the unpaid balance thereof appropriated or allotted to any hospital failing to comply with the provisions of this act Provided however That during the continuation of the state of war between the United States of America and any foreign country and for six months thereafter no funds appropriated or allotted to any hospital shall be withheld under this act if the Secretary of Welfare determines that the constant attendance of a licensed physician or resident interne cannot be secured by such hospital because of the war emergency and the operation of any such hospital will not be seriously impaired by reason thereof

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	DiSilvestro,	Lanius,	Stiefel,
Bartlett,	Ealy,	Letzler,	Tallman,
Becker,	Edmonds,	Mallery,	Taylor,
Carr,	Farrell,	McCreesh,	Thomas,
Cavalcante,	Frey,	McGinnis,	Tyler,
Chapman,	Geltz,	McQuiddy,	Wade,
Coleman,	Haluska,	Miller,	Walker,
Cox,	Heyburn,	Reed,	Watkins,
Crider,	Homsher,	Ruth,	Wilson, H. I.,
Crowe,	Jaspan,	Snowden,	Wilson, T. B.,
Deitrick,	Kephart,	Stevenson,	Ziesenheim,
Dent,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

BILL OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 74, on third reading, entitled:

An Act prescribing the procedure for the adoption and promulgation of rules and regulations to supply provisions of law which have been suspended because they interfere with the prosecution of any war in which the United States of America is engaged at the time of the final enactment of this act.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 76, as follows:

An Act providing for the repayment to persons inducted into or enlisting in the army navy or marine corps of the United States of a part of the cost of registering a motor vehicle before such induction or enlistment

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The Department of Revenue shall hereafter refund to any person inducted into or enlisting in the army navy or marine corps of the United States during the months of April May or June a sum equal to three-fourths of the registration fee paid by such person for the registration of a motor vehicle for the registration year beginning in April of the same year a sum equal to one-half of such registration fee paid by any such person so inducted or enlisting during the months of July August and September and a sum equal to one-fourth of the registration fee paid by any such person so inducted or enlisting during the months of October November and December Such sums however shall be payable only upon

the return of the registration plates issued to such person or persons together with proof of such induction or enlistment

Section 2 The amounts so repaid shall be paid out of monies in the Motor License Fund on requisition of the Secretary of the Department of Revenue in the manner provided by law and so much as is necessary therefor is hereby specifically appropriated out of monies in the said Motor License Fund for such purpose

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	DiSilvestro,	Lanius,	Stiefel,
Bartlett,	Ealy,	Letzler,	Tallman,
Becker,	Edmonds,	Mallery,	Taylor,
Carr,	Farrell,	McCreesh,	Thomas,
Cavalcante,	Frey,	McGinnis,	Tyler,
Chapman,	Geltz,	McQuiddy,	Wade,
Coleman,	Haluska,	Miller,	Walker,
Cox,	Heyburn,	Reed,	Watkins,
Crider,	Homsher,	Ruth,	Wilson, H. I.,
Crowe,	Jaspan,	Snowden,	Wilson, T. B.,
Deitrick,	Kephart,	Stevenson,	Ziesenheim,
Dent,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 79, (House Bill No. 75), as follows:

An Act authorizing the President of the Pennsylvania Game Commission with the unanimous approval of the commission and for a certain limited period of time to lease lands to political subdivisions or to Federal agencies for use as aviation landing fields conferring certain powers upon political subdivisions relative to the acceptance and development of such lands and suspending certain inconsistent legislation

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The President of the Pennsylvania Game Commission with the unanimous approval of the commission is hereby authorized during the continuation of the present war and for one year thereafter to lease either with or without the reservation of rent any portion of the state game lands now owned or hereafter acquired by the commission to any county city borough town or township of the Commonwealth or to any agency of the Federal Government for use as aviation landing fields if it is ascertained that the needs of National Defense require that such fields be made available Any lease made under the authority of this act shall provide that it may be terminated upon six months' notice from the Executive Director of the Game Commission or on the date this act becomes inoperative Any such lease shall also provide that the property involved may be used only for an aviation landing field to be devoted to the needs of National Defense

Section 2 The governing body of any county city borough town or township not heretofore specifically granted such power by act of Assembly is hereby authorized to acquire by lease from the President of the Pennsylvania Game Commission under the provisions of this act the use of lands to be developed and maintained as aviation landing fields to appropriate such funds as may be necessary in connection therewith and to perform any other act or acts necessary and proper in order to facilitate the furnishing of aviation landing facilities on such lands of the purposes of National Defense

Section 3 The provisions of this act shall become effective immediately upon final enactment and shall remain operative during the continuation of the present war and for one year thereafter

All acts and parts of acts inconsistent with the provisions of this act are hereby suspended during the period it remains in operation

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	DiSilvestro,	Lanius,	Stiefel,
Bartlett,	Ealy,	Letzler,	Tallman,
Becker,	Edmonds,	Mallery,	Taylor,
Carr,	Farrell,	McCreesh,	Thomas,
Cavalcante,	Frey,	McGinnis,	Tyler,
Chapman,	Geltz,	McQuiddy,	Wade,
Coleman,	Haluska,	Miller,	Walker,
Cox,	Heyburn,	Reed,	Watkins,
Crider,	Homsher,	Ruth,	Wilson, H. I.,
Crowe,	Jaspan,	Snowden,	Wilson, T. B.,
Deitrick,	Kephart,	Stevenson,	Ziesenheim,
Dent,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 80, (House Bill No. 76), on third reading, entitled:

An Act suspending and modifying for the period of the present war and for a time thereafter the provisions of section one of the act, approved the eighth day of July, one thousand nine hundred and nineteen (P. L. 737), entitled "A supplement to an act, entitled 'An act to establish a Board of Commissioners of Navigation for the River Delaware and its navigable tributaries; regulating their jurisdiction over ships, vessels, and boats, and wharves, piers, bulkheads, docks, slips, and basins; and exempting cities of the first class from certain of its provisions; and making an appropriation therefor.' approved the eighth day of June, Anno Domini one thousand nine hundred seven; authorizing and directing the commissioners to provide and maintain a nautical school for the education and training of pupils from the various counties of the Commonwealth of Pennsylvania in the science and practice of navigation; and making an appropriation for two years from the first day of June, Anno Domini one thousand nine hundred and nineteen, towards its maintenance," and its amendments, in so far as they require, the furnishing of accommodations on board a proper vessel for the nautical school, when no such vessel is available and imposing upon the State Council of Defense the duty of furnishing other accommodations.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 67, (House Bill No. 24), entitled:

An Act relating to air raid precautions, including blackouts; conferring certain powers and duties upon the State Council of Defense, local and district Councils of Defense, political subdivisions members of certain municipal and volunteer agencies and civilians necessary for the safety defense and protection of civilians and property in the Commonwealth; providing for the mobilization, coordination and use of certain municipal agencies and volunteer agencies, including their personnel and equipment; providing for immunity from liability for injury or death to persons or damage to property under certain circumstances; and providing penalties.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 81, (House Bill No. 78), entitled:

An Act to amend section six of the act, approved the twenty-fourth day of June, one thousand eight hundred ninety-five (P. L. 212), entitled "An act to establish an intermediate court of appeal; regulating its constitution, officers, jurisdiction, powers, practice, and its relation to the Supreme Court and other courts providing for the reports of its decisions the compensation of the judges and other officers and the practice and costs on appeals from its judgments," by making further provision as to the preparation, custody and disposition of plates used in the printing of Superior Court Reports.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 82, (House Bill No. 79), entitled:

An Act to further amend section seven of the act, approved the twelfth day of June, one thousand eight hundred seventy-eight (P. L. 201), entitled "An act to provide for the publication of the decisions of the supreme court and the appointment of a state reporter," by making further provision relative to the custody and disposition of plates used in the printing of supreme court reports and supreme court advance sheets.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. GELTZ. Mr. President, I move that Senate Bill No. 83, (House Bill No. 56), on second reading, entitled:

An Act authorizing the Secretary of Revenue of the Commonwealth of Pennsylvania, with approval of the Secretary of Highways during a certain limited period of time, to adopt rules and regulations relative to the use of the highways by motor vehicles, tractors, trailers or other equipment which cannot be fitted with rubber tires or treads, because of the shortage of rubber and providing for the suspension of certain inconsistent legislation.

be recommitted to the Committee on Highways.

Mr. MILLER. Mr. President, I second the motion.

The motion was agreed to.

REQUEST THAT BILL GO OVER IN ORDER

Mr. COX. Mr. President, I ask that Senate Bill No. 85, on second reading, entitled:

An Act prescribing temporary emergency war provisions with respect to the administration of certain provisions of the school laws of this Commonwealth relating to days for schools to be in session closing schools temporarily assignment and reassignment of teachers and temporary farm and domestic employment certificates for certain pupils and authorizing boards of school directors (or boards of public instruction) with approval of the Superintendent of Public Instruction to put such provisions into operation and to suspend the provisions of existing school laws inconsistent therewith upon findings by such boards and department and the State Council of Defense.

go over in its order.

The PRESIDENT. Is there objection?

Mr. EDMONDS. Mr. President, with reference to the request of the Senator from Allegheny, it seems to me that the bill ought to pass second reading. There is to be a conference of parties that are interested in this bill, and if it passes second reading, then it will not lose a legislative day in coming up for third reading, and that is important at this stage.

Mr. COX. Mr. President, I renew my request that the bill go over in order.

The PRESIDENT. Is there objection?

Mr. EDMONDS. I must object, Mr. President.

MOTION THAT SENATE BILL No. 85 GO OVER IN ORDER

Mr. COX. Mr. President, I move that Senate Bill No. 85 go over in order.

Mr. DENT. I second the motion, Mr. President.

On the question,

Will the Senate agree to the motion?

Mr. CAVALCANTE. Mr. President, I desire to interrogate the gentleman from Montgomery.

The PRESIDENT. Will the gentleman from Montgomery permit himself to be interrogated?

Mr. EDMONDS. With pleasure.

Mr. CAVALCANTE. Mr. President, I understand that there is going to be a conference on this bill, a conference of interested parties. Does that include the minority members of this Senate, too?

Mr. EDMONDS. Mr. President, it includes anybody that may be interested, and I will be particularly glad if the gentleman from Berks, Dr. Ruth, will come. I understand there are several teachers groups here today, and consequently, a little bit later, we are going to ask for a recess of the Senate for a few minutes, to meet in one of the corner rooms, and I hope all minority members interested in this bill will come, by all means.

Mr. CAVALCANTE. Mr. President, I have not heard an invitation prior to this time, and may I ask the gentleman from Montgomery whether the convention, or whatever he is calling, is a committee meeting or whether it is an ex parte convention of some kind.

Mr. EDMONDS. Mr. President, inasmuch as I have asked Dr. Ruth, unless Dr. Ruth has joined our side, I would say that it is not an ex parte meeting, and I also wish to say that any of the Senators who are interested in this bill will be welcome at that meeting.

Mr. CAVALCANTE. Mr. President, without impugning the ability of the gentleman from Berks, Dr. Ruth, I am speaking for myself. I am a member of the Senate, and I would rather have the bill discussed on the floor of the Senate where we will all have a chance to contribute our comments, whether good or bad.

Mr. DENT. Mr. President, the mere fact of the proposal of the gentleman from Montgomery that there is going to be meeting on the provisions of this bill, ought to give weight to the suggestion of the gentleman from Allegheny that it go over in order. Do you intend to have a packed committee? Suppose there are suggestions that are made there that may lead to amendments to the bill and if it has passed second reading, then, of course, you will have to reconsider the vote by which it passed second reading and put your amendments in. If you are going to have any kind of an open hearing, I think the fair thing to do is to allow the bill to go over in order, so that any amendments which may be suggested can be added to the bill at the proper reading.

Mr. EDMONDS. Mr. President, I will be glad to accept a suggestion made by the gentleman from Allegheny, Senator Geltz, to have this bill go over temporarily, until after recess. At that time we will know whether there is anything to the suggestion or the suspicion which my friend from Westmoreland has stated.

Mr. DENT. Mr. President, I did not think that chivalry was so long dead that we could not be decent to one another. It seems if we make a suggestion it is no good, it has to come from their own members.

And the question recurring,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—17

Cavalcante,	Farrell,	Lanius,	Reed,
Coleman,	Frey,	McCreesh,	Stiefel,
Cox,	Haluska,	McGinnis,	Walker,
Deitrick,	Jaspan,	McQuiddy,	Ziesenheim,
Dent,			

NAYS—23

Bartlett,	Ealy,	Miller,	Thomas,
Becker,	Edmonds,	Ruth,	Tyler,
Carr,	Geltz,	Snowden,	Wade,
Chapman,	Homsher,	Stevenson,	Watkins,
Crider,	Letzler,	Tallman,	Wilson, H. I.,
Crowe,	Mallery,	Taylor,	

Less than a majority of all the Senators having voted "aye" the question was determined in the negative.

SENATE BILL No. 85 OVER IN ORDER TEMPORARILY

Mr. GELTZ. I ask that Senate Bill No. 85 go over in its order temporarily, until after the meeting which has been talked of.

The PRESIDENT. Is there objection? The Chair hears none.

It is so ordered.

Mr. DENT. Mr. President, I just want to call attention of the Senate to the fact that when a motion is made that a bill go over in order, it does not carry any particular length of time that the order may extend, it may be for fifteen minutes, twenty minutes, or until after recess or anything else, but since that motion was made by a Democrat, I guess this new motion is perfectly in order.

Mr. GELTZ. Mr. President, if what my colleague from Westmoreland, Senator Dent, says is true, he should have no objection.

Mr. DENT. I have no objection.

RECESS

Mr. GELTZ. Mr. President, I move that the Senate do now take a recess until 5:30 o'clock, p. m.

Mr. MILLER. Mr. President, I second the motion.

The motion was agreed to.

AFTER RECESS

The PRESIDENT PRO TEMPORE, Charles H. Ealy. The time of recess having elapsed the Senate will be in order.

BILL INTRODUCED

Mr. WALKER. Mr. President, I ask unanimous consent to introduce a bill at this time.

The PRESIDENT PRO TEMPORE. Is there objection? The Chair hears none.

Mr. WALKER read in place and presented to the Chair Senate Bill No. 88, entitled:

An Act requiring the Secretary of Health to purchase and install adequate equipment and hire sufficient employes to enable the Bureau of Vital statistics to speedily record birth records and issue birth certificates; authorizing the said secretary to temporarily suspend certain existing laws, and making an appropriation.

Mr. WALKER. Mr. President, in presenting this bill I would like to state that this is an exact duplicate of House Bill No. 80, Printer's No. 68, which was introduced by Messrs. Hare and Stambaugh in the House.

Mr. President, this bill is directed to the problem of trying to relieve the bottleneck in the Bureau of Vital Statistics with reference to birth certificates. It is the thought of the original sponsors of the bill, and with that thought I heartily concur, that perhaps this method might be of assistance in procuring birth certificates. I

might say, Mr. President, the reason is so important in the County of Allegheny, as it is in the other sixty-six counties of the State, but particularly in our tremendous industrial area, is that most of the defense plants, and practically all of the plants in Allegheny County are engaged in defense work, are issuing strict orders that every employe must procure a birth certificate, and the hardship and the heartache that has been created is absolutely beyond description.

We all know the valiant effort the Bureau of Vital Statistics is making to meet this tremendous demand that has been placed on them, and they have our heartfelt sympathy, and by way of assisting them and not in the light of criticism, this bill is introduced.

Mr. President, the bill calls for an appropriation, and therefore in hope, fear and trembling, I would suggest the Committee on Appropriations.

The PRESIDENT PRO TEMPORE. The bill is referred to the Committee on Appropriations.

REPORT FROM COMMITTEE

Mr. STIEFEL. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT PRO TEMPORE. Is there objection? The Chair hears none.

Mr. STIEFEL, from the Committee on Appropriations reported as committed, Senate Bill No. 87, entitled:

An Act creating a Joint Legislative Committee, for the purpose of investigating and studying plans, methods and systems for liberalization of the Pennsylvania Unemployment Compensation Law to provide benefits for partial unemployment; providing for its appointment; authorizing the employment of necessary assistance and making an appropriation.

SENATE BILL No. 85 ON SECOND READING CALLED UP

Mr. EDMONDS. Mr. President, I now call up Senate Bill No. 85, on second reading, page 4 of the Calendar, which went over in its order, temporarily while we had a conference with those who are interested in the bill.

Mr. GELTZ. Mr. President, I second the motion.

It was agreed to.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 85, entitled:

An Act prescribing temporary emergency war provisions with respect to the administration of certain provisions of the school laws of this Commonwealth relating to days for schools to be in session closing schools temporarily assignment and reassignment of teachers, and temporary farm and domestic employment certificates for certain pupils and authorizing boards of school directors (or boards of public instruction) with the approval of the Superintendent of Public Instruction to put such provisions into operation and to suspend the provisions of existing school laws inconsistent therewith upon findings by such boards and department and the State Council of Defense.

And said bill having been read at length the second time.

On the question,

Will the Senate agree to the bill?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—35

Barr,	Ealy,	Letzler,	Taylor,
Bartlett,	Edmonds,	Mallery,	Thomas,
Becker,	Farrell,	McGinnis,	Tyler,
Carr,	Geltz,	Miller,	Wade,
Chapman,	Heyburn,	Reed,	Walker,
Coleman,	Homsher,	Ruth,	Watkins,
Crider,	Jaspan,	Snowden,	Wilson, H. I.,
Crowe,	Kephart,	Stevenson,	Ziesenheim,
DiSilvestro,	Lanius,	Stiefel,	

NAYS—3

Cox,	McCreesh,	McQuiddy,

PRESENT—1

Dent,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

And said bill having been read at length the second time, and agreed to.

Ordered, To be transcribed for a third reading.

MOTION TO READ BILLS THE FIRST TIME

Mr. GELTZ. Mr. President, I move that the Senate do now proceed to the first reading of all bills reported from committees for the first time at today's session.

Mr. MILLER. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 59, entitled:

A Joint Resolution proposing an amendment to Article nine of the Constitution of the Commonwealth of Pennsylvania by adding thereto section eighteen.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 84, entitled:

An Act to conserve metal by suspending the provisions of article five of the act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs,

incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," and its amendments, in so far as they require the issuance and use of more than one registration plate.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 87, entitled:

An Act creating a Joint Legislative Committee, for the purpose of investigating and studying plans, methods and systems for liberalization of the Pennsylvania Unemployment Compensation Law to provide benefits for partial unemployment; providing for its appointment; authorizing the employment of necessary assistance and making an appropriation.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

ADJOURNMENT

Mr. GELTZ. Mr. President, I move that the Senate do now adjourn until Tuesday, April 7, 1942, at 2:00 o'clock, p. m. Eastern War Time.

Mr. MILLER. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 5:59 o'clock, p. m. Eastern War Time until Tuesday, April 7, 1942, at 2:00 o'clock, p. m. Eastern War Time.

HOUSE OF REPRESENTATIVES

MONDAY, April 6, 1942

The House met at 9 p. m.

The SPEAKER (Elmer Kilroy) in the Chair.

PRAYER

The Chaplain, Rev. Donald McFall offered the following prayer:

Almighty God, open Thou our hearts and minds to a greater understanding of Thy limitless love, as is found in the breath of Spring with the opening of the buds and the singing of the birds. All around us there is beauty. Make us sensitive to Thy leadings and alert to heed Thy merciful warnings when we are in danger of marring our lives by going astray.

Bless all who are assembled in this House of Representatives tonight. We pray Thee to look with favor upon all men in service. Truly, God, may the sacrifices made by our boys not be made in vain. Forgive us, our Heavenly Father, for every disloyal thought and each moment when we doubt. Make us conscious of the fact that the way to achieve good is the way to God, from whom all blessings flow. We realize that then, and only then, as a nation and as individuals we may be certain of victory over the enemies that confront us. Give us courage and a will to follow Thee whither so ever Thou dost lead. In Thy name we pray. Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of Thursday, April 2, 1942.

The Clerk proceeded to read the Journal of Thursday, April 2, 1942, when, on Motion of Mr. HEWITT unanimously agreed to, the further reading was dispensed with and the Journal approved.

BILLS INTRODUCED AND REFERRED

By Mr. BROWN. HOUSE BILL No. 112.

An Act to amend subsection (a) and to further amend subsection (b) of section nine of the act, approved the first day of June, one thousand nine hundred thirty-seven (P. L. 1168), entitled "An act to protect the right of employes to organize and bargain collectively; creating the Pennsylvania Labor Relations Board; conferring powers and imposing duties upon the Pennsylvania Labor Relations Board, officers of the State government, and courts; providing for the right of employes to organize and bargain collectively; declaring certain labor practices by employers to be unfair; further providing that representatives of a majority of the employes be the exclusive representatives of all the employes; authorizing the board to conduct hearings and elections, and certify as to representatives of employes for purposes of collective bargaining; empowering the board to prevent any person from engaging in any unfair labor practice, and providing a procedure for such cases, including the issuance of a complaint, the conducting of a hearing, and the making of an order, empowering the board to petition a court of common pleas for the enforcement of its order, and providing a procedure for such cases; providing for the review of an order of the board by a court of common pleas on petition of any person aggrieved by such order, and establishing a procedure for such cases; providing for an appeal from the common pleas court to the Supreme Court; providing the board with investigatory powers, including the power to issue subpoenas and the compelling of obedience to them through application to the proper court; providing for service of papers and process of the board; prescribing certain penalties," fixing the rights and standing of the Pennsylvania Labor Relations Board as a party and as appellant in the courts in matters originating before the board; and defining the jurisdiction of the Supreme Court on appeal.

Referred to the Select Committee on Special Session Legislation.

By Mr. REUBEN E. COHEN. HOUSE BILL No. 113.

An Act creating a joint legislative committee to study partial unemployment as related to unemployment compensation; defining its powers and duties; authorizing the employment of counsel and employes; and making an appropriation.

Referred to the Select Committee on Special Session Legislation.

PETITIONS AND COMMUNICATIONS

The SPEAKER laid before the House the following petitions and communications which were read by the Clerk.

UNEMPLOYMENT COMPENSATION

A communication from the Philadelphia Board of Trade opposing passage of Senate Bill No. 41,

Referred to the Select Committee on Special Session Legislation.

PENNSYLVANIA MARITIME ACADEMY

A telegram from the Philadelphia Board of Trade, urging enactment of legislation continuing Pennsylvania Maritime Academy.

Referred to the Select Committee on Special Session Legislation.

CIVILIAN DEFENSE

Telegrams from:

State Association of County Commissioners;
County Commissioners of Blair County;
County Commissioners of Butler County;
County Commissioners of Centre County;
County Commissioners of Chester County;
County Commissioners of Lawrence County;
County Commissioners of Luzerne County;
County Commissioners of Montour County;
County Commissioners of Northumberland County;
County Commissioners of Pike County;
County Commissioners of Washington County;
County Commissioners of Wayne County:
Beaver County Council of Defense;
Blair County Council of Defense;
Chester County Council of Defense;
Haverford Township Board of Commissioners;
Montour County Council of Defense;
Pennsylvania State Association of Township Commissioners;
County Controller of Blair County and
Coatesville District Council of Defense and a communication from William A. Burns, Solicitor, office of County Controller, Delaware County, and a communication from Albert J. Williams, Solicitor for County Commissioners of Delaware County, urging passage of Senate Bill No. 21, authorizing political subdivisions to make appropriations for civilian defense.

Referred to the Select Committee on Special Session Legislation.

COMMUNICATION

The SPEAKER laid before the House a Communication which was read by the Clerk as follows:

March 30, 1942.

Dear Mr. Kilroy:

Will you please convey to your colleagues my deep appreciation for the Resolution on the death of my mother. It certainly is very helpful on occasions of this character to have such kind expressions.

Very sincerely,

(Signed) R. M. VAIL.

Hon. Elmer Kilroy
Speaker of the House
Harrisburg, Pennsylvania

SENATE MESSAGES

HOUSE BILLS CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bills from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 42.

An Act to further amend section eight of the act approved the nineteenth day of March one thousand nine hundred nine (P. L. 46) entitled "An act to regulate the practice of osteopathy in the State of Pennsylvania to provide for the establishment of a State Board of Osteopathic Examiners to define the powers and duties of said Board of Osteopathic Examiners to provide for the examining and licensing of osteopaths in this State and to provide penalties for the violation of this act" by further regulating for a limited period the time necessary for graduation and for admission to practice as osteopathic physicians and surgeons in this state

HOUSE BILL No. 75.

An Act authorizing the President of the Pennsylvania Game Commission with the unanimous approval of the commission and for a certain limited period of time, to lease lands to political subdivisions or to Federal agencies for use as aviation landing fields; conferring certain powers upon political subdivisions relative to the acceptance and development of such lands; and suspending certain inconsistent legislation.

With the information that the Senate has passed the same without amendment.

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 8.

An Act to further amend section two of and to add Sections four and five to the act approved the seventh day of June one thousand nine hundred seventeen (P. L. 600) entitled "An act providing that appointive officers and employes employed by the Commonwealth of Pennsylvania in its civil service or by any department bureau commission or office thereof or by any county municipality township or school district shall not be deemed or held to have resigned or abandoned their offices or employments by reason of enlistment enrollment or draft in the military or naval service of the United States or any branch or unit thereof in time of war or contemplated war prohibiting the removal from their offices or employments of such officers and employes during the period of their service in the Army or Navy directing that one-half of the salaries or wages of such officers or employes as have dependent wives children or parents and not exceeding two thousand dollars per annum be paid during the term of their service in the Army or Navy to such dependents authorizing the employment during said term of substitutes to perform the duties theretofore performed by such officers or employes respectively and providing for the compensation of such substitutes" by more fully defining amounts payable limiting the time such amounts are payable and limiting the conditions of resumption of office or employment

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend Section 2, page 5, line 5, by inserting before the word "dependency" the word "and"; also in line 12, by inserting after the word "service" the following: "and Provided further That no benefits under this act shall be paid to any dependent or dependents as herein defined in excess of such sum or sums as such dependent or dependents have been customarily receiving from such officer or employe or in excess of such sum or sums as

such officer or employe has been paying such dependent or dependents under order of a court of competent jurisdiction"; also in line 16, by inserting after the word "said" the following: "Section 2 Said act is hereby amended by adding the following new sections".

On the question,

Will the House concur in the amendments made by the Senate?

Mr. READINGER. Mr. Speaker, I move that the House do non-concur in the amendments made by the Senate.

The motion was agreed to.

Ordered, That the Clerk inform the Senate accordingly.

BILLS SIGNED BY SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

HOUSE BILL No. 42.

An Act to further amend section eight of the act approved the nineteenth day of March one thousand nine hundred nine (P. L. 46), entitled "An act to regulate the practice of osteopathy in the State of Pennsylvania to provide for the establishment of a State Board of Osteopathic Examiners to define the powers and duties of said Board of Osteopathic Examiners to provide for the examining and licensing of osteopaths in this State and to provide penalties for the violation of this act" by further regulating for a limited period the time necessary for graduation and for admission to practice as osteopathic physicians and surgeons in this state

HOUSE BILL No. 75.

An Act authorizing the President of the Pennsylvania Game Commission with the unanimous approval of the commission and for a certain limited period of time to lease lands to political subdivisions or to Federal agencies for use as aviation landing fields conferring certain powers upon political subdivisions relative to the acceptance and development of such lands and suspending certain inconsistent legislation

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

LEAVE OF ABSENCE

By unanimous consent leave of absence was granted as follows:

Mr. Readinger for Mr. WOLF for this evening's session.

BILLS ON SECOND READING

BILL PASSED OVER

There being no objection House Bill No. 99, (Senate Bill No. 65), Printer's No. 47, was passed over at the request of Mr. HEATHERINGTON.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 92, (Senate Bill No. 46), entitled:

An Act to suspend for a limited time the operation of laws regulating or relating to the movement loading lightering docking and anchorage of vessels carrying or having on board certain explosives insofar as the same relate to the handling or stowing of small arms ammunition or ammunition which contains the projectile and the explosive in one container or shell to from or in such vessels docking or anchoring in the Delaware River and its navigable tributaries.

And said bill having been read at length the second time and agreed to

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 33, (Senate Bill No. 19), entitled:

An Act to protect property and prevent sabotage by prohibiting for a limited period of time certain intentional injuries to and interferences with real and personal property prohibiting certain intentional defects in workmanship limiting the privileges of certain witnesses and providing penalties

And said bill having been read at length the second time and agreed to

Ordered, To be transcribed for third reading.

BILL PASSED OVER

There being no objection House Bill No. 37, (Senate Bill No. 35), Printer's No. 62, was passed over at the request of Mr. ACHTERMAN.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. ACHTERMAN asked and obtained permission for the Select Committee on Special Session Legislation to meet during the session of the House.

RECESS

The SPEAKER. If there is no objection the Chair will declare a recess for ten minutes. Is there objection? The Chair hears none and a recess is declared.

AFTER RECESS

The time of recess having expired the House was called to order.

The SPEAKER (Elmer Kilroy) in the Chair.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 57, as follows:

An Act authorizing the secretary of the board of health in the various cities of the third class throughout the Commonwealth during the continuation of the present war and for six months thereafter to search and issue certified copies of birth and death records maintained by such cities after the State-wide system for registering vital statistics was established requiring that such birth and death records be made available to the secretary of the board of health for the purposes of this act and authorizing the respective city councils to prescribe fees for such services

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 In any city of third class where the recordation of births and deaths was continued after the State-wide system for registering vital statistics provided for by the act approved the first day of May one thousand nine hundred five (P. L. 330) became effective the secretary of the board of health is authorized to make and supply searches of such birth and death records and to furnish certified copies thereof upon the payment of such fee as may be prescribed by the city council Any birth and death records so maintained shall be made available to the secretary of the board of health in order that he may comply with the provisions of this act The secretary of the board of health is hereby authorized to make corrections in such birth or death records whenever upon the submission of satisfactory evidence and affidavits such corrections are found to be necessary and proper

Any certified copy of a birth or death record furnished under the provisions of this act shall be afforded the same recognition as a birth or death certificate duly issued by the Department of Health of the Commonwealth of Pennsylvania it shall be prima facie evidence of all matters therein contained and shall be admissible in all judicial proceedings

Section 2 The provisions of this act shall become effective immediately upon final enactment and shall continue in operation during the period in which the United States of America is at war with any foreign country and for six months thereafter

On the question,
Will the House agree to the bill on third reading?
It was agreed to.
On the question,
Shall the bill pass finally?

Mr. TURNER. Mr. Speaker, this is one of several attempts being made in this session to do something to correct the very deplorable condition which has existed in the Bureau of Vital Statistics, occasioned because of the tremendous increase in the volume of applications for birth certificates that have arisen out of this war.

I think, Mr. Speaker, this is one of the most important questions for this legislature, and I hope that we do not adjourn until we have done the very best we can to solve this question. I do not believe that this bill, much as I have sympathy for the attempts of the gentlemen on the other side to correct this situation, I do not believe this is a proper way to correct it. I am confident that it will not meet the requirements of the Federal government and I am confident it will not pass the approval of the Department nor of the Governor.

The reason for that is this, Mr. Speaker: The registration of births and deaths is in the hands of registrars of vital statistics who are appointed by the Department of Health under the Bureau of Vital Statistics. In a great many municipalities, in a great many communities, there have been spasmodic attempts since 1906 to keep these records in shape.

An inquiry made by the gentleman from Erie, Mr. VanAllsburg, revealed that there are not more than a half-dozen cities of the third class in Pennsylvania whose records are in such shape that you could use them as a basis for issuing certificates. What the Federal Government requires, what the Army and Navy are requiring and what the Air Service is requiring, and what they are requiring in our plants is that the men and women, who work there shall present a certificate showing that they are native born Americans. That is a pre-requisite to employment, and in some instances we know that people have been dismissed because they have not been able to get certificates, or they have been threatened with dismissal because of delay.

I saw an article in one of the papers that they are something like sixty thousand applications behind over at the Bureau. Undoubtedly the difficulty there is not only due to the fact that the volume has increased but that the equipment necessary to carry that volume does not exist in the department, and it will take some time and cost a considerable amount of money to put sufficient equipment into effect.

I personally think no matter what it costs we ought to put in the necessary machinery, if that is the only way we can relieve this tremendous amount of delay and get our applications down to date. But you must remember on the other hand that you must safeguard the certificates. It is not proper to have careless records or a careless office issue certificates that are so important in this war effort.

This bill says that the third class cities may setup in the Department of Health a Bureau that can secure the records. It provides that the records must be given to them and that when they have them they can issue certificates of birth and that if there are any deficiencies in the records and the registrations they have, or if there is anything lacking in the records which they have on a particular birth then they may correct them.

What does this do? It means it takes away from the Bureau of Vital Statistics and the Department of Health all control over the issuance of those certificates. That would be pretty dangerous. I understand from other newspaper articles that the FBI has said that will not do at all, it is dangerous. In the second place, it permits the creation of a new bureau in cities of the third class where it seems to me there is no necessity for it because if you are going to give it to anyone it ought to be given to the Registrars of Vital Statistics. In the third place it permits anyone in a city bureau, without any control from the Department that has charge and receives its appropriation from the Federal Government to correct these records, and that is extremely dangerous.

In the next place it says that the city should set the amount of the fee. There is no control over the amount of the fee; there is no provision by which there is a ceiling placed on it. It permits them to set the fee. Therefore I think this bill will bring confusion, it is dangerous, it is out of line with the function of the Department or Bureau of Vital Statistics, and therefore, this bill should not be passed.

QUESTION OF INFORMATION

Mr. YESTER. Mr. Speaker, I rise to a question of information.

The SPEAKER. The gentleman from Allegheny will state his question of information.

Mr. YESTER Mr Speaker, is the gentleman from Delaware, Mr Turner, speaking on House Bill No. 57?

The SPEAKER. That is correct.

Mr. YESTER. Mr. Speaker, I think the gentleman misunderstands the bill. At the present time the city of McKeesport is issuing birth certificates from 1892 to 1906.

This bill provides that any city that has records of its own, not the registrars be allowed to issue birth certificates. The city of McKeesport has over eighteen thousand records which at the present time they cannot use because of the law. If this bill becomes a law it does not affect the registrars at all; it does not take any records from them. It only affects those cities that have kept up their records after 1905, and it will take a load from the Bureau of Vital Statistics, if they are allowed to do that. . I believe if the gentleman will study the bill further he will find that that is what the bill provides.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—111

Achterman,	Fleming,	Maxwell,	Reese, R. E.,
Baker,	Flynn,	McClanaghan,	Regan,
Balthaser,	French,	McDermott,	Reynolds,
Baugher,	Gallagher.	McFall,	Rose, S.,
Bentzel,	Gerard.	McIntosh,	Rose, W. E.,
Bradley,	Goodwin,	McLanahan,	Rush,
Breth,	Gross,	McLane,	Scanlon,
Brown,	Haberlen,	Melchiorre,	Schwab,
Brunner, P. A.,	Haines,	Mihm,	Shaffer,
Burris,	Hamilton,	Modell,	Shepard,
Chervenak,	Harmuth,	Monks,	Skale,
Chudoff,	Harris,	Mooney,	Stank,
Cochran,	Heatherington,	Moran,	Stine,
Cohen, M. M.,	Herman,	Munley	Tarr,
Cohen, R. E.,	Hirsch,	Nunemacher	Tate,
Cook,	Holland,	O'Brien,	Thompson, E. F.,
Cooper,	Jones, P. N.,	O'Connor,	Thompson, R. L.,
Cordier,	Kenehan,	O'Mullen,	Vogt,
Corrigan,	Knoble,	O'Neill,	Voldow,
Cullen,	Kolankiewicz,	Owens,	Weiss,
Dalrymple,	Komorofski,	Petrosky,	Welsh, E. B.,
DiGenova,	Leonard,	Pettit,	Welsh, M. J.,
Dolon,	Lesko,	Polaski,	Williams,
D'Ortona,	Leydic,	Polen,	Woodring,
Elliott,	Longo,	Powers,	Wright,
Finestone,	Lovett,	Rank,	Yester,
Finnerty,	Malloy,	Rausch,	Young,
	Marks,	Readinger,	Kilroy, Speaker

NAYS—54

Auker,	Gyger,	McMillen,	Sorg,
Boorse,	Hall,	McSurdy,	Stambaugh,
Bretherick,	Hare,	Muir,	Stockham,
Brunner, C. H.,	Hewitt,	Nagel	Taylor,
Cadwalader,	Huntley,	O'Dare,	Trout,
Dennison,	Imbrie,	Reagan,	Turner,
Dix,	James,	Reese, D. P.,	VanAllsburg,
Eckels,	Jones, G. E.,	Riley,	Wagner,
Elder,	Kline.	Royer,	Watkins,
Ely,	Lee, E. A.,	Sarge,	Weingartner,
Fisher,	Lee, T. H.,	Serrill,	Winner,
Fiss,	Leisey,	Simons,	Wood, L. H.,
Foor,	Lyons,	Snyder,	Wood, N.,
Greenwood,	McKinney,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 69, as follows:

An Act to further amend section two of the act approved the seventh day of June one thousand nine hundred seventeen (P. L. 600) entitled "An act providing that appointive officers and employes employed by the Commonwealth of Pennsylvania in its civil service or by any department bureau commission or office thereof or by any county municipality township or school district shall not be deemed or held to have resigned or abandoned their offices or employments by reason of enlistment enrollment or draft in the military or naval service of the United States or any branch or unit thereof in time of war or contemplated war prohibiting the removal from their offices or employments of such officers and employes during the period of their service in the Army or Navy directing that one-half of the salaries or wages of such officers or employes as have dependent wives children or parents and not exceeding two thousand dollars per annum be paid during the term of their service in the Army or Navy to such dependents authorizing the employment during said term of substitutes to perform the duties theretofore performed by such officers or employes respectively and providing for the compensation of such substitutes" by providing for the payment into the School Employes' Retirement Fund of certain amounts of the salaries or wages of certain officers or employes under certain circumstances

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section two of the act approved the seventh day of June one thousand nine hundred seventeen (P. L. 600) entitled "An act providing that appointive officers and employes employed by the Commonwealth of Pennsylvania in its civil service or by any department bureau commission or office thereof or by any county municipality township or school district shall not be deemed or held to have resigned or abandoned their offices or employments by reason of enlistment enrollment or draft in the military or naval service of the United States or any branch or unit thereof in time of war or contemplated war prohibiting the removal from their offices or employments of such officers and employes during the period of their serivce in the Army or Navy directing that one-half of the salaries or wages of such officers or employes as have dependent wives children or parents and not exceeding two thousand dollars per annum be paid during the term of their service in the Army or Navy to such dependents authorizing the employment during said term of substitutes to perform the duties theretofore performed by such officers or employes respectively and providing for the compensation of such substitutes" as amended by the act approved the twenty-fifth day of June one thousand nine hundred forty-one (P. L. 207) is hereby further amended to read as follows

Section 2 Any said officer or employe so enlisting enrolling or drafted and having a dependent or dependents as aforesaid may at the time of his enlistment enrollment or draft or immediately thereafter file with the head or chief of the department bureau commission or office in which he is employed a statement in writing executed under oath setting forth the fact and date of his enlistment enrollment or draft his intention to retain his said office or employment and to resume the duties thereof after the expiration of his service in the military or naval service or any branch or unit thereof and the names and addresses of his wife children and dependent parent or parents if any such he have and requesting and directing that one-half of the salary or wages of his said office or employment not exceeding two thousand ($2,000.00) dollars per annum shall be paid during his service in the military or naval service or any branch or unit thereof as follows

If he is a member of the State Employes' Retirement Association or the Pennsylvania Motor Police Retirement System or the School Employes' Retirement Association he may direct the State Treasurer to pay into the State Employes' Retirement Fund or into the School Employes' Retirement Fund as the case may be an amount certified to the State Treasurer by the State Employes' Retirement Board or by the Public School Employes' Retirement Board as the case may be in a manner now or hereafter provided by law The balance thereof if he have

a wife to his wife for her use and that of his children if he have children and no wife then to such persons as he may designate for the use and benefit of his children If he have a dependent parent or parents then he shall direct such sum as he has theretofore been accustomed to contribute to their support to be paid to them and the amount payable to his wife or children if any he have shall be proportionately decreased If he have no wife or children he may direct the entire one-half of his said salary or wages not exceeding two thousand ($2,000.00) dollars per annum to be paid to his dependent parent or parents if any such he have all sums so directed to be paid shall be paid to the Commonwealth agency and/or the person designated in the same proportional instalments as nearly as may be as the salary or wages of such person were theretofore paid to him With such statement he shall also file powers of attorney authorizing the Commonwealth agency and/or the proper dependents to receive their proportion of said salary or wages as aforesaid

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—186

Achterman,	Flynn,	Lovett,	Rose, W. E.,
Auker,	Foor,	Lyons,	Royer,
Baker,	French,	Malloy,	Rush,
Balthaser,	Gallagher,	Marks,	Sarge,
Baugher,	Gates,	Maxwell,	Scanlon,
Bentzel,	Gerard,	McClanaghan,	Schwab,
Boles,	Gillan,	McClester,	Serrill,
Boney,	Goodwin,	McDermott,	Shaffer,
Boorse,	Greenwood,	McFall,	Shepard,
Bower,	Gross,	McGrath,	Simons,
Bradley,	Gryskewicz,	McIntosh,	Skale,
Breth,	Gyger,	McKinney,	Snyder,
Bretherick,	Haberlen,	McLanahan,	Sollenberger,
Brown,	Haines,	McLane,	Sorg,
Brunner, C. R.,	Hall,	McMillen,	Stambaugh,
Brunner, P. A.,	Hamilton,	McSurdy,	Stank,
Burris,	Hare,	Melchiorre,	Stine,
Cadwalader,	Harmuth,	Mihm,	Stockham,
Chervenak,	Harris,	Modell,	Tarr,
Chudoff,	Heatherington,	Monks,	Tate,
Cochran	Hering,	Mooney,	Taylor,
Cohen, M. M.,	Herman,	Moran,	Thompson, E. F.,
Cohen, R. E.,	Hewitt,	Muir,	Thompson, R. L.,
Cook,	Hirsch,	Munley,	Trout,
Cooper,	Holland,	Nagel,	Turner,
Cordier,	Huntley,	Nunemacher,	Van Allsburg,
Corrigan,	Imbrie,	O'Brien,	Verona,
Croop,	James,	O'Connor,	Vincent,
Cullen,	Jefferson,	O'Dare,	Vogt,
Dalrymple,	Jones, G. E.,	O'Mullen,	Voldow,
Dennison,	Jones, P. N.,	O'Neill,	Wagner,
DiGenova,	Keenan,	Owens,	Watkins,
Dix,	Kenehan,	Petrosky,	Weingartner,
Dolon,	Kline,	Pettit,	Weiss,
D'Ortona,	Knoble,	Polaski,	Welsh, E. B.,
Early,	Kolankiewicz,	Polen,	Welsh, M. J.,
Eckels,	Komorofski,	Powers,	Williams,
Elder,	Krise,	Rank,	Winner,
Elliott,	Lee, E. A.,	Rausch,	Wood, L. H.,
Ely,	Lee, T. H.,	Readinger,	Wood, N.,
Finestone,	Leisey,	Reagan,	Woodring,
Finnerty,	Leonard,	Reese, D. P.,	Wright,
Fisher,	Lesko,	Reese, R. E.,	Yeakel,
Fiss,	Levy,	Regan,	Yester,
Fleming,	Leydic,	Reynolds,	Young,
Fletcher,	Lichtenwalter,	Riley,	Kilroy, Speaker
	Longo,	Rose, S.,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 71, as follows:

A Supplement to the act approved the eighteenth day of July one thousand nine hundred seventeen (P. L. 1043) entitled "An act establishing a public school employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon boards having the employment of public school employes exempting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" defining the rights and obligations of certain members of the School Employes' Retirement Association engaged in active military service

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Definitions The following words and phrases as used in this act unless a different meaning is plainly required by the context shall have the following meanings

(1) "The act to which this is a supplement" shall mean the act approved the eighteenth day of July one thousand nine hundred seventeen (P. L. 1043) entitled "An act establishing a public school employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon boards having the employment of public school employes exempting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" and all amendments thereto passed finally before the effective date of this act

(2) "Employe" shall mean any person who is an employe as defined in the act to which this is a supplement and whose salary or compensation is paid directly by the Commonwealth

(3) "Salary deductions" shall mean the amount certified by the Public School Employes' Retirement Board and either (a) deducted from the salary of a contributor to the School Employes' Retirement Fund and paid by the treasurer of each employer into the fund created by the act to which this is a supplement through the Department of Revenue under the provisions of section seven of said act or (b) deducted from any grant-in-aid subsidy or benefit payable or paid by the Commonwealth of Pennsylvania to an employe or his dependent or dependents while in active military service as defined in this act and paid into the Retirement Fund by the State Treasurer through the Department of Revenue

(4) "Board" shall mean the Public School Employes' Retirement Board created by the act to which this is a supplement

(5) "Active military service" shall mean full time service in the armed forces of the United States under a requisition from or by executive order of the President of the United States or in the armed forces organized for the defense of the Commonwealth of Pennsylvania by the authority of this Commonwealth

Section 2 An employe who enters into active military service may elect to continue to pay into the School Employes' Retirement Fund his salary deductions on the basis of his salary on the date of his entry into such active military service Such election shall be in writing on the form prescribed by the board and it shall be filed with the board within thirty (30) days after the effective date of this act or within thirty (30) days after the mem-

ber's induction into active military service By such election an employe shall authorize and direct the State Treasurer to pay into the School Employes' Retirement Fund an amount certified to the State Treasurer by the board as the member's salary deduction The State Treasurer shall deduct such amount from any monies payable to such employe or his dependent or dependents under the provisions of the act approved the seventh day of June one thousand nine hundred seventeen (P. L. 600) entitled "An act providing that appointive officers and employes employed by the Commonwealth of Pennsylvania in its civil service or by any department bureau commission or office thereof or by any county municipality township or school district shall not be deemed or held to have resigned or abandoned their offices or employments by reason of enlistment enrollment or draft in the military or naval service of the United States or any branch or unit thereof in time of war or contemplated war prohibiting the removal from their offices or employments of such officers and employes during the period of their service in the Army or Navy directing that one-half of the salaries or wages of such officers or employes as have dependent wives children or parents and not exceeding two thousand dollars per annum be paid during the term of their service in the Army or Navy to such dependents authorizing the employment during said term of substitutes to perform the duties theretofore performed by such officers or employes respectively and providing for the compensation of such substitutes" or under any act of assembly extending the benefits of said act to employes or providing for the payment of grant-in-aid or subsidies to an employe while in active military service or under any law now in force or hereafter enacted and the State Treasurer shall pay the amount so deducted into the fund created by the act to which this is a supplement

Section 3 An employe who does not elect to pay into the School Employes' Retirement Fund during the period of his active military service an amount equal to his salary deductions may during the period of such active military service and for a further period of forty (40) days after completion of such active military service pay into the School Employes' Retirement fund an amount which shall be equal to the salary deductions multiplied by the number of the semi-monthly periods during which he or she was absent from State employment or State service in active military service to the credit of the annuity savings account in such manner as may be agreed upon by the employe and the board but in no event shall such payments be made in installments less than sufficient to pay such amount by the time the member attains superannuation retirement age

Section 4 An employe who complies with the provisions of section two or section three of this act shall after such election be classified by the board as an employe in active military service and shall thereafter during such active military service and for a period of forty (40) days after the completion of such active military service be entitled to all benefits to which he or she may be entitled upon the date of entry into active military service under the provisions of the act to which this is a supplement as fully as though such employe continued to be in the actual employ and service of the Commonwealth of Pennsylvania at the salary such employe had been receiving on the date of his or her entry into active military service Provided however That such employe shall not have the right to retire upon disability under the provisions of section thirteen of the act to which this is a supplement except as hereinafter provided If such member returns to the actual employ and service of the Commonwealth within a period of forty (40) days after such active military service the Superintendent of Public Instruction shall certify such member as an employe with active military service

Section 5 An employe who does not file with the board an election to pay his salary deductions into the School Employes' Retirement Fund as provided in section two of this act shall be classified as a nonpaying member in active military service of the School Employes' Retirement Association until he shall return to the actual employ and service of the Commonwealth or until such member complies with section three of this act in the manner provided or for the period of such active military service and for forty (40) days after the completion of such active military service Such member shall enjoy all the benefits to which the member was entitled on the date of entry into active military service under any law of the Commonwealth of Pennsylvania relating to the School Employes' Retirement Association and the School Employes' Retirement Fund Provided however That such member shall not have the right to retire upon disability under the provisions of section thirteen of the act to which this is a supplement except as hereinafter provided If such member returns to the actual employ and service of the Commonwealth within a period of forty (40) days after such active military service the Superintendent of Public Instruction shall certify such member as an employe with active military service

Section 6 An employe who shall have withdrawn from actual State employment or actual State service for active military service may after his or her return to actual State employment or actual State service but not later than forty (40) days after the completion of such active military service request the board for a physical and medical examination At a time and place within the Commonwealth and by an examiner or examiners to be designated by the board the applicant shall appear for and submit to such examination If the examiner or examiners shall find as a fact that such employe is free from physical or mental incapacity which renders him or is likely to render him incapable of performing the duties of his employment the examiner or examiners shall so certify to the board whereupon the board shall classify the applicant as a member free from active military service disability and thereupon such member shall become entitled to enjoy all the benefits to which the member was entitled under the act to which this is a supplement on the date of entry into active military service If the examiner or examiners shall find as a fact that such employe is physically or mentally incapacitated for the performance of the duties of the employment which he had when last in the actual employ and service of the Commonwealth the examiner or examiners shall certify to the board the nature and degree of such physical or mental incapacity or disability whereupon the board shall classify the applicant as a member with active military service disability and thereupon such member may elect to accept the benefit of the provisions of section twelve of the act to which this is a supplement or the benefit of section eight of this act or the benefits of the act to which this is a supplement without disability rights and shall be classified by the board as employe without disability rights Such employe shall enjoy all the rights incident to membership in the Retirement System except the right to retire for disability or upon disability and to receive a disability retirement allowance Such member's salary deduction shall be reduced accordingly Such election shall be in writing in form prescribed by the board and shall be filed with the board not later than fifty (50) days after the completion of such active military service

Section 7 The form and content of the examination and certificate required by section six of this act shall be prescribed by the board with the advice of the board's actuary and a physician or psychiatrist to be by the board employed for that purpose

Section 8 All employes who shall have been engaged in active military service and who shall have returned to State employment or service without examination or certification as required by sections six and seven of this act shall be classified by the board as employes without disability rights Such employe shall enjoy all the rights incident to membership in the Retirement System except the right to retire for disability or upon disability and to receive a disability retirement allowance Such member's salary deduction shall be reduced accordingly.

Section 9 The amount by which the salary deduction of an employe without disability rights to be paid into the fund shall be reduced shall be determined by the board

in accordance with tables to be prepared and certified by the actuary

Section 10 The provisions and benefits of this act shall be applied and extended to all employes who were members of the School Employes' Retirement System on October fifteenth one thousand nine hundred forty

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—186

Achterman,	Flynn,	Lovett,	Rose, W. E.,
Auker,	Foor,	Lyons,	Royer,
Baker,	French,	Malloy,	Rush,
Balthaser,	Gallagher,	Marks,	Sarge,
Baugher,	Gates,	Maxwell,	Scanlon,
Bentzel,	Gerard,	McClanaghan,	Schwab,
Boles,	Goodwin,	McClester,	Serrill,
Boney,	Greenwood,	McDermott,	Shaffer,
Boorse,	Gross,	McFall,	Shepard,
Bower,	Gryskewicz,	McGrath,	Simons,
Bradley,	Gyger,	McIntosh,	Skale,
Breth,	Haberlen,	McKinney,	Snyder,
Bretherick,	Haines,	McLanahan,	Sollenberger,
Brown,	Hall,	McLane,	Sorg,
Brunner, C. H.,	Hamilton,	McMillen,	Stambaugh,
Brunner, P. A.,	Hare,	McSurdy,	Stank,
Burris,	Harmuth,	Melchiorre,	Stine,
Cadwalader,	Harris,	Mihm,	Stockham,
Chervenak,	Heatherington,	Modell,	Tarr,
Chudoff,	Hering,	Monks,	Tate,
Cochran,	Herman,	Mooney,	Taylor,
Cohen, M. M.,	Hewitt,	Moran,	Thompson, E. F.,
Cohen, R. E.,	Hirsch,	Muir,	Thompson, R. L.,
Cook,	Holland,	Munley,	Trout,
Cooper,	Huntley,	Nagel,	Turner,
Cordier,	Imbrie,	Nunemacher,	Van Allsburg,
Corrigan,	James,	O'Brien,	Verona,
Croop,	Jefferson,	O'Connor,	Vincent,
Cullen,	Jones, G. E.,	O'Dare,	Vogt,
Dalrymple,	Jones, P. N.,	O'Mullen,	Voldow,
Dennison,	Keenan,	O'Neill,	Wagner,
DiGenova,	Kenehan,	Owens,	Watkins,
Dix,	Kline,	Petrosky,	Weingartner,
Dolon,	Knoble,	Pettit,	Weiss,
D'Ortona,	Kolankiewicz,	Polaski,	Welsh, E. B.,
Early,	Komorofski,	Polen,	Welsh, M. J.,
Eckels,	Krise,	Powers,	Williams,
Elder,	Lee, E. A.,	Rank,	Winner,
Elliott,	Lee, T. H.,	Rausch,	Wood, L. H.,
Ely,	Leisey,	Readinger,	Wood, N.,
Finestone,	Leonard,	Reagan,	Woodring,
Finnerty,	Lesko,	Reese, D. P.,	Wright,
Fisher,	Levy,	Reese, R. E.,	Yeakel,
Fiss,	Leydic,	Regan,	Yester,
Fleming,	Lichtenwalter,	Reynolds,	Young,
Fletcher,	Longo,	Riley,	Kilroy,
		Rose, S.,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 101, as follows:

An Act to amend the appropriation to the Department of Military Affairs in section two of the act approved the sixteenth day of June one thousand nine hundred and forty-one (Appropriation Act No. 12-A) entitled "An act to provide for the ordinary expenses of the Executive Legislative and Judicial Departments of the Commonwealth interest on the public debt and the support of the public schools for two years beginning June first one thousand nine hundred and forty-one and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first one thousand nine hundred and forty-one" by providing specifically for the expenses of the State Council of Defense for the maintenance of a nautical school

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The appropriation to the Department of Military Affairs contained in section two of the act approved the sixteenth day of June one thousand nine hundred and forty-one (Appropriation Act No. 12-A) entitled "An act to provide for the ordinary expenses of the Executive Legislative and Judicial Departments of the Commonwealth interest on the public debt and the support of the public schools for two years beginning June first one thousand nine hundred and forty-one and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first one thousand nine hundred and forty-one" is hereby amended to read as follows

Section 2 The following sums or as much thereof as may be necessary are hereby specifically appropriated from the General Fund to the several hereinafter named agencies of the Executive Legislative and Judicial Departments of the Commonwealth for the purposes hereinafter set forth for the two years beginning June first one thousand nine hundred and forty-one and for the payment of the bills incurred by said agencies and remaining unpaid at the close of the fiscal year ending May thirty-first one thousand nine hundred and forty-one

I EXECUTIVE DEPARTMENT

* * * * *

To the Department of Military Affairs

For the payment of the salary of the Adjutant General the sum of twenty thousand dollars ($20,000)

For the payment of salaries wages or other compensation of a deputies adjutant general the Division Commander and other employes for the payment of general expenses supplies printing and equipment necessary for the proper conduct of the work of the department including Division Headquarters the United States Property and Disbursing Office State Arsenal State Military Reservation and advisory commissions connected with the department for the making of improvements additions or repairs to existing buildings roads and utilities on the State Military Reservation and State Arsenal and for the acquisition by purchase or condemnation of additional lands to be used for or in connection with the Military Reservation at Indiantown Gap for the purpose of placing at the disposal of the Governor and making the same available for replacement or repair of such military stores and supplies issued to the Commonwealth of Pennsylvania by the Federal Government as may be destroyed or damaged in whole or in part by fire flood storm or any other unavoidable cause for the payment of transportation pay of officers and enlisted men horse hire subsistence quartermaster stores and other proper and necessary expenses incident to field service rendered by the Pennsylvania National Guard under orders of the Governor in repelling invasion subduing insurrection riot tumult or disorder or the prevention of the same and when such Pennsylvania National Guard may be placed on duty under orders of the Governor under extraordinary circumstances for the protection of property or human life and in the event of all or any portion of said Pennsylvania National Guard being called into active service of the United States by the President of the United States or in furnishing the quota of volunteers from the Commonwealth of Pennsylvania under a call made by the President of the United States and for the equipment and maintenance of a Pennsylvania Reserve Defense Corps in the event of the Pennsylvania National Guard being called into active service of the United States and for the payment of mileage and lawful ex-

penses of commissioners to take the vote of Pennsylvania soldiers in Federal or State service when in the field on active duty for the payment of any and all expenses incident to furnishing men material and equipment to relieve unemployment or drought conditions throughout the State or when a disaster occurs for payment of claims against the Commonwealth of Pennsylvania for damages incurred by the operation or training of the Pennsylvania National Guard or the Pennsylvania Reserve Defense Corps as provided by law for the payment of all necessary expenses supplies printing and equipment including annual allowances for maintenance and armory rent individual pay officers' annual allowances passenger and freight transportation telegrams telephone toll charges subscriptions to The Pennsylvania National Guardsman for distribution to officers and men of the Pennsylvania National Guard in either State or Federal service and the Pennsylvania Reserve Defense Corps the expenses of operating and maintaining automobiles and other motor equipment the payment of mileage charges to the Department of Property and Supplies for the use of automobiles and other expenses necessary for the maintenance training government discipline and equipment of the Pennsylvania National Guard or the Pennsylvania Reserve Defense Corps for the payment of claims made by the War Department based upon approved reports of survey covering loss damage or destruction of Federal property for the payment of salaries of members and inspectors of the Armory Board of the State of Pennsylvania for the payment of salaries wages or other compensation of employes for the payment of general expenses supplies printing and equipment necessary for the proper conduct of the work of the Armory Board of the State of Pennsylvania for the maintenance and repair of armories and for the expenses of inspection of armories the sum of one million eight hundred eighty-eight thousand dollars ($1,888,000) Provided however That there is hereby appropriated for the same purposes the full amount of all rentals and all other monies paid into the State Treasury in connection therewith of armories and receipts from public or private sources in payment of costs and material expenses by the Pennsylvania National Guard and the Pennsylvania Reserve Defense Corps in furnishing relief from disaster and all receipts from the Federal Government or other public or private sources for or in connection with services performed by employes in the Department of Military Affairs or for or in connection with the use of property under the control of said department which shall be collected as heretofore and paid into the General Fund and credited to the appropriation made by this paragraph The expenditure of such rentals of armories and other monies received in connection therewith is hereby authorized for the purchase of furniture furnishings and recreational equipment which may at the discretion of the Armory Board of the State of Pennsylvania be considered essential for the benefit betterment and welfare of the Pennsylvania National Guard or the Pennsylvania Reserve Defense Corps

Provided further That the Department of Military Affairs shall upon the direction of the Governor allocate from this appropriation from time to time such amounts as he shall deem necessary to defray the expenses of the State Council of Defense and this appropriation is hereby appropriated for such purposes Provided further however That it shall be the mandatory duty of the Governor to allocate from this appropriation the sum of one hundred thousand dollars ($100,000) or so much thereof as may be necessary to defray the expenses of the State Council of Defense for the acquisition operation and maintenance by the Navigation Commission for the Delaware River and its navigable tributaries of the necessary quarters and accommodations for the Pennsylvania Nautical School as provided by law and this appropriation is hereby appropriated for such purposes

For the payment of salaries wages or other compensation of the superintendent and other employes for the payment of general expenses supplies and printing and equipment for improvements to land for repairs alterations and improvements to plant and equipment for the purchase of equipment furniture furnishings and live stock for expenses of the Board of Trustees and incidental expenses for burial expenses and for all other expenses of maintenance and operation necessary for the proper conduct of the work of the Soldiers' and Sailors' Home at Erie as may be authorized and approved by the Adjutant General the sum of two hundred two thousand dollars ($202,000) Provided That all moneys received from the United States Government by the Governor of Pennsylvania on account of maintenance of the honorably discharged soldiers and sailors or marines in the Pennsylvania Soldiers' and Sailors' Home at Erie shall be paid into the State Treasury through the Department of Revenue

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—186

Achterman,	Fletcher,	Longo,	Rose, S.,
Auker,	Flynn,	Lovett,	Rose, W. E.,
Baker,	Foor,	Lyons,	Royer,
Balthaser,	French,	Malloy,	Rush,
Baugher,	Gallagher,	Marks,	Sarge,
Bentzel,	Gates,	Maxwell,	Scanlon,
Boles,	Gerard,	McClanaghan,	Schwab,
Boney,	Gillan,	McClester,	Serrill,
Boorse,	Goodwin,	McDermott,	Shaffer,
Bower,	Greenwood,	McFall,	Shepard,
Bradley,	Gross,	McGrath,	Simons,
Breth,	Gryskewicz,	McIntosh,	Skale,
Bretherick,	Gyger,	McKinney,	Snyder,
Brown,	Haberlen,	McLanahan,	Sollenberger,
Brunner, C. H.,	Haines,	McLane,	Sorg,
Brunner, P. A.,	Hall,	McMillen,	Stambaugh,
Burns,	Hamilton,	McSurdy,	Stank,
Burris,	Hare,	Melchiorre,	Stine,
Cadwalader,	Harmuth,	Mihm,	Stockham,
Chervenak,	Harris,	Modell,	Tarr,
Chudoff,	Heatherington,	Monks,	Tate,
Cochran,	Hering,	Mooney,	Taylor,
Cohen, M. M.,	Herman,	Moran,	Thompson, E. F.,
Cohen, R. E.,	Hewitt,	Muir,	Thompson, R. L.,
Cook,	Hirsch,	Munley,	Trout,
Cooper,	Holland,	Nagel,	Turner,
Cordier,	Huntley,	Nunemacher,	Van Allsburg,
Corrigan,	Imbrie,	O'Brien,	Verona,
Croop,	James,	O'Connor,	Vincent,
Cullen,	Jefferson,	O'Dare,	Vogt,
Dalrymple,	Jones, G. E.,	O'Mullen,	Voldow,
Dennison,	Jones, P. N.,	O'Neill,	Wagner,
DiGenova,	Keenan,	Owens,	Watkins,
Dix,	Kenehan,	Petrosky,	Weingartner,
Dolon,	Kline,	Pettit,	Weiss,
D'Ortona,	Knoble,	Polaski,	Welsh, E. B.,
Early,	Kolankiewicz,	Polen,	Welsh, M. J.,
Eckels,	Komorofski,	Powers,	Williams,
Elder,	Krise,	Rank,	Winner,
Elliott,	Lee, E. A.,	Rausch,	Wood, L. H.,
Ely,	Lee, T. H.,	Readinger,	Wood, N.,
Finestone,	Leisey,	Reagan,	Woodring,
Finnerty,	Leonard,	Reese, D. P.,	Wright,
Fisher,	Lesko,	Reese, R. E.,	Yeakel,
Fiss,	Levy,	Regan,	Yester,
Fleming,	Leydic,	Reynolds,	Young,
	Lichtenwalter,	Riley,	Kilroy, Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 85, (Senate Bill No. 58), as follows:

An Act to further amend section seven hundred two to amend section seven hundred nineteen and to further amend section eight hundred and six of the act approved the third day of June one thousand nine hundred and thirty-seven (P. L. 1225) entitled "An act concerning game and other wild birds and wild animals and amending revising consolidating and changing the law relating thereto" by vesting in the Pennsylvania Game Commission the power to adjust hours for hunting training of dogs and carrying certain firearms and ammunition

Whereas A recently enacted Federal law advances Standard Time one hour daily for the duration of the war in which our Nation is engaged and for a period of six months thereafter and

Whereas Said time change adversely affects the safety and health of the many thousands of our citizens in this Commonwealth who enjoy the sport of hunting for recreation and pleasure by allowing an hour of hazardous hunting in the morning and denying the right to hunt during an hour of daylight at the end of the day contrary to the intent of the General Assembly as established in the Game Law and otherwise adversely affects privileges granted to the lovers of the chase by our statutes and

Whereas Since our Federal authorities deem it essential to the successful prosecution of the war to bolster and maintain the morale and health of our citizens by providing maximum recreational opportunities therefore

In order to vest in the Pennsylvania Game Commission the proper authority to make such time adjustments in our Game Law as may be found necessary to cope with the foregoing situation

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section seven hundred two of the act approved the third day of June one thousand nine hundred and thirty-seven (P. L. 1225) entitled "An act concerning game and other wild birds and wild animals and amending revising consolidating and changing the law relating thereto" as amended by the act approved the twenty-fourth day of June one thousand nine hundred and thirty-nine (P. L. 810) is hereby further amended to read as follows

Section 702 Hunting on Sunday and at Night It is unlawful for any person to hunt for shoot at chase catch or kill or attempt to shoot at chase catch or kill with or without dogs any game except in defense of person or property upon the first day of the week commonly called Sunday except for dog training or trial purposes as hereinafter provided or to hunt for shoot at catch or kill or attempt to hunt for shoot at catch or kill any game between five o'clock post meridian of one day and seven o'clock antemeridian eastern standard time of the day following [or during such hours as shall be further restricted by resolution of the commission on the first day of any open season for game of any kind] except that raccoons may be hunted for and killed any time during the open season day or night and that woodchucks or other game then in season may be hunted for and killed between July first and September thirtieth between the hours of six o'clock antemeridian and seven-thirty o'clock postmeridian eastern standard time Sunday excepted Provided however (a) That the commission may by resolution further restrict the hours hereinbefore set forth on the first day of any open season for hunting and (b) the commission may by resolution change the daily hours stipulated in this section to make adjustment for time changes or time designations established by Federal law or by any regulations promulgated under Federal law This section shall not prohibit the removal of raccoons or fur-bearing animals from traps or deadfalls on Sunday when lawfully caught

Any person violating any of the provisions of this section shall be liable to the fine hereinafter provided

Section 2 Section seven hundred nineteen of said act is hereby amended to read as follows

Section 719 Training of Dogs on Certain Game Exception for Fox Hunting Except as otherwise provided in this act or in defense of person or property it is unlawful for the owner of any dog or a dog under his control to permit such dog to chase pursue or follow upon the track of any wild bird or wild animal either day or night between the first day of April and the nineteenth day of August next following Provided however That the commission upon receipt of a petition signed by two hundred and fifty (250) or more residents of a county who held hunting licenses of the previous year or who are farmers or sheep raisers whether licensed to hunt or not shall by resolution notice of which shall be published as required by this act designate any county or part thereof in which hunting foxes with dogs at any time either day or night shall be lawful throughout the entire year except for such sixty-day period as the commission may designate when complying with the provisions of this act relative to hunting licenses or permits

During the hours from sunrise to nine o'clock postmeridian eastern standard time dogs when accompanied by and under control of their owner or handler may be trained upon any game in this Commonwealth except elk deer or bear or wild turkey from the twentieth day of August to the thirty-first day of March next following unless said period be further restricted by resolution of the commission so long as no firearms usually raised at arm's length and fired from the shoulder are carried and no injury is inflicted upon said animals or birds except that during the foregoing period and under the conditions stipulated it shall be lawful to train dogs upon racoons from sunrise to midnight eastern standard time Provided however (a) That it shall be unlawful to train dogs on Sunday unless the consent of the owner of the land where such training is being done has first been secured but no such consent shall be required in the case of State and National forest lands and (b) that the commission may by resolution change the daily hours designated in this section to make adjustment for time changes or time designations established by Federal law or any regulations promulgated under Federal law

"Under control" is hereby defined to mean within call except when actually on a trail or track of legal game

Any person who shall train a dog or dogs or permit a dog or dogs under his control to pursue or follow upon the track of any small game or other bird or animal except elk deer or bear contrary to the foregoing provisions shall upon conviction be sentenced to pay a fine of ten dollars and costs of prosecution for each offense

Section 3 Section eight hundred six of said act as amended by the act approved the twenty-fourth day of June one thousand nine hundred and thirty-nine (Pamphlet Laws 810) is hereby further amended to read as follows

Section 806 Possession of Loaded Firearms and Certain Ammuntion Restricted (a) Except as otherwise provided by law it is unlawful for any person to have in his possession a loaded rifle or loaded shotgun or a rifle or shotgun from the magazine of which all shells and cartridges have not been removed in or on any vehicle conveyance or its attachments while standing upon or along or being driven upon or along any public highway or a highway open to use or used by the public within this Commonwealth Provided however That except as hereafter provided between five o'clock postmeridian of one day and seven o'clock antemeridian eastern standard time of the day following any unloaded rifle being lawfully carried in accordance with the foregoing provisions which is capable of discharging a cartridge larger than a .22 calibre long rifle shall be so carried only when in a case or taken apart and securely wrapped but this requirement relative to carrying certain rifles in cases or securely wrapped shall not apply during the period extending from the day before to the second day following any open season for big game

(b) Except during the open season for big game it is unlawful for any person to have in possession in or on any vehicle conveyance or its attachments while standing upon or along or being driven upon or along any public highway or a highway open to use by the public within this Commonwealth except as hereinafter provided between five o'clock postmeridian of one day and seven o'clock antemeridian eastern standard time of the day following any rifle cartridge larger than a .22 calibre long rifle or any shotgun shell containing either a single bullet or pellets larger than a B B unless all such cartridges or shells are carried in unbroken original cartons or securely wrapped

(c) Provided however (a) that during the period from July first to September thirtieth inclusive of each year the foregoing requirements relative to carrying certain unloaded firearms and ammunition shall be applicable only from eight-thirty o'clock postmeridian to five o'clock antemeridian eastern standard time and (b) that the commission may by resolution change the daily hours stipulated in subsections (a) (b) and (c) of this section to make adjustment for time changes or time designations established by Federal law or by any regulations promulgated under Federal law

(d) The provisions of this section shall not be construed to apply to a public police officer engaged in the performance of his official duty or to an officer whose duty it is to enforce the game law and engaged in the performance of his official duty

(e) Any person violating any of the provisions of this section while the vehicle is in motion or is being used as a blind from which to kill or attempt to kill game while the vehicle is not in motion shall upon conviction be sentenced to pay a fine of twenty-five dollars and costs of prosecution Any other violation of the provisions of this section shall upon conviction subject the person responsible therefor to a fine of ten dollars and costs of prosecution

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. MAXWELL. Mr. Speaker, will the sponsor of this bill please explain it?

The SPEAKER. The sponsor is in the Senate.

Mr. MAXWELL. Mr. Speaker, will someone in the House please explain the bill?

The SPEAKER. Is there any member in the House who can explain the bill?

Mr. ACHTERMAN. Mr. Speaker, I think a casual reading of the bill will indicate that it gives to the Game Commission the right to change the hours of hunting so that they will comply with the new war time set up by the Federal Government.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—186

Achterman,	Foor,	Lyons,	Royer,
Auker,	French,	Malloy,	Rush,
Baker,	Gallagher,	Marks,	Sarge,
Balthaser,	Gates,	Maxwell,	Scanlon,
Baugher,	Gerard,	McClanaghan,	Schwab,
Bentzel,	Gillan,	McClester,	Serrill,
Boles,	Goodwin,	McDermott,	Shaffer,
Boney,	Greenwood,	McFall,	Shepard,
Boorse,	Gross,	McGrath,	Simons,
Bower,	Gryskewicz,	McIntosh,	Skale,
Bradley,	Gyger,	McKinney,	Snyder,
Breth,	Haberlen,	McLanahan,	Sollenberger,
Bretherick,	Haines,	McLane,	Sorg,
Brown,	Hall,	McMillen,	Stambaugh,
Brunner, C. H.,	Hamilton,	McSurdy,	Stank,
Brunner, P. A.,	Hare,	Melchiorre,	Stine,
Burris,	Harmuth,	Mihm,	Stockham,
Cadwalader,	Harris,	Modell,	Tarr,
Chervenak,	Heatherington,	Monks,	Tate,
Chudoff,	Hering,	Mooney,	Taylor,
Cochran,	Herman,	Moran,	Thompson, E. F.,
Cohen, M. M.,	Hewitt,	Muir,	Thompson, R. L.,
Cohen, R. E.,	Hirsch,	Munley,	Trout,
Cook,	Holland,	Nagel,	Turner,
Cooper,	Huntley,	Nunemacher,	Van Allsburg,
Cordier,	Imbrie,	O'Brien,	Verona,
Corrigan,	James,	O'Connor,	Vincent,
Croop,	Jefferson,	O'Dare,	Vogt,
Cullen,	Jones, G. E.,	O'Mullen,	Voldow,
Dalrymple,	Jones, P. N.,	O'Neill,	Wagner,
Dennison,	Keenan,	Owens,	Watkins,
DiGenova,	Kenehan,	Petrosky,	Weingartner,
Dix,	Kline,	Pettit,	Weiss,
Dolon,	Knoble,	Polaski,	Welsh, E. B.,
D'Ortona,	Kolankiewicz,	Polen,	Welsh, M. J.,
Early,	Komorofski,	Powers,	Williams,
Eckels,	Krise,	Rank,	Winner,
Elder,	Lee, E. A.,	Rausch,	Wood, L. H.,
Elliott,	Lee, T. H.,	Readinger,	Wood, N.,
Ely,	Leisey,	Reagan,	Woodring,
Finestone,	Leonard,	Reese, D. P.,	Wright,
Finnerty,	Lesko,	Reese, R. E.,	Yeakel,
Fisher,	Levy,	Regan,	Yester,
Fiss,	Leydic,	Reynolds,	Young,
Fleming,	Lichtenwalter,	Riley,	Kilroy,
Flynn,	Longo,	Rose, S.,	Speaker.
	Lovett,	Rose, W. E.,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL PASSED OVER

There being no objection House Bill No. 109, Printer's No. 55, was passed over at the request of Mr. SHEPARD.

INTERROGATION

Mr. TURNER. Mr. Speaker, I desire to interrogate the gentleman from Philadelphia, Mr. Shepard.

The SPEAKER. Will the gentleman from Philadelphia permit himself to be interrogated?

Mr. SHEPARD. I shall, Mr. Speaker, with certain provisions and reservations.

The SPEAKER. With certain provisions and reservations the gentleman from Delaware will proceed.

Mr. TURNER. Mr. Speaker, I do not like to agree to any provisions or reservations without knowing what they are but this time I will take a chance. Is the gentleman from Philadelphia willing to let it go over until after the session?

Mr. SHEPARD. I do not know, Mr. Speaker.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 95, as follows:

An Act authorizing temporary emergency war time increases in salaries of district superintendents assistant district superintendents and other professional em-

ployes of school districts and the discontinuance of such increases without the consent of such employe or a hearing before the board of school directors (or board of public education) or any right of appeal and suspending inconsistent laws

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Whenever because of increasing cost of living or competition with temporary higher paid employment during the continuance of any war in which this Nation is or may become engaged it is necessary to increase the salary of any district superintendent assistant district superintendent or other professional employe in any of the schools districts of the Commonwealth the board of school directors (or board of public education) may grant a temporary emergency war time increase in salary which increase in salary may when change in conditions so warrant be discontinued without the consent of the employe and without hearing before the board of school directors (or board of public education) and without any right of appeal All increases granted under the provisions of this act shall be specifically designated as temporary emergency war time increases This act shall not be construed so as to authorize any demotion of any professional employe either in salary or in type of position except only as to increases in salary hereby authorized and specifically granted as temporary emergency war time increases nor shall this act in any way interfere with the granting of minimum increments required by law which shall be granted when due in spite of the existence of any temporary emergency war time increase

Section 2 The provisions of section one thousand two hundred five A of the act approved the eighteenth day of May one thousand nine hundred eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as last amended by section three of the act approved the six day of April one thousand nine hundred thirty-seven (P. L. 213) are hereby suspended in so far as they are inconsistent herewith during the period of any war in which this Nation is or may become engaged and for the period of one year thereafter.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—186

Achterman,	Fletcher,	Longo,	Rose, W. E.,
Auker,	Flynn,	Lovett,	Royer,
Baker,	Foor,	Lyons,	Rush,
Balthaser,	French,	Malloy,	Sarge,
Baugher,	Gallagher,	Marks,	Scanlon,
Bentzel,	Gates,	Maxwell,	Schwab,
Boles,	Gerard,	McClanaghan,	Serrill,
Boney,	Gillan,	McClester,	Shaffer,
Boorse,	Goodwin,	McDermott,	Shepard,
Bower,	Greenwood,	McFall,	Simons,
Bradley,	Gross,	McIntosh,	Skale,
Breth,	Gryskewicz,	McKinney,	Snyder,
Bretherick,	Gyger,	McLanahan,	Sollenberger,
Brown,	Haberlen,	McLane,	Sorg,
Brunner, C. H.,	Haines,	McMillen,	Stambaugh,
Brunner, P. A.,	Hall,	McSurdy,	Stank,
Burris,	Hamilton,	Melchiorre	Stine,
Cadwalader,	Hare,	Mihm,	Stockham,
Chervenak,	Harmuth,	Modell,	Tarr,
Chudoff,	Harris,	Monks,	Tate,
	Heatherington,	Mooney,	Taylor,
Cochran,	Hering,	Moran,	Thompson, E. F.,
Cohen, M. M.,	Herman,	Muir,	Thompson, R. L.,
Cohen, R. E.,	Hewitt,	Munley,	Trout,
Cook,	Hirsch,	Nagel,	Turner,
Cooper,	Holland,	Nunemacher,	Van Allsburg,
Cordier,	Huntley,	O'Brien,	Verona,
Corrigan,	Imbrie,	O'Connor,	Vincent,
Croop,	James,	O'Dare,	Vogt,
Cullen,	Jefferson,	O'Mullen,	Voldow,
Dalrymple,	Jones, G. E.,	O'Neill,	Wagner,
Dennison,	Jones, P. N.,	Owens,	Watkins,
DiGenova,	Keenan,	Petrosky,	Weingartner,
Dix,	Kenehan,	Pettit,	Weiss,
Dolon,	Kline,	Polaski,	Welsh, E. B.,
D'Ortona,	Knoble,	Polen,	Welsh, M. J.,
Early,	Kolankiewicz,	Powers,	Williams,
Eckels,	Komorofski,	Rank,	Winner,
Elder,	Krise,	Rausch,	Wood, L. H.,
Elliott,	Lee, E. A.,	Readinger,	Wood, N.,
Ely,	Lee, T. H.,	Reagan,	Woodring,
Finestone,	Leisey,	Reese, D. P.,	Wright,
Finnerty,	Leonard,	Reese, R. E.,	Yeakel,
Fisher,	Lesko,	Regan,	Yester,
Fiss,	Levy,	Reynolds,	Young,
Fleming,	Leydic,	Riley,	Kilroy, Speaker
	Lichtenwalter,	Rose, S.,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 107, as follows:

An Act to prevent interference with the prosecution of the war in which this Nation is engaged by suspending section three of the act approved the twenty-second day of June one thousand nine hundred thirty-five (P. L. 414) entitled "An act to provide revenue for State purposes imposing taxes upon certain classes of personal property providing for the assessment collection and lien of the same and the distribution of the proceeds thereof imposing duties on executors administrators registers of wills recorders of deeds prothonotaries and court clerks and on persons copartnerships associations banks national banks trust companies and other corporations receiving deposits of money and on certain corporations and limited partnerships conferring powers and imposing duties on certain State officers and departments imposing penalties and making an appropriation" as reenacted and amended imposing a State tax on personal property

Whereas The State personal property tax was imposed for the purpose of meeting appropriations for public assistance for which purpose the same is no longer needed and

Whereas Since the enactment of the legislation by which said tax was imposed the United States has become involved in the most costly war of all time a war in which she is required to produce arms ships airplanes tanks and all manner of military and naval supplies and equipment not only for her own armed forces but for those of all of her allies as well and

Whereas This prodigious task as well as the maintenance of many armies on all of the innumerable battle fronts the world over and the duty of patrolling and transporting men and equipment over every ocean and waterway require the expenditure of sums of money heretofore unheard of which sums of money must be obtained from the people of the United States by means of Federal taxation and the sale of defense savings stamps and bonds and

Whereas Payment of the State personal property tax interferes with the prosecution of the war in which this

Nation is engaged by reducing the incomes of those who are required to pay the same making it unduly difficult for them to pay their Federal taxes and rendering it impossible for them to purchase stamps and bonds to help swell the national war chest for the diligent and energetic prosecution of this war in defense of free governments therefore

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The provisions of section three of the act approved the twenty-second day of June one thousand nine hundred thirty-five (P. L. 414) entitled "An act to provide revenue for State purposes imposing taxes upon certain classes of personal property providing for the assessment collection and lien of the same and the distribution of the proceeds thereof imposing duties on executors administrators registers of wills recorders of deeds prothonotaries and court clerks and on persons copartnerships associations banks national banks trust companies and other corporations receiving deposits of money and on certain corporations and limited partnerships conferring powers and imposing duties on certain State officers and departments imposing penalties and making an appropriation" as last reenacted and amended by the act approved the eleventh day of July one thousand nine hundred forty-one (P. L. 361) imposing a State tax on personal property are hereby suspended during the continuance of the war in which this Nation is now engaged and for the period of two years thereafter

On the question,

Will the House agree to the bill on third reading?

CONSTITUTIONAL POINT OF ORDER

Mr. TURNER. Mr. Speaker, I desire to raise the constitutional point of order that this bill is unconstitutional, because it violates Section 17 of Article I of the Constitution, which is to the effect that no bill shall be passed impairing a contract.

The SPEAKER. The gentleman from Delaware, Mr. Turner, raises the Constitutional point of order that House Bill 107, Printer's No. 54, is unconstitutional in that it violates Article I, Section 17 of the Constitution. The Speaker under Rule 4 is required to submit questions affecting the constitutionality of bills to the House for decision, which the Chair now does.

On the question,

Will the House sustain the Constitutional point of order?

Mr. TURNER. Mr. Speaker, in the session of 1941 we passed a bill which became Act 147, found on Page 381 of the Pamphlet Laws for that session. That act pledged all of the receipts accruing to the General Fund. The act specifically says that "Any loans negotiated under the provisions of this act shall be secured by the current revenues levied and assessed for revenue purposes of every kind or character accruing to the General Fund of the State Treasury during the two fiscal years beginning June 1, 1941, and shall be paid out of such revenues."

On that basis the state borrowed money on tax anticipation notes. If we were to suspend the provisions of that act, we would be taking away part of the security which we have already pledged for those notes, and that would be in violation of the Constitution.

Mr. ACHTERMAN. Mr. Speaker, it strikes me rather odd that that particular question should be raised. I recall back in November I suggested in an open letter to the Governor of Pennsylvania that in calling the special session I felt that one of the essential things should be tax reduction, so that the citizens of Pennsylvania could better cooperate in winning the war by releasing the frozen assets now in the treasury or coming into the treasury, so that the citziens of Pennsylvania could play their full and complete part in the war effort of the United States.

I sought, Mr. Speaker, and asked that we do the same thing that the State of New York has done this year, and many of the other states of the Union have been doing, and that is reduce our expenditures and pass that reduction on to the citizens of our state so that that money may be available for Federal tax payments and for the purchase of defense bonds.

I have not forgotten, Mr. Speaker, that then I was told, "Oh, just wait a while, wait a while; wait and see what we do in the first year, the complete year. It is true we are running way ahead, but let us wait." You will recall the words of the Governor to the Press, "I will call the session after the year to reduce taxes." The Governor would do it without hesitancy. But we are confronted with a problem now wherein the minority leader of this House says, "You cannot do it under the Constitution."

We cannot do it under the Constitution? Mr. Speaker, that is the question. We cannot reduce taxes when we have ample money and will have ample money in the treasury to pay every penny of the obligations that he is speaking of. We are not going to default in one penny of it. The money will be there. It is unconstitutional then to suspend a tax that is not needed for the expenditures of this Commonwealth nor for its obligations?

That is the question before this House. Can we give to the people of Pennsylvania relief? Can we place the people of Pennsylvania in a position so that they can cooperate one hundred percent with the war effort? Those are the questions, Mr. Speaker, that the minority leader would have you vote on, bearing always in mind that we are not defaulting on one penny of the obligations of this Commonwealth. Every penny will be there at the end of the biennium and before the biennium is over to meet the obligations to the bankers of Pennsylvania.

I am saying, Mr. Speaker, we are not violating the Constitution in any manner and I am adding that we are coming clearly within the call of the Governor in his supplement, paragraph one, which provides that we may suspend laws that we find are in any manner interfering with the proper operation of the war or our cooperation in it.

I submit, Mr. Speaker, to the membership of this House that we are definitely within the call and that we are not violating the Constitution in any manner.

Mr. TURNER. Mr. Speaker, I am sure the gentleman from Monroe has gone far afield in his effort to justify the introduction of this bill. If the gentleman from Monroe got into a controversy or a letter writing contest with the Governor of Pennsylvania, then much as I dislike to do so—however, I have been in that same position many times before—I will have to differ with two such eminent lawyers as the majority leader and the Governor of Pennsylvania.

I think both of them have a desire to reduce taxes. I am sure that both the gentleman from Monroe, Mr. Achterman and myself, in the position in which we find ourselves this spring, would be most delighted to go out before the people of Pennsylvania as the men who have

reduced taxes. And nothing, Mr. Speaker, is as popular as a reduction of taxes, nothing is as unpopular as the imposition of taxes. We all know that, and every Member of this House would like to go on record, if it would be possible, to reduce taxes to the lowest possible degree. The mounting Federal tax burden placed upon everyone of us by the war, the staggering load, and not the rich people alone are bearing it, but it is getting down to the brackets where the little man is contributing a very large share, and a share that is very difficult many times for him to contribute to the income of the Commonwealth and the Federal Government.

However, much as we would like to waive taxes and get rid of them, we have an obligation. The Commonwealth of Pennsylvania under our direction and under the act passed by us has pledged security for loans which have been made upon taxes to be collected and placed in the general fund during these two years. For us to take away part of this tax would be just the same as if you had pledged your automobile for a loan and then you took off the four wheels and went out and sold them. You would be stealing from the man who had loaned you the money a part of the security you had pledged. That is dishonest and dishonorable. Certainly the legislature of Pennsylvania should not be a party to any transaction that in the first place impairs the obligation of the Commonwealth, and in the second place places us in a position at least of doing a dishonorable and a dishonest act.

I do not think for a moment that the gentleman from Monroe had ever thought of that angle of this matter. I thought when he said it was clearly within the call, he had thought that question out and was prepared to debate it. I am sure I do not agree with him again. I do not think it is within the call, but it seemed to me and it seemed to my Republican colleagues we did not want to raise that question in this instance. We believed that there was a greater problem here, a more vital problem, a problem affecting the entire Commonwealth of Pennsylvania, and that is, we having pledged our revenue as security should at no time take away that security by repealing a tax measure and taking away a part of the security. I do not think anyone under such circumstances would want to loan us a penny in the future, and certainly that is not the kind of reputation we want to put behind the obligations of Pennsylvania, that have had such a marvelous standing that we have borrowed money at almost unprecedented rates, rates that it is almost unbelievable that anyone would buy the notes of this Commonwealth. It has been because this legislature has repeatedly, although it may have temporarily borrowed from funds, and although it may have taken action to transfer money from one fund to another, this legislature has constantly and persistently met its obligations throughout the years of depression, this legislature has never defaulted, this legislature, no matter whether it was by resolution or by an act, has always been willing to back up the securities of this Commonwealth, at least insofar as the borrowings are concerned, to keep them absolutely secure and true to the terms of the contract that we made. Therefore, much as I and my colleagues and you men on the other side would like to go back to the people in your communities and tell them that you feel you ought to take some of the tax burden from them, much as we would like to do that, much as that may be helpful to you personally in the months to come, I am sure that having taken the oath as a Member of this legislature, we have a higher responsibility and a higher duty to perform, and that we have to perform that duty here by declaring this bill unconstitutional.

Mr. ACHTERMAN. Mr. Speaker, the minority leader of course says that a tax reduction is desirable. Of course I agree with him. But not only that, Mr. Speaker, but I say to the Members of this House that a tax reduction now is feasible and practical and that we are not moving one iota away from the standard that was set up.

May I point out to the gentleman that while we passed the tax anticipation note act intended to raise a certain number of millions of dollars, under the present financial condition of this Commonwealth it will not be necessary to sell the entire amount of the notes provided for. So that when the gentleman from Delaware says to you, "I borrowed money on my automobile; then can I take off the tires"? May I say that after all we have not borrowed all this money. There is a tremendously large sum of money that we have not borrowed on the tax anticipation notes, which the gentleman seems so zealous to protect, although the money is there and will be there to pay it.

Can you imagine a situation, because we put down in the bill that we intend sometime in the future to borrow money, some time within a two year period, if the need arises, and because of it we pledge all the revenues of the Commonwealth of Pennsylvania, then we find ourselves in the position that we need not borrow all that money, nor any tremendous percentage of it, but that our income is sufficient to carry us on, that nevertheless all that money must remain frozen in the treasury of Pennsylvania? Does that sound sensible? Does that sound real?

I am saying, Mr. Speaker, that we have the power to suspend those taxes which we find are not necessary or needed to pay our obligations, so long as we protect, so long as we keep sound the financial status of Pennsylvania, safely guarding our assets so that we meet the obligations. Then certainly when we find ourselves in the position where we can give relief to the people of Pennsylvania and still keep our word, we are not doing anything that is in violation of the constitution.

I am saying that all the gentleman wants us to do is to freeze all the money derived from these taxes in the treasury. For what purpose? Not to pay off obligations, because you won't have the obligations mentioned in the tax anticipation notes. Just to keep it there to go and look at it, to have the satisfaction of taxing the people beyond the measure that we should. That is the question before this House.

Mr. TURNER. Mr. Speaker, the gentleman from Monroe has made as good an argument as he could under the circumstances in attempting to defend his position, which is indefensible and which cannot meet the legal requirements, as I feel confident the gentleman from Monroe must know, as he reads the Constitution and reads this bill.

The question, Mr. Speaker, is not whether we want to keep the money over there, the question is not whether we want to freeze the money, but the question is not whether we want to do something about it. The pure

and simple question is that we made a contract. Whether it was a good contract or a bad contract is now water over the dam. We passed the bill in 1941, we all voted for it, we all voted for that measure. We wrote a contract. On the basis of that contract, the Commonwealth borrowed money. Now, we cannot come in because it hurts us and because it irks us, because it pinches us and because we do not like it, and say, "Well, we want to waive that because this hurts us, and we want to help the people by some means, we want to waive that aside."

The very fundamentals of our Federal constitution, the very fundamentals of our State constitution are based to a great degree on this great question of the sanctity of contracts. Without sanctity of contracts, you cannot hope to carry on business; you cannot do anything in this world. If we now are going to say in this legislature that we will write contracts and when they suit us we will keep them, and when they do not suit us, we will disregard them, then we have entered upon a pretty sad day. You need not then bother going out and fighting for democracy because democracy has failed in its effort.

Mr. ACHTERMAN. Mr. Speaker, may I compliment the minority flood leader on a very fine speech for Shylock and his pound of flesh, but may I say that the Constitution under which the people live, and of which instrument they are a living part, is sufficiently flexible and plays a sufficient part in our life, that so long as we do not violate our sacred promise, so long as we pay the pound of flesh that the gentleman is so much interested in, then certainly life can go on freely and happily so long as we pay that pound of flesh. But I am saying, Mr. Speaker, that it should not be the excess poundage, that the gentleman is advocating, a poundage that we never have had and will never have any part of, that poundage that we do not use, so long as we give to him and his party the pound that they want, and the bankers that he espouses, then we have complied with everything that we should morally comply with, and we have done everything legally that we should do.

Mr. BROWN. Mr. Speaker, I should like to interrogate the gentleman from Delaware, Mr. Turner.

The SPEAKER. Will the gentleman from Delaware permit himself to be interrogated?

Mr. TURNER. I shall, Mr. Speaker.

Mr. BROWN. Mr. Speaker, I would like to ask the gentleman from Delaware, Mr. Turner, if it is not a fact that the act allowing the Commonwealth to issue tax anticipation notes was an act looking forward to the future, borrowing in the future after the passage of the act?

Mr. TURNER. That is right, Mr. Speaker.

Mr. BROWN. May I ask the gentleman from Delaware, Mr. Speaker, whether or not today we have borrowed the money, all of the money for the biennium?

Mr. TURNER. With that I am not familiar, Mr. Speaker, but my recollection is that we borrowed a large part of it; whether we borrowed the full one hundred seventy five million or not I do not know.

Mr. BROWN. May I ask the gentleman, Mr. Speaker, whether or not it is true if we have not borrowed the money then no one could be hurt and the constitutional question would not be a matter for the courts on the question of the violation of the contract.

Mr. TURNER. The gentleman asks me, as I understand, Mr. Speaker, if we had borrowed the money. We have borrowed money; whether we have borrowed all of it or not I cannot say, but to me that does not make any difference.

Mr. BROWN. Mr. Speaker, will the gentleman answer me this question, are we in position now to pay back the money that we borrowed?

Mr. TURNER. That I cannot answer, Mr. Speaker.

Mr. BROWN. If the gentleman cannot answer that question, Mr. Speaker, then how can the gentleman raise the question that the bill is or is not constitutional?

Mr. TURNER. Mr. Speaker, the question is not a question of whether or not you can pay it. The question is whether we have paid it.

As to the second question the gentleman asked I would say that we are not in a position to pay this money back at this time because the borrowing is always in the very first part of the biennium, and the accumulation of funds generally does not occur until towards the end of the biennium.

Mr. BROWN. Mr. Speaker, can the gentleman state whether or not there are any contracts now existing between this Commonwealth under the tax anticipation notes act and any bankers or companies that we cannot today with the amount of money in the treasury pay off?

Mr. TURNER. Mr. Speaker, I would say that with the amount of money in the treasury, taking into consideration the fact that there is necessity for operating the affairs of the Commonwealth, there is money borrowed that we cannot pay back.

Mr. BROWN. Mr. Speaker, can the gentleman state how much that is?

Mr. TURNER. I cannot, Mr. Speaker, but I do not see that it would make any difference whether you had borrowed ten million or one hundred and fifty million.

Mr. BROWN. May I ask the gentleman, Mr. Speaker, presupposing we do have the funds to pay off any existing contracts that we have made, then what contract would be violated by the passage of this act?

Mr. TURNER. The contract would be violated, Mr. Speaker, by action either under authority of the Legislature or under authority of the fiscal officers under the statutes.

Mr. BROWN. May I ask the gentleman the question again, Mr. Speaker; I did not get his answer? My question is this: presuming that there are no contracts now existing that we cannot meet.

Mr. TURNER. And my answer to that is, Mr. Speaker, that I believe we cannot meet the present contracts because we have not the money in hand with which to pay them.

Mr. BROWN. Mr. Speaker, does the gentleman know that to be a fact, or is the gentleman presuming that?

Mr. TURNER. I am saying that, Mr. Speaker, to the best of my knowledge and my information, on the supposition that this loan was made in the early part of the year, shortly after the first of June, and this is now about nine months later, knowing the fiscal affairs of the Commonwealth as I do, that there is not money with which to repay these loans and to maintain the ordinary operations of the Commonwealth.

Secondly these loans are made with the anticipation that they shall be paid at the end of the biennium. Sometimes they have been reduced in the Spring or the last quarter of the biennium, but usually the collections begin to accrue as you get towards the end of the biennium, which is practically a year away—the early part of the quarter.

Mr. BROWN. Mr. Speaker, I am not asking the gentleman from Delaware about the operation of tax anticipation notes unless they have been effectuated. That is not my question. The question is this: whether there are any contracts—I do not mean any acts of the General Assembly allowing us to enter into contracts, but I am asking, are there any contracts now existing whereby we have borrowed money and we are not able to pay that money back?

Mr. TURNER. I would say to Mr. Brown, Mr. Speaker, that my recollection is that we possibly borrowed something like one hundred or one hundred and twenty-five million dollars and the Commonwealth does not, after nine months of operation, have that one hundred or one hundred and twenty-five million dollars to pay back in the first place.

But I think that is a very specious argument for the purpose of avoiding the question. Perhaps the gentleman from Allegheny has not had the experience of borrowing money that I have had and therefore he does not understand.

Mr. BROWN. Mr. Speaker, I thank the gentleman from Delaware, Mr. Turner, and I feel that his last answer shows the utter facetiousness of raising the question of this Act's violating the contract clause of the Constitution. I know and the gentleman knows, astute lawyer that he is, that in order that to have a contract violated, first of all there must be a contract; secondly there must be a default on that particular contract. Now, unless the gentleman can show me that we have entered into contracts and that we cannot repay the money, unless we continue this Act, surely this house cannot vote this particular tax measure as being unconstitutional.

I know and the gentleman knows that in order to raise the question of a violation of a contract there must be, as I said before, first of all a presently existing contract and there must be a violation of that contract, not something that would give the fiscal officers the right to set up the machinery, but we must have a contract in presente, and we must have a defalcation in presente, and I am calling on the gentleman now to tell us what contracts are now existing that will be in default if and when this particular piece of legislation becomes law.

Mr. TURNER. Mr. Speaker, I am sure that the gentleman from Allegheny, as he usually is, is right on his law, but in this instance is wrong on the premises and the facts in the case. In the first place, there are existing contracts. We borrowed money and it doesn't make any difference whether we have the money in bank to pay it all or not.

If I borrowed from my banker the sum of—we will say a thousand dollars to get it down to my class of borrowing—if I should borrow a thousand dollars from a bank and deposit five thousand dollars in bonds in the bank as security, the fact that I have one thousand dollars in my bank account or two thousand dollars in my bank account would not permit me to withdraw the five thousand dollars collateral that I have put up, nor would it permit me or entitle me, under my version of the law, to take away any part of it. I do not have to be in default; my interest may be paid up; I may have agreed to pay at the rate of one hundred dollars a month, and I may be up to date on those payments, and it may be in full force and effect, but that is not the question. You do not have to have a default. The question is I made a contract, I pledged as part of the security for that contract bonds to the amount of five thousand dollars. As long as that loan remains I cannot remove the five thousand dollars in bonds.

In the early part of this biennium, after June 1941, we borrowed money on tax anticipation notes for which we pledged our revenues. The revenues are what? Included in those revenues is the four mills personal property tax collected by the state, and no matter whether we have the money, no matter whether we could pay it off tomorrow, we have no right to take that security away. The proper thing for you to do is first to repay the loan. Then you can do what you please with it, but you are violating the contract, and no matter what kind of an argument you put up, you cannot answer that.

Mr. ACHTERMAN. Mr. Speaker, the gentleman indicates that perhaps we have not paid anything on the tax anticipation notes. I have just been advised that in February we paid twenty-three million nine hundred thousand dollars on account of the notes. In March we paid thirty-two million four hundred thousand dollars. We have in the treasury and will pay in April twenty-two million two hundred thousand dollars and we will pay in May twenty-four million five hundred thousand dollars, making a total of some one hundred three million dollars that we will then have repaid. That is just how seriously we are going to violate our word in Pennsylvania. It gives you some idea what the revenues of Pennsylvania have been and exactly where we have been driving, Mr. Speaker. It shows that there is no necessity, no need for fear or alarm as expressed by the gentleman, that we are violating a particular contract with the creditors or bankers of Pennsylvania. As a matter of fact we will be out of the woods so quickly that what I requested in November should have very definitely been the main subject instead of having to approach it by the back door, but whether we approach it by the back door or the front door, it is our duty to take care of the people of Pennsylvania and in doing so we will also take care of the bankers.

Mr. TURNER. Mr. Speaker, it seems to me that the gentleman from Monroe is trying to justify his position on the constitutional question on whether this is a big or a little violation. As far as I can see, it doesn't matter whether it is big or little; the question in the first place is, are we violating our contract; we put up collateral for a loan and we are now trying to steal some of it back, and that is in violation of the Constitution.

On the question recurring,

Will the House sustain the Constitutional point of order?

The yeas and nays were required by Mr. TURNER and Mr. WINNER and were as follows:

YEAS—63

Auker,	Foor,	Leisey,	Sollenberger,
Boorse,	Gillan,	Lichtenwalter,	Sorg,
Bower,	Gross,	McClester,	Stockham,
Bretherick,	Gyger,	McMillen,	Taylor,

Brunner, C H.,	Haines,	Muir,	Thompson, R. L.,
Cadwalader,	Hall,	O'Dare,	Trout,
Cook,	Hare,	Rank,	Turner,
Cooper,	Hewitt,	Reagan,	VanAllsburg,
Dalrymple,	Huntley,	Reese, D. P.,	Wagner,
Dennison,	Imbrie,	Riley,	Watkins,
Dix,	James,	Rose, W. E.,	Weingartner,
Eckels,	Jones, G. E.,	Royer,	Winner,
Elder,	Kline,	Sarge,	Wood, L. H.,
Ely,	Knoble,	Serrill,	Wood, N.,
Fisher,	Lee, E. A.,	Simons,	Yeakel,
Fiss,	Lee, T. H.,	Snyder,	

NAYS—103

Achterman,	Goodwin,	McKinney,	Regan,
Baker,	Haberlen,	McLanahan,	Reynolds,
Balthaser,	Hamilton,	McLane,	Rose, S.,
Baugher,	Harmuth,	Melchiorre,	Rush,
Bentzel,	Harris,	Mihm,	Scanlon,
Bradley,	Heatherington,	Monks,	Schwab,
Breth,	Hering,	Mooney,	Shaffer,
Brown,	Herman,	Moran,	Shepard,
Brunner, P. A.,	Hirsch,	Moul,	Skale,
Burns,	Holland,	Munley,	Stank,
Burris,	Jefferson,	Nagel,	Stine,
Chervenak,	Jones, P. N.,	Nunemacher,	Tarr,
Chudoff,	Kenehan,	O'Brien,	Tate,
Cochran,	Kolankiewicz,	O'Connor	Thompson, E. F.,
Cohen, M. M.,	Komorofski,	O'Mullen,	Vogt,
Cohen, R. E.,	Leonard,	O'Neill,	Voldow,
Corrigan,	Lesko,	Owens,	Weiss,
Cullen,	Longo,	Petrosky,	Welsh, E. B.,
Dolon,	Lovett,	Pettit,	Welsh, M. J.,
D'Ortona,	Malloy,	Polaski,	Williams,
Finestone,	Marks,	Polen,	Woodring,
Finnerty,	Maxwell,	Powers,	Wright,
Flynn,	McClanaghan,	Prosen,	Yester,
French,	McDermott,	Rausch,	Young,
Gallagher,	McFall	Readinger,	Kilroy,
Gerard,	McIntosh,	Reese, R. E.,	Speaker.

So the question was determined in the negative and the Constitutional point of order was not sustained.

On the question recurring,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—161

Achterman,	Gallagher,	Lyons,	Regan,
Auker,	Gerard,	Malloy,	Reynolds,
Baker,	Gillan,	Marks,	Riley,
Balthaser,	Goodwin,	Maxwell,	Rose, S.,
Baugher,	Gross,	McClanaghan,	Royer,
Bentzel,	Gryskewicz,	McClester,	Rush,
Bower,	Gyger,	McDermott,	Sarge,
Bradley,	Haberlen,	McFall,	Scanlon,
Breth,	Haines,	McIntosh,	Schwab,
Bretherick,	Hall,	McKinney,	Serrill,
Brown,	Hamilton,	McLanahan,	Shaffer,
Brunner, C. H.,	Hare,	McLane,	Shepard,
Brunner, P. A.,	Harmuth,	McMillen,	Simons,
Burns,	Harris,	McSurdy,	Skale,
Burris,	Heatherington,	Melchiorre,	Snyder,
Cadwalader,	Hering,	Mihm,	Sollenberger,
Chervenak,	Herman,	Modell,	Stank,
Chudoff,	Hewitt,	Monks,	Stine,
Cochran,	Hirsch,	Mooney,	Stockham,
Cohen, M. M.,	Holland,	Moran,	Tarr,
Cohen, R. E.,	Huntley,	Moul,	Tate,
Cook,	Imbrie,	Muir,	Taylor,
Cooper,	James,	Munley,	Thompson, E. F.,
Cordier,	Jefferson,	Nagel,	Trout,
Cullen,	Jones, G. E.,	Nunemacher,	Voldow,
Dalrymple,	Jones, P. N.,	O'Brien,	Wagner,
Dennison,	Kenenan,	O'Connor,	Watkins,
DiGenova,	Kline,	O'Dare,	Weiss,
Dix,	Knoble,	O'Mullen,	Welsh, E. B.,
Dolon,	Kolankiewicz,	O'Neill,	Welsh, M. J.,
D'Ortona,	Komorofski,	Owens,	Wilkinson,
Eckels,	Krise,	Petrosky,	Williams,
	Lee, E. A.,	Pettit,	Winner,
Elder,	Lee, T. H.,	Polaski,	Wood, L. H.,
Finestone,	Leisey,	Polen,	Wood, N.,
Finnerty,	Leonard,	Powers,	Woodring,
Fisher,	Lesko,	Prosen,	Wright,
Fiss,	Leydic,	Rank,	Yeakel,
Fleming,	Lichtenwalter,	Rausch,	Yester,
Flynn,	Longo,	Readinger,	Young,
French,	Lovett,	Reese, R. E.,	Kilroy,
			Speaker.

NAYS—5

Reese, D. P.,	Sorg,	Turner,	Weingartner,
Rose, W. E.,	Thompson, R. L.,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

REASON FOR VOTE

Mr. WALTER E. ROSE offered the following reason for his vote:

Mr. Speaker, because of my firm conviction that this bill H. B. 107, Printers No. 54, would be in violation of the Constitution for the reasons set forth in the debate, I am voting in the negative.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 58, as follows:

An Act authorizing the Department of Property and Supplies with the approval of the Board of Commissioners of Public Grounds and Buildings as a temporary emergency war measure for a limited period of time to adopt certain rules and regulations governing purchases and contracts of the Department of Property and Supplies on behalf of the Commonwealth and with like approval to make and alter purchases and contracts pursuant thereto and suspending certain statutory provisions inconsistent with such rules and regulations

Whereas The existence of a state of war between the United States of America and various foreign countries has necessitated the rationing of many materials or the establishment of priority ratings on such materials and

Whereas The economic disruption resulting from the speedy turnover of a large portion of American industries to war production has required and will further require the fixing of prices in many fields and

Whereas Unexpected and unforseeable labor and material shortages are hampering the activities of many corporations and individuals upon which the Commonwealth must rely for supplies materials or services and

Whereas The foregoing and other circumstances arising out of our prosecution of the present war frequently operate to render the present statutory procedure which must be followed in supplying the State Government with materials and facilities unduly slow and inefficient or even completely inadequate therefore

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 During the period the United States of America is at war with any foreign country and for six months thereafter but in no event longer than three months after the General Assembly convenes in regular session in the year one thousand nine hundred and forty-three the Department of Property and Supplies after first securing the approval of the Board of Commissioners of Public Grounds and Buildings may adopt appropriate rules and regulations governing the letting and performance of public contracts entered into by it eliminating

the requirement for advertising and competitive bidding in the purchase of property and materials changing or modifying any specifications or schedules relative to the performance of such contracts or otherwise governing the activities of that department in furnishing materials supplies or facilities to the Commonwealth or any of the departments boards and commissions thereof

Section 2 It shall be the duty of the Board of Commissioners of Public Grounds and Buildings in passing upon proposed rules and regulations submitted by the Department of Property and Supplies relative to the letting and performance of public contracts entered into by that department to take whatever action with respect thereto as may be deemed necessary to continue the efficient operation of the State Government and best protect the interest of the Commonwealth

The Board of Commissioners of Public Grounds and Buildings in approving any such rules and regulations shall fix the periods for which such rules and regulations may continue and shall of its own motion discontinue any rules or regulations previously allowed if it appears that the need therefor has ceased

Section 3 No contract shall be entered into by the department and no purchase of any property or materials shall be made by it nor shall the department change or modify any specifications or schedules relative to the performance of any contract nor furnish any materials supplies or facilities to the Commonwealth or any of the departments boards and commissions thereof under or pursuant to any rule or regulation adopted under the provisions of this act unless and until the same shall have been approved by the Board of Commissioners of Public Grounds and Buildings

Section 4 All the provisions of the act approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" and all provisions of any other act of Assembly shall be deemed suspended in so far as and so long as they are inconsistent with any rules and regulations adopted under the authority of this act

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—187

Achterman,	Fletcher,	Longo,	Rose, S.,
Auker,	Flynn,	Lovett	Rose, W. E.,
Baker,	Foor,	Lyons,	Royer,
Balthaser,	French,	Malloy,	Rush,
Baugher,	Gallagher,	Marks,	Sarge,
Bentzel,	Gates,	Maxwell,	Scanlon,
Boles,	Gerard,	McClanaghan,	Schwab,
Boney,	Gillan,	McClester,	Serrill,
Boorse,	Goodwin,	McDermott,	Shaffer,
Bower,	Greenwood,	McFall,	Shepard,
Bradley,	Gross,	McGrath,	Simons,
Breth,	Gryskewicz,	McIntosh,	Skale,
Bretherick,	Gyger,	McKinney,	Snyder,
Brown,	Haberlen,	McLanahan,	Sollenberger,
Brunner, C. H.,	Haines,	McLane,	Sorg,
Brunner, P. A.,	Hall,	McMillen,	Stambaugh,
Burns,	Hamilton,	McSurdy,	Stank,
Burris,	Hare,	Melchiorre,	Stine,
Cadwalader,	Harmuth,	Mihm,	Stockham,
Chervenak,	Harris,	Modell,	Tarr,
Chudoff,	Heatherington,	Monks,	Tate,
Cochran,	Hering,	Mooney,	Taylor,
Cohen, M. M.,	Herman,	Moran,	Thompson, E. F.,
Cohen, R. E.,	Hewitt,	Muir,	Thompson, R. L.,
Cook,	Hirsch,	Munley,	Trout,
Cooper,	Holland,	Nagel,	Turner,
Cordier,	Huntley,	Nunemacher,	Van Allsburg,
Corrigan,	Imbrie,	O'Brien,	Verona,
Croop,	James,	O'Connor,	Vincent,
Cullen,	Jefferson,	O'Dare,	Vogt,
Dalrymple,	Jones, G. E.,	O'Mullen,	Voldow,
Dennison,	Jones, P. N.,	O'Neill,	Wagner,
DiGenova,	Keenan,	Owens,	Watkins,
Dix,	Kenehan,	Petrosky,	Weingartner,
Dolon,	Kline,	Pettit,	Weiss,
D'Ortona,	Knoble,	Polaski,	Welsh, E. B.,
Early,	Kolankiewicz,	Polen,	Welsh, M. J.,
Eckels,	Komorofski,	Powers,	Williams,
Elder,	Krise,	Rank,	Winner,
Elliott,	Lee, E. A.,	Rausch,	Wood, L. H.,
Ely,	Lee, T. H.,	Readinger,	Wood, N.,
Finestone,	Leisey,	Reagan,	Woodring,
Finnerty,	Leonard,	Reese, D. P.,	Wright,
Fisher,	Lesko,	Reese, R. E.,	Yeakel,
Fiss,	Levy,	Regan,	Yester,
Fleming,	Leydic,	Reynolds,	Young,
	Lichtenwalter,	Riley,	Kilroy, Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

REPORTS FROM COMMITTEES

Mr. READINGER, from the Select Committee on Special Session Legislation, reported as committed House Bill No. 112, entitled:

An Act to amend subsection (a) and to further amend subsection (b) of section nine of the act, approved the first day of June, one thousand nine hundred thirty-seven (P. L. 1168), entitled "An act to protect the right of employes to organize and bargain collectively creating the Pennsylvania Labor Relations Board; conferring powers and imposing duties upon the Pennsylvania Labor Relations Board, officers of the State government, and courts; providing for the right of employes to organize and bargain collectively; declaring certain labor practices by employers to be unfair; further providing that representatives of a majority of the employes be the exclusive representatives of all the employes; authorizing the board to conduct hearings and elections, and certify as to representatives of employes for purposes of collective bargaining; empowering the board to prevent any person from engaging in any unfair labor practice, and providing for a procedure for such cases, including the issuance of a complaint, the conducting of a hearing, and the making of an order; empowering the board to petition a court of common pleas for the enforcement of its order, and providing a procedure for such cases; providing for the review of an order of the board by a court of common pleas on petition of any person aggrieved by such order, and establishing a procedure for such cases; providing for an appeal from the common pleas court to the Supreme Court; providing the board with investigatory powers, including the power to issue subpoenas and the compelling of obedience to them through application to the proper court; providing for service of papers and process of the

board; prescribing certain penalties," fixing the rights and standing of the Pennsylvania Labor Relations Board as a party and as appellant in the courts in matters originating before the board; and defining the jurisdiction of the Supreme Court on appeal.

Mr. EDWIN A. LEE from the Select Committee on Special Session Legislation reported as committed, House Bill No. 113, entitled:

An Act creating a joint legislative committee to study partial unemployment as related to unemployment compensation; defining its powers and duties; authorizing the employment of counsel and employes; and making an appropriation.

Mr. O'BRIEN from the Select Committee on Special Session Legislation reported as committed, House Bill No. 98 (Senate Bill No. 64) entitled:

A Supplement to the act approved March eleventh, one thousand nine hundred forty-two, entitled "An act to provide for the expenses of the Extraordinary Session of the Legislature assembled February seventeenth, one thousand nine hundred forty-two in pursuance of the proclamation of the Governor of the Commonwealth dated February tenth, one thousand nine hundred forty-two, and the supplement thereto."

Mr. SHEPARD, from the Select Committee on Special Session Legislation, reported as committed, House Bill No. 83, (Senate Bill No. 41), entitled:

An Act to further amend the act approved the fifth day of December, one thousand nine hundred and thirty-six (P. L. 2897, 1937), entitled "An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry and its existing and newly created agencies, with personnel (with certain exceptions) selected on a civil service basis, requiring employers to keep records and make reports and certain employers to pay contributions based on payrolls to provide monies for the payment of compensation to certain unemployed persons, providing procedure and administrative details for the determination, payment and collection of such contributions and the payment of such compensation, providing for cooperation with the Federal Government and its agencies, creating certain special funds in the custody of the State Treasurer and prescribing penalties," changing the provisions thereof and the rights, obligations and procedure thereunder.

Mr. BROWN, from the Select Committee on Special Session Legislation, reported as committed, House Bill No. 34, (Senate Bill No. 26), entitled:

A Joint Resolution proposing an amendment to article eight section eleven of the Constitution of the Commonwealth of Pennsylvania.

Mr. TATE from the Select Committee on Special Session Legislation reported as committed, House Resolution No. 39.

BILLS ON FIRST READING

Mr. ACHTERMAN. Mr. Speaker, I move that all bills reported from Committee as committed be read for the first time.

The motion was unanimously agreed to.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 112, entitled:

An Act to amend subsection (a) and to further amend subsection (b) of section nine of the act, approved the first day of June, one thousand nine hundred thirty-seven (P. L. 1168), entitled "An act to protect the right of employes to organize and bargain collectively creating the Pennsylvania Labor Relations Board; conferring powers and imposing duties upon the Pennsylvania Labor Relations Board, officers of the State government, and courts; providing for the right of employes to organize and bargain collectively; declaring certain labor practices by employers to be unfair; further providing that representatives of a majority of the employes be the exclusive representatives of all the employes; authorizing the board to conduct hearings and elections, and certify as to representatives of employes for purposes of collective bargaining; empowering the board to prevent any person from engaging in any unfair labor practice, and providing for a procedure for such cases, including the issuance of a complaint, the conducting of a hearing, and the making of an order; empowering the board to petition a court of common pleas for the enforcement of its order, and providing a procedure for such cases; providing for the review of an order of the board by a court of common pleas on petition of any person aggrieved by such order, and establishing a procedure for such cases; providing for an appeal from the common pleas court to the Supreme Court; providing the board with investigatory powers, including the power to issue subpoenas and the compelling of obedience to them through application to the proper court; providing for service of papers and process of the board; prescribing certain penalties," fixing the rights and standing of the Pennsylvania Labor Relations Board as a party and as appellant in the courts in matters originating before the board; and defining the jurisdiction of the Supreme Court on appeal.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 113, entitled:

An Act creating a joint legislative committee to study partial unemployment as related to unemployment compensation; defining its powers and duties; authorizing the employment of counsel and employes; and making an appropriation.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 98, (Senate Bill No. 64), entitled:

A Supplement to the act approved March eleventh, one thousand nine hundred forty-two entitled "An act to provide for the expenses of the Extraordinary Session of the Legislature assembled February seventeenth, one thousand nine hundred forty-two in pursuance of the proclamation of the Governor of the Commonwealth dated February tenth, one thousand nine hundred forty-two, and the supplement thereto."

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 83, (Senate Bill No. 41), entitled:

An Act to further amend the act approved the fifth day of December, one thousand nine hundred and thirty-six (P. L. 2897, 1937), entitled "An act establishing a system of unemployment compensation to be adminis-

tered by the Department of Labor and Industry and its existing and newly created agencies, with personnel (with certain exceptions) selected on a civil service basis, requiring employers to keep records and make reports and certain employers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons, providing procedure and administrative details for the determination, payment and collection of such contributions and the payment of such compensation, providing for cooperation with the Federal Government and its agencies, creating certain special funds in the custody of the State Treasurer and prescribing penalties," changing the provisions thereof and the rights, obligations and procedure thereunder.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 34, (Senate Bill No. 26), entitled:

A Joint Resolution proposing an amendment to article eight section eleven of the Constitution of the Commonwealth of Pennsylvania.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced presented a communication in writing from His Excellency the Governor which was read as follows:

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 6, 1942.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I take this means of asking that the House of Representatives reconsider its action in sidetracking Senate Bill No. 13, postponing the effective date of the new Parole Act. I believe this bill of sufficiently great importance to warrant its being passed upon by a record vote in the House of Representatives.

In this connection there is a matter of much significance to which I wish to call to your attention. Section 33 of Article III of the Constitution of Pennsylvania reads as follows:

"A member who has a personal or private interest in any measure or bill proposed or pending before the General Assembly shall disclose the fact to the House of which he is a member, and shall not vote thereon."

Because the membership of both branches of the General Assembly have prided themselves about being punctilious in observing this obligation, I wish to point out what appears to be an instance of noncompliance.

On the pages of the Journal of the House for April 1st will be found the remarks of Representative Samuel M. Rosenfeld, the original sponsor of the Parole Act, speaking against the bill to postpone its effective date.

Mr. Rosenfeld extolled, in the most glowing terms, the merits of the Act, which earlier he asked my cooperation to change radically before it went into effect. He roundly criticized those who have maintained that these war times are not the proper occasion to start this new undertaking.

Mr. Rosenfeld is fully entitled to his views. He, however, has a very obvious personal interest in this measure, and in its going into effect this year, because he has applied to me for appointment to the Parole Board, and is so eager for that appointment that he expresses a willingness to serve without compensation, in an apparent hope of evading another constitutional restriction, that of section 6 of Article II, which reads:

"No Senator or Representative shall, during the time for which he shall have been elected, be appointed to any civil office under this Commonwealth, and no member of Congress or other person holding any office (except of attorney-at-law or in the militia) under the United States or this Commonwealth shall be a member of either House during his continuance in office."

In view of his letter to me, copy of which I am attaching, I believe Mr. Rosenfeld should have revealed to the membership of the House of Representatives his interest in obtaining for himself an appointment to the proposed Parole Board, so that his hearers might themselves judge whether his ambitions in this matter had any effect on his opinions concerning the matter under discussion.

The bill as transmitted to the House of Representatives by the Senate deserves the open and complete consideration of the House, with full knowledge of all the facts and background.

ARTHUR H. JAMES.

Samuel M. Rosenfeld
1116 City Centre Building
121 North Broad Street
Philadelphia, Pa.

COMMITTEES

Judiciary General (Vice-Chairman)
Cities (First Class)
Judiciary Special
Public Utilities
Welfare
Ways and Means

House of Representatives,
Harrisburg, Pa., October 11, 1941.

Honorable Arthur H. James
Capital, Harrisburg
Pennsylvania

Honorable Sir:

With the creation of the Pennsylvania Board of Parole, you have introduced humanitarian ideals of reform and correction to the administration of justice in our great Commonwealth.

Considered as the commencement of social melioration it is worthy of all praise. More and more, are the inquiring minds recognizing that both humanitarian and scientific considerations should play a role of prominence in the coping with acts that involve social derelictions as well as human weaknesses.

As one profoundly interested in the administration of parole, and one who sponsored and labored unceasingly for passage of the Parole Act, may I have your consideration for appointment to the Board of Parole.

I realize that by reason of my membership in the General Assembly, there may be constitutional limitations to any such appointment.

In such event, I shall comply with any request in the end of removing this disability as well as serve without compensation until my disqualification shall be completely removed.

In appreciation of your consideration, I remain

Respectfully yours,
(Signed) SAMUEL M. ROSENFELD

PERMISSION TO ADDRESS HOUSE

Mr. ACHTERMAN asked and obtained unanimous consent to address the House.

Mr. Speaker, I feel that the Governor's communication in relation to Senate Bill No. 13 is an effort to muddy the waters a bit.

May I point out to the Members of the House that it is quite obvious the interpretation of this House on many occasions as to whether any person does or does not have a personal or private interest in a measure, has been definitely determined I think as a matter of fact we determined that question not later than in the 1941 general session, in which it was frankly admitted that a Member of this House might benefit by an act if passed, but if it was passed for a general class then he did not have a personal interest. It was only in the event that he and he alone would gain benefit from the act that he had a personal interest. May I point out as a matter of fact that anyone may aspire to an appointment so long as the act does not do the appointing, and so long as he is not definitely benefitted by the act and there is an intermediate agency operating before any benefit or profit can accrue to that individual, then he does not have a personal interest in the particular act?

I say, therefore, Mr. Speaker, that Mr. Rosenfeld was not under any specific obligation to notify this House that he had written to the Governor indicating his willingness to accept an appointment, if the Governor so saw fit. That did not amount to a personal interest as indicated by the Governor. I am saying quite frankly that the Democratic party in arriving at its conclusion that Senate Bill 13 should not pass was not motivated by Mr. Rosenfeld's personal aspirations. As a matter of fact, at that time I doubt if our party, I know that I did not, had any knowledge that Mr. Rosenfeld aspired to such an appointment. We arrived at our conclusions from the reasons we stated. As a matter of fact, I selected Mr. Rosenfeld to make the statement solely because he had in the first instance sponsored the bill, that is the bill that Senate Bill 13 seeks to postpone. We felt it was just and proper for Mr. Rosenfeld to make that statement for the reason that he had sponsored the bill in the first instance and carried the measure for the Democratic party. I am saying that there is nothing that I can see, nothing that the Governor has disclosed to us that would indicate for one lone second any reason why we should change our course from that we have chartered.

BILL INTRODUCED AND REFERRED

By Mr. SKALE. HOUSE BILL No. 114.

An Act authorizing the Governor to fix, by proclamation, daylight saving time during a portion of each year, making such time the standard time of the Commonwealth and imposing penalties

Referred to the Select Committee on Special Session Legislation.

SENATE MESSAGE

SENATE BIIL FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for occurrence, bill numbered and entitled as follows:

SENATE BILL No. 76. (HOUSE BILL No. 115).

An Act providing for the repayment to persons inducted into or enlisting in the army, navy or marine corps of the United States of a part of the cost of registering a motor vehicle before such induction or enlistment.

Referred to the Select Committee on Special Session Legislation.

BILLS INTRODUCED AND REFERRED

By Mr. TURNER. HOUSE BILL No. 116.

An Act to promote interstate cooperation for the use, conservation, protection and equitable diversion of the water resources in the Delaware River Basin between and among the States of Pennsylvania, New York and New Jersey, for the purpose of meeting prospective needs for domestic and municipal water supply; regulating and limiting the use of the waters of the Delaware River and its tributaries and prescribing rules and standards; requiring permits from, and providing for hearings by, the Water and Power Resources Board and for appeals from its decision; vesting power in the Water and Power Resources Board to vary or modify the rules and standards under certain conditions and to adopt rules and regulations, and further defining its powers and duties; requiring notice to the States of New York and New Jersey of all applications for water diversion; providing for the filing of stipulations by the Attorney General with the United States Supreme Court and obtaining its approval of water diversions.

Referred to the Select Committee on Special Session Legislation.

By Mr. TURNER. (HOUSE BILL No. 117).

An Act to amend an Act approved the seventh day of June, one thousand nine hundred seventeen (P. L. 600), entitled "An act providing that appointive officers and employes employed by the Commonwealth of Pennsylvania in its civil service or by any department, bureau, commission or office thereof, or by any county, municipality, township or school district shall not be deemed or held to have resigned or abandoned their offices or employments by reason of enlistment, enrollment or draft in the military or naval service of the United States or any branch or unit thereof in time of war or contemplated war; prohibiting the removal from their offices or employments of such officers and employes during the period of their service in the Army or Navy; directing that one-half of the salaries or wages of such officers or employes as have dependent wives, children or parents, and not exceeding two thousand dollars per annum, be paid during the term of their service in the Army or Navy to such dependents; authorizing the employment during said term of substitutes to perform the duties theretofore performed by such officers or employes respectively and providing for the compensation of such substitutes" by more fully defining amounts payable; providing for the payment by the Commonwealth of the salary deductions to the State Employes' Retirement Fund or the Pennsylvania Motor Police Retirement Fund where there are no dependents; limiting the time such amounts are payable and limiting the conditions of resumption of office or employment.

Referred to the Select Committee on Special Session Legislation.

RESOLUTION INTRODUCED AND REFERRED

By Messrs. MELCHIORRE and D'ORTONA.
RESOLUTION No. 46.

In the House of Representatives, April 6, 1942.

Whereas, The probability of serious damage to gas and

water facilities in the City of Philadelphia because of sabotage and air raids, creates a menace to the health, morals and welfare of the residents thereof; and

Whereas, It is a matter of common knowledge that many of the gas and water mains and connections in said city are many years old and are even presently in defective and dangerous condition; and

Whereas, Failure to properly inspect and repair said mains and connections have resulted in main leaks, breaks and explosions, causing death to innocent residents and serious property damage; and

Whereas, Notwithstanding such occurrences, no systematic effort has been made by the city officials or the lessees of its public works to investigate complaints immediately, or to properly repair or replace such defects; and

Whereas, Constant and systematic inspection, replacement and repair of said facilities will minimize the danger and the damage that may be caused, particularly by reason of sabotage or as a result of air raids; therefore be it

Resolved, That, by this resolution, the House of Representatives, in its considered judgment, declares it to be for the public good and the general welfare of the residents of the City of Philadelphia to request the Department of Public Works of said city and the lessees of any of its public utilities to make immediate inspections, repairs or replacements as may be required, and to continue such work systematically, to the end that any damage thereto will minimize the resulting danger to the residents of said city; and be it further

Resolved, That a copy of this resolution be transmitted to the Acting Mayor of the City of Philadelphia and to the Director of Public Works of said city.

Referred to the Select Committee on Special Session Legislation.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 68.

An Act to amend section two of the act approved the tenth day of July one thousand nine hundred thirty-five (P. L. 645) entitled "An act imposing certain requirements on certain hospitals receiving State aid authorizing the withholding of appropriations and imposing duties on the Department of Welfare" by providing that during the present war and six months thereafter funds shall not be withheld from hospitals for violation of such act if the Secretary of Welfare determines that the constant attendance of a licensed physician or resident interne cannot be secured by such hospitals because of the war emergency.

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend Section 2, page 2, line 16, by inserting after the word "emergency" the following: "and the operation of any such hospital will not be seriously impaired by reason thereof."

On the question,

Will the House concur in the amendments made by the Senate?

Mr. ACHTERMAN. Mr. Speaker, I move that the House do non-concur in the amendments made by the Senate.

The motion was agreed to.

Ordered, That the Clerk inform the Senate accordingly.

QUESTION OF PERSONAL PRIVILEGE

Mr. MELCHIORRE. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman from Philadelphia will state his question of personal privilege.

Mr. MELCHIORRE. Mr. Speaker, in checking the record of the session of Tuesday, March 31st, I find that I am not recorded on several measures which passed this House finally, namely House Bill 10, Printer's No. 41; House Bill 52, Printer's No. 22; House Bill 59, Printer's No. 34; House Bill 78, Printer's No. 37; House Bill 79, Printer's No. 38; House Bill 56, Printer's No. 32, and House Bill 75, Printer's No. 42. I was present on that date, Mr. Speaker, and voted in the affirmative, and I desire to be so recorded in the Journal of the House.

RESOLUTION

ARMY DAY

Mr. LOVETT offered a resolution and asked and obtained unanimous consent for its immediate consideration.

The resolution was twice read, considered and adopted as follows:

In the House of Representatives, April 6, 1942.

To each average citizen of today the military has taken on a significance which a peace time standing army can never enjoy. It is today composed of our sons and our brothers, our more distant kindred and the friends and acquaintances of our every day life. To many it holds the prospect for service on the part of ourselves.

Around it centers the united efforts of a nation. It is entitled to and receives, without stint, the unlimited use of materials, equipment and labor. Science and the learned professions acknowledge it as all important. No interest or activity has not willingly taken a place of secondary importance.

Historically, from the first Continental Army, suffering privation and hardships in its first struggle for independence and liberty and a government in which representation of the governed was assured, to the defenders of Wake Island and Bataan, the Army of the United States has built up for itself a record outstanding in heroism, strategy and accomplishments, a record worthy of recognition and the acclaim of every local American; be it therefore

Resolved, That the House of Representatives of the General Assembly of Pennsylvania, on the occasion of Army Day, which is today being observed throughout the land, extends its heartiest congratulations to the United States Army for what it is and what it stands for, and for the standing it has gained for itself among world powers.

Resolved, That the House of Representatives takes advantage of this opportunity to express its confidence in the ultimate complete success of the armed forces of our country and their allies in dealing with the ruthless warring forces committed to the forceful expansion of totalitarian forms of government and the complete subjugation of all free peoples. We further pledge our support and loyalty to our soldiers in the field and to their leaders both in the field and in responsible positions at the national capitol, and to all those engaged in industry and every effort vital to the winning of this war.

Resolved, That copies of these resolutions be transmitted to the President of the United States, as Commander-in-Chief of the Army of the United States, and to the Secretary of War.

REPORT OF SLATE COMMITTEE

Mr. LOVETT offered a resolution and asked and obtained unanimous consent for its immediate consideration.

The resolution was twice read, considered and adopted as follows:

In the House of Representatives, April 6, 1942.

Resolved, That the following change in the personnel of the House of Representatives be made:

Joseph Pribula, 1297 Wyoming Avenue, Exeter, Pa. as Assistant Custodian of the House vice Joseph Leonard, resigned.

RESOLUTION

BIRTHDAY CONGRATULATIONS

Messrs. O'MULLEN, O'BRIEN and DiGENOVA offered the following resolution which was twice read, considered and adopted:

In the House of Representatives, April 6, 1942.

This day marks the 50th anniversary of the birth of the Honorable Leon J. Kolankiewicz, a Member of this House, from the City of Philadelphia.

Born in the Richmond section of the City of Philadelphia, Doc attended school there and is now engaged in the practice of optometry. He has for many years been a leader in Polish-American affairs and a student of the historical development of this great country, particularly with relation to the contributions made by heroic Polish-Americans of the past.

In recognition of these efforts he was appointed a member of the Polish Citizens of America Committee for the re-interment of the remains of the Civil War General Wlodzimier Krzyzanowski who was the first American Governor of Alaska. As a result of the efforts of this committee, re-interment was accomplished from an obscure grave in Brooklyn to Arlington Cemetery. Likewise he has served on the many committees celebrating and commemorating the illustrious deeds of that great Revolutionary War hero, General Casimar Pulaski.

With this rich heritage, Doc joined the colors of his native land in the last World War, is a member of the Legion of the Purple Heart and actively engaged in the affairs of the American Legion.

His leadership, his sincerity of effort and his ability of organization demanded his appointment as Chairman of the Polish Relief Committee in Philadelphia, for which he raised the sum of $100,000.

Since the attack on Pearl Harbor, he has been appointed Chief Observer of one of the four observation posts under the jurisdiction of the United States Army. This Observation Post has been functioning twenty-four hours a day with great success.

He is a member of the Veterans of Foreign Wars, an honorary member of the Military Order of Pulaski, and a member of the 315th Infantry Association, 79th Division.

It is fitting and proper that this House signalize this career of devotion to the historic deeds and principles upon which this government was founded; therefore be it

Resolved, That the House of Representatives congratulates the Honorable Leon J. Kolankiewicz on this his 50th birthday, on his brilliant career, and by this resolution wishes him continued success in his many activities.

Mr. KOLANKIEWICZ. Mr. Speaker, I am happy that this extraordinary special session affords me the opportunity to express my sincere thanks to the Members of this House.

The SPEAKER. For the information of the Members of the House I have known the gentleman all his life. We were born and raised together.

Mr. O'BRIEN. Mr. Speaker, do you admit to the fact that you are fifty years of age?

The SPEAKER. Not quite, but over the hill.

COMMITTEE MEETING

The Select Committee on Special Session Legislation will meet on Tuesday, April 7th at 12 noon in Room 327.

ADJOURNMENT

Mr. LLOYD H. WOOD. Mr. Speaker, I move that this House do now adjourn until Tuesday, April 7, 1942, at 2 p. m.

The motion was agreed to, and (at 11:17 p. m.) the House adjourned.

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal.

Extraordinary Session of 1942.

Vol. 26. HARRISBURG, PA., TUESDAY, APRIL 7, 1942. No. 24.

SENATE

TUESDAY, April 7, 1942

The Senate met at 2:00 o'clock, p. m., E.W.T.

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the Chair.

PRAYER

The Chaplain, Rev. EDWIN S. WALLACE, D. D., offered the following prayer:

O Thou in whose hands are all our affairs, from whom cometh all our blessings and to whom belongeth all our praise, accept the sacrifice of thanksgiving which we now offer.

We thank Thee for the preserving care which has kept us since our last meeting. We thank Thee for health and the common blessings of each day. We thank Thee for our homes and loved ones; may they be precious in Thy sight. We thank Thee for our country and for its achievements under Thy leadership. Still be our Leader and show us how wise it will be for us to follow Thee closely, for by so doing the freedom we enjoy and the liberties we love will be continued to us and to our children.

We pray for our President and for our Governor. May their hearts be encouraged and their hands upheld by a united nation, praying and working for victory over all our enemies.

Hear our prayer, we beseech Thee in the name of Christ, our Lord. Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. TALLMAN and Mr. MILLER, the further reading was dispensed with, and the Journal was approved.

LEAVE OF ABSENCE

Mr. Edmonds asked and obtained leave of absence for the Senator from Philadelphia, Mr. WOODWARD, on account of sickness.

Mr. Thomas asked and obtained leave of absence for the Senator from Dauphin, Mr. TAYLOR.

Mr. Reed asked and obtained leave of absence for the Senator from Fayette, Mr. CAVALCANTE.

COMMUNICATION ADDRESSED TO THE CHAIR

The PRESIDENT. The Chair lays before the Senate a communication from Louis C. Schroeder, President of the Pennsylvania State Association for Health, Physical Education and Recreation, addressed to the Chair, receipt of which, if there is no objection, will be noted in the Journal.

NOMINATIONS BY THE GOVERNOR

NOTARIES PUBLIC

The Secretary to the Governor being introduced, presented in writing from His Excellency, the Governor of the Commonwealth, nominations for appointment as Notaries Public.

CONSIDERATION OF NOTARIES PUBLIC

Mr. JAMES. Mr. President, I move that the Senate do now proceed to the consideration of nominations for appointment as Notaries Public, sent to the Senate, April 7, 1942, by His Excellency, the Governor of the Commonwealth.

Mr. MILLER. Mr. President, I second the motion.

The motion was agreed to.

The nominations were read as follows:

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 7, 1942.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

ELK COUNTY

Miss Beatrice M. Schwabenbauer, Ridgway.

PHILADELPHIA COUNTY

Mrs. Anna May Kerns, 3964 North 7th St., Phila.
Harry E. Ramsey, 747 Broad Street Station Bldg., 1617 Pennsylvania Blvd, Phila.

YORK COUNTY

Miss Grace A. Wise, York.

ARTHUR H. JAMES.

NOMINATIONS FOR NOTARIES PUBLIC

A motion was made by Mr. JAMES and Mr. MILLER, that the Senate do advise and consent to said nominations.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—43

Barr,	Ealy,	Lanius,	Stiefel,
Bartlett,	Edmonds,	Letzler,	Tallman,
Becker,	Farrell,	Mallery,	Taylor,
Carr,	Frey,	McCreesh,	Thomas,
Chapman,	Geltz,	McGinnis,	Tyler,
Coleman,	Haluska,	McQuiddy,	Wade,
Cox,	Heyburn,	Miller,	Walker,
Crider,	Homsher,	Reed,	Watkins,
Crowe,	James,	Ruth,	Wilson, H. I.,
Dent,	Jaspan,	Snowden,	Ziesenheim,
DiSilvestro,	Kephart,	Stevenson,	

NAYS—0

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

He also presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Executive Nominations.

NOMINATION FOR APPOINTMENT AS MEMBER TO THE DELAWARE RIVER JOINT COMMISSION

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 7, 1942.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Alvin A. Swenson, 4719 Horrocks Street, Philadelphia, Philadelphia County, for appointment as a member of The Delaware River Joint Commission, for the term of five years and until his successor shall have been appointed and qualified, vise J. Willison Smith, deceased.

ARTHUR H. JAMES.

HOUSE MESSAGES

HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives being introduced presented for concurrence bills of the House, as follows:

House Bill No. 57, (Senate Bill No. 89), entitled:

An Act authorizing the city clerk in the various cities of the third class throughout the Commonwealth, during the continuation of the present war and for six months thereafter, to search and issue certified copies of birth and death records maintained by such cities after the State-wide system for registering vital statistics was established; requiring that such birth and death records be made available to the city clerk for the purposes of this act; and authorizing the respective city councils to prescribe fees for such services.

Which was committed to the Committee on Municipal Government.

House Bill No. 58, (Senate Bill No. 90.), entitled:

An Act authorizing the Department of Property and Supplies, with the approval of the Board of Commissioners of Public Grounds and Buildings to adopt certain rules and regulations governing purchases, sales and contracts of the Department of Property and Supplies on behalf of the Commonwealth during the continuation of the present war, and for six months thereafter, and suspending certain statutory provisions inconsistent with such rules and regulations.

Which was committed to the Committee on State Government.

House Bill No. 69, (Senate Bill No. 91), entitled:

An Act to further amend section two of the act approved the seventh day of June one thousand nine hundred seventeen (P. L. 600), entitled "Status of Public Officers and Employes in Military Service in Time of War or Contemplated War Act" by providing for the payment into the School Employes' Retirement Fund of certain amounts of the salaries or wages of certain officers or employes under certain circumstances.

Which was committed to the Committee on Education.

House Bill No. 71, (Senate Bill No. 92), entitled:

A Supplement to the act, approved the eighteenth day of July, one thousand nine hundred seventeen (P. L. 1043.), entitled "School Employes Retirement Law" defining the rights and obligations of certain members of the School Employes' Retirement Association engaged in active military service.

Which was committed to the Committee on Education.

House Bill No. 95, (Senate Bill No. 93), entitled:

An Act authorizing temporary emergency war-time increases in salaries of district superintendents, assistant district superintendents and other professional employes of school districts, and the discontinuance of such increases without the consent of such employe, or a hearing before the board of school directors (or board of public education), or any right of appeal; and suspending inconsistent laws.

Which was committed to the Committee on Education.

House Bill No. 101, (Senate Bill No. 94), entitled:

An Act to amend the appropriation to the Department of Military Affairs in section two of the act, approved the sixteenth day of June, one thousand nine hundred and forty-one (Appropriation Act No. 12-A), entitled "An act to provide for the ordinary expenses of the Executive, Legislative and Judicial Departments of the Commonwealth, interest on the public debt, and the support of the public schools for two years beginning June first, one thousand nine hundred and forty-one and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first, one thousand nine hundred and forty-one," by providing specifically for the expenses of the State Council of Defense for the maintenance of a nautical school.

Which was committed to the Committee on State Government.

House Bill No. 107, (Senate Bill No. 95), entitled:

An Act to prevent interference with the prosecution of the war in which this Nation is engaged, by suspending section three of the act, approved the twenty-second day of June, one thousand nine hundred thirty-five (P. L. 414), entitled "State Personal Property Tax Act," as reenacted and amended, imposing a State tax on personal property.

Which was committed to the Committee on State Government.

HOUSE CONCURS IN SENATE BILL No. 58

He also returned to the Senate, Senate Bill No. 58, entitled:

An Act to further amend section seven hundred two, to amend section seven hundred nineteen, and to further amend section eight hundred and six of the act, approved the third day of June, one thousand nine hundred and thirty-seven (P. L. 1225), entitled "An act concerning game and other wild birds and wild animals; and amending, revising, consolidating, and changing the law relating thereto," by vesting in the Pennsylvania Game Commission the power to adjust hours for hunting, training of dogs, and carrying certain firearms and ammunition.

with the information that the House has passed the same without amendments.

BILLS SIGNED

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) announced that the Chief Clerk having reported that the following bills had passed both houses of the General Assembly and the same being correct, the titles were publicly read as follows:

Senate Bill No. 58, entitled:

An Act to further amend section seven hundred two, to amend section seven hundred nineteen, and to further amend section eight hundred and six of the act, approved the third day of June, one thousand nine hundred and thirty-seven (P. L. 1225), entitled "An act concerning game and other wild birds and wild animals; and amending, revising, consolidating, and changing the law relating thereto," by vesting in the Pennsylvania Game Commission the power to adjust hours for hunting, training of dogs, and carrying certain firearms and ammunition.

House Bill No. 42, entitled:

An Act to further amend section eight of the act, approved the nineteenth day of March, one thousand nine hundred nine (P. L. 46), entitled "Osteopathic Practice Law" by further regulating the time necessary for graduation and for admission to practice as osteopathic physicians and surgeons in this State.

House Bill No. 75, entitled:

An Act authorizing the Executive Director of the Pennsylvania Game Commission, with the unanimous approval of the commission and for a certain limited period of time, to lease lands to political subdivisions or to Federal agencies for use as aviation landing fields; conferring certain powers upon political subdivisions relative to the acceptance and development of such lands; and suspending certain inconsistent legislation.

Whereupon,

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the presence of the Senate signed the same.

HOUSE NON-CONCURS IN AMENDMENTS TO HOUSE BILL No. 8

He also presented communication from the House of Representatives informing the Senate that the House has non-concurred in amendments made by the Senate to House Bill No. 8, entitled:

An Act to further amend section two of the act, approved the seventh day of June, one thousand nine hundred seventeen (P. L. 600), entitled "Status of Public Officers and Employes in Military Service in Time of War or Contemplated War Act," by more fully defining amounts payable.

Mr. EALY. Mr. President, House Bill No. 8 and House Bill No. 68, which will follow, have failed to secure House concurrence in Senate amendments. As I understand it, however, there are some corrections to be made in these bills and it will be necessary to appoint conference committees.

SENATE INSISTS UPON ITS AMENDMENTS NON-CONCURRED IN BY THE HOUSE TO HOUSE BILL No. 8

Mr. EALY. Mr. President, I move that the Senate insists upon its amendments non-concurred in by the House to the foregoing bill.

Mr. MILLER. Mr. President, I second the motion.

The motion was agreed to.

Ordered, That the Clerk inform the House of Representatives accordingly.

HOUSE NON-CONCURS IN AMENDMENTS TO HOUSE BILL No. 68

He also presented communication from the House of Representatives informing the Senate that the House has non-concurred in amendments made by the Senate to House Bill No. 68, entitled:

An Act to amend section two of the act, approved the tenth day of July, one thousand nine hundred thirty-five (P. L. 645), entitled "An act imposing certain requirements on certain hospitals receiving state aid; authorizing the withholding of appropriations; and imposing duties on the Department of Welfare," by providing that, during the present war and six months thereafter, funds shall not be withheld from hospitals for violation of such act, if the Secretary of Welfare determines that the constant attendance of a licensed physician or resident interne cannot be secured by such hospitals because of the war emergency.

SENATE INSISTS UPON ITS AMENDMENTS NON-CONCURRED IN BY THE HOUSE TO HOUSE BILL No. 68

Mr. EALY. Mr. President, I move that the Senate insists upon its amendments non-concurred in by the House to the foregoing bill.

Mr. MILLER. Mr. President, I second the motion.

The motion was agreed to.

Ordered, That the Clerk inform the House of Representatives accordingly.

PERMISSION TO ADDRESS SENATE

Mr. REED. Mr. President, I ask permission to address the Senate.

The PRESIDENT. The gentleman from Washington will proceed.

Mr. REED. Mr. President, I am about to introduce a resolution and I want to build up a little background for it before I present it.

This Assembly has been in session for many weeks aimlessly trying to do something under the name of national defense. We have failed: we have accomplished little or nothing; we should have gone home after the passage of the reapportionment bill. This is not hateful criticism, it is not our fault. We had no program. We did not know exactly what we should do.

Now, the subject of my resolution will deal with this problem. A great war rolls on and each day brings us nearer to bloody reality. The strong arm of our nation has reached out and drawn into its service thousands of the best young men of the Republic and the process has barely begun. They go to the call of their country with a resolve to give all, parental care, home ties, loved ones, personal liberty, personal freedom, yea, and life itself, in the pride and duty of their strength. You have seen them go but you shall not see them all return. Mothers will mourn, wives will weep and sweethearts will wait, but their departed will be in many cases seen no more. Far from home, under foreign skies, in unknown and unmarked graves, many will find eternal rest. This is a sad and solemn picture. Let us contemplate it well. They have gone forth for the purpose of liberty and freedom, they have gone forth to save the Republic, they have gone forth to give all, and the question comes to each of us, can they, fighting on foreign soil, ready to sacrifice everything they have, win this war by their own individual efforts? History furnishes us the answer. It can not be done. They can not win the war alone. The war must be won by those at the front, cooperating with those at home.

Rome, the great nation that it was, fell, not because it did not have good armies—its armies were strong, her armies were successful—but Rome collapsed from within. Rome became rotten in its society, Rome became listless at home, and as a result the Roman empire went to pieces.

Let us heed this solemn warning, let us today resolve that we at home will cooperate with those at the front in winning this war and in preserving the Republic.

How can it be done? They have offered everything that they have and yet at home I see little difference in the general makeup of our present day society. I believe there is little sacrifice being made at home. We have evidence of it here. We have been buzzing around like a wheel going around without any friction, and certainly, as a result, we have accomplished little, and that is the way with American society today.

Now, our government has said from high places and from low places that we must have sacrifices, we must have economy. Certainly that is true, and the American people as individuals are responding nobly; many people have put their cars away because of the rubber situation, many have started to sacrifice in many other ways, solely along the lines of patriotism.

But I wonder what government is doing in the way of sacrifices, what is government doing in the way of economy? I can see no difference. I see governmental expenses mounting every day both at Washington and elsewhere.

Many people whom the press and others have criticized along this line are still following the same political courses.

We have, I am told, thousands of people on our political payrolls solely for the reason that they may control some votes. Those are the things that have ruined many nations in the past. How can be expect those at the front to sacrifice when we at home fail to do likewise.

Now, there are many things we can do in this particular. Every man who holds a political position today ought to ask himself whether I am doing everything in my power to help save the Republic. If there are those on the payrolls who are doing nothing to assist in this great effort, then, as true patriots, they ought to resign, they ought to go into some other line of activity where they can do something for the nation in this great emergency.

I have read that on our payrolls there are thousands of parasites. That is true all over the nation. Is it possible that this condition will continue or should we have those in political offices who have the courage to eliminate all such drones, to root out all such indolents and destroy all positions that are not needed in this emergency?

Government economy, that is highly essential today, even more so than personal economy, because in a Republic, one of the foundation stones is thrift. That is the way the Republic was born and that is the way it shall be preserved.

Now, where can we commence? I would say we can commence with the W.P.A. and the relief rolls. Back in my district we have many farmers and they are all wanting to know where the farm labor is coming from. Their boys have been called into the service, the farms are there idle, no one to man them, and yet relief and W.P.A. go on just the same.

Will we have men in public office who will be courageous and patrotic enough to root out these unnecessary evils, these unnecessary things, these many governmental evils which are present today?

Every one who belongs to any group should ask himself the question whether this group is necessary in the war program today. One of the troubles, as I see it, in the state at this time is that we have laws based on group strength, the stronger the group the easier it is for that group to get what it wants. That is not true democratic law making, because if you give one strong group the power, then the weak groups will suffer, and I say if there ever was a time in our state government when we should curb group legislation, it is now, and those who control those groups ought to be patriotic enough to lead the way. I know it is hard for any one who seeks public office to attack any group, but if we are to save the Republic, if we are to cooperate and sacrifice, then it seems to me that that is our real personal American duty.

General Hershey recently issued a statement to the effect that we are going to have even to use children in industry; it will be necessary to have children in industry; it will be necessary to have women in industry; and at the same time we have thousands of people walking our streets, thousands of people holding down unnecessary political jobs, who could be used to great advantage in many of those vacant places, made so by good young men going into the United States Service. That is patriotism in the real sense of the term.

Now, we could say, what could some groups do in order to help this war effort. I was told last night by a man in high authority in labor activities in the state, that after pay days, in many places, as high as twenty per cent of the working men do not go back to work for two or three days. Why? Because, he said, they go into places where intoxicating liquor is sold and stay in there until two, three or four o'clock in the morning, and then they are not able to go to work.

Now, my friends, if any of those groups that know of conditions like that want to do their patriotic duty they should start a movement in order to eliminate those problems because in the first place, as Mr. McNutt said recently in a public utterance along patriotic lines, one of the things we should do is to see that our working people get ample rest, so that they will be efficient at the wheel and in the mines the next day.

How can a man get sufficient rest if he works all day and then is out half the night in places of the nature I have enumerated? Let those groups decide for themselves whether they are operating in cooperation with this great United States in this movement to win the war.

My friends, the resolution that I am about to introduce will give you an opportunity to deal with all of those problems between now and the commencement of the regular session of 1943. I know that if the resolution is adopted, the President Pro Tempore of this Senate will appoint men who are fearless and courageous in this task, because such men will be necessary and I feel that the House will likewise appoint men who will be fearless in this great movement, in this great task. These are serious times and nothing should be put in the way of any man in his effort to cooperate in winning this important war.

Now, my friends, let us then do our duty in this respect, because if we do not do our duty at home, I can readily see how discouraging it will be for those at the front.

One of the worst things I heard when I came back at the end of the last World War was a statement from a brother attorney, and this was the substance of it: You missed everything while you were away; I made a fortune during the war. If we have conditions like that in America today, how can you expect the boys at the front to be imbued with the courage that our kind of liberty must inspire?

We need today in America men just as courageous as those at the front, men just as ready to sacrifice as those at the front, and America has them and America will use them, and it is our duty to see that these things are done.

If those at the front and we at home do not cooperate, then no one knows what the final result will be. This is a terrible war. Very few realize its real consequences, and we must not only sacrifice in those particulars that I have enumerated, but we must save every dollar during this war in order to help win it. I think it was one of the local papers, perhaps it was the Evening News, that made a statement along this line recently: "It is time all Americans realize that dollars will help win the war; that wasted dollars bring Japanese victory."

Wild spending that we have seen in years past must cease, and it is our duty to help curb this wild spending of money, because, if we do not, later we will have the same conditions that prevailed in Germany after the World War, inflation, when it took a bushel basket of money to buy a small meal.

These are things that face us today, they are serious, they are terrific, and it will require the greatest courage to overcome and conquer them, and who will do it? It will be strong Americans, good men at home, good women at home, those who are willing to sacrifice, as no American has ever been called upon at home to sacrifice before, and in the words of the poet, today we want men:

Wanted men!
Men of vision,
Men of skill,
Men of purpose,
Men of will.
Men of valor,
Men of steel,
Men to serve
The public weal,
Wanted men!

Wanted men!
Men of wisdom,
Men of power,
Men of faith
Who never cower.
Men of battle,
Men to do,
Men to lead,
Our country through,
Wanted men!

Mr. President, my resolution aims to set up a joint concurrent committee, three members of the Senate and three members of the House, to make a study of this problem during the interim from now on until the regular session, and that time will soon roll around, to make a careful study of all the problems of the nature I have discussed, and then at the regular session make recommendations either for their control or their elimination.

Mr. REED offered the following resolution which was twice read:

In the Senate, April 7, 1942.

Whereas, the United States is now engaged in what would appear to be a long and devastating world war; and

Whereas, to save the Republic is the solemn desire and sincere purpose of every true American; and

Whereas, the American people are being admonished daily to sacrifice and constantly urged by those in authority to return to the practice of strict economy; and

Whereas, economy in government is vitally essential to its preservation and should at all times be practiced and particularly during periods of national stress and war; and

Whereas, waste, inefficiency, indolence, and disintegration are in existence, in various forms and degrees, in

almost every branch and department of our government; and

Whereas, to locate and eliminate these evils is the patriotic duty of every loyal citizen, especially those paid servants of the people employed as law makers in these legislative halls; Therefore, To that end, Be it

Resolved, that, if the House of Representatives concurs, a Committee, consisting of three Senators, appointed by the President Pro Tempore of the Senate, and three Members of the House of Representatives, appointed by the Speaker of the House of Representatives, be created, to investigate and explore, impartially and fearlessly, all departments, boards, and agencies of the Commonwealth, including, if advisable, Counties, Cities, Boroughs, Townships, and School Districts, for the purpose of ascertaining whether waste, inefficiency, indolence or disintegration are present, and if so, to study ways and means of eradicating and/or correcting the same, and to make report to the General Assembly of the Commonwealth at its regular meeting in January 1943, with its recommendations.

Such Committee shall have the power to compel the appearance of witnesses and the production of books, papers and records, and to issue proper subpoenas for the attendance of witnesses and the production of books, papers, records, and any and all other writings deemed necessary for the fulfillment of the duties prescribed by this resolution.

On the question,

Will the Senate agree to the resolution?

Mr. GELTZ. Mr. President, I object to the immediate consideration of this resolution. It is quite a long resolution, with all its whereas clauses, and it applies, if I understand it correctly, to local subdivisions of government as well as the state government.

We have two commissions at the present time, the Joint State Government Commission, and also the Local Government Commission which, I believe, have complete authority to cover the matters set forth in this resolution.

For that reason, Mr. President, I would like to have more time for consideration of this resolution, and therefore I object to its immediate consideration.

Mr. REED. Mr. President, I understand that the Senate is contemplating adjourning on Friday, so I would like the gentleman from Allegheny to give this resolution consideration today and tonight, so that we can call it up tomorrow.

MOTION TO LAY RESOLUTION ON THE TABLE

Mr. REED. Therefore, Mr. President, I move that this resolution be laid on the table until tomorrow.

Mr. HALUSKA. I second that motion, Mr. President.

It was agreed to.

NOMINATIONS BY THE GOVERNOR

The Secretary to the Governor being introduced, presented communications in writing from His Excellency the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Executive Nominations.

JUSTICE OF THE PEACE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 7, 1942.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Carl C. Dittmar, 74 Sampson Avenue, Ingram, Allegheny County, for appointment as Justice of the Peace in and for the Borough of Ingram, Allegheny County, until the first Monday in January, 1944, vice Philip C. Morgan, resigned.

ARTHUR H. JAMES.

BILL ON FINAL PASSAGE RECALLED FROM GOVERNOR

Agreeably to order,

The Senate resumed the third reading and consideration of Senate Bill No. 42, entitled:

An Act to suspend and modify existing laws providing for and requiring the use of plates or tags as evidence of registration of any vehicle or payment of any license or registration fee of compliance with any other legal requirement insofar as such laws require the use of plates or tags manufactured of metal or the display on plates or tags of the year number for which issued and by authorizing the use of other material in whole or in part.

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—42

Barr,	Ealy,	Lanius,	Stevenson,
Bartlett,	Edmonds,	Letzler,	Stiefel,
Becker,	Farrell,	Mallery,	Tallman,
Carr,	Frey,	McCreesh,	Thomas,
Chapman,	Geltz,	McGinnis,	Tyler,
Coleman,	Haluska,	McQuiddy,	Wade,
Cox,	Heyburn,	Miller,	Walker,
Crider,	Homsher,	Reed,	Watkins,
Crowe,	James,	Ruth,	Wilson, H. I.,
Dent,	Jaspan,	Snowden,	Ziesenheim,
DiSilvestro,	Kephart,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present the said bill to the House of Representatives for concurrence.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 67, (House Bill No. 24), entitled:

An Act relating to air raid precautions, including blackouts; conferring certain powers and duties upon the State Council of Defense, local and district Councils of Defense, political subdivisions, members of certain municipal and volunteer agencies and civilians necessary for the safety, defense and protection of civilians and property in the Commonwealth; providing for the mobilization, coordination and use of certain municipal agencies and volunteer agencies, including their personnel and equipment; providing for immunity from liability for injury or death to persons or damage to property under certain circumstances; and providing penalties.

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill?

Mr. TALLMAN. Mr. President, I ask unanimous consent to amend Section 3, page 5, line 15 by adding at the end of the line after the word "Defense" the following: "Each local and district council of defense shall have available for inspection at its offices all rules regulations and orders adopted by the State Council of Defense and by such local or district council of defense."

The PRESIDENT. Is there objection? The Chair hears none.

The amendments were agreed to.

On the question,

Will the Senate agree to the bill on third reading, as amended?

It was agreed to.

Ordered, That said bill as amended be printed for the use of the Senate.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 74, as follows:

An Act prescribing the procedure for the adoption and promulgation of rules and regulations to supply provisions of law which have been suspended because they interfere with the prosecution of any war in which the United States of America is engaged at the time of the final enactment of this act

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Whenever by any act of Assembly adopted at the Extraordinary Session of the General Assembly convened the seventeenth day of February one thousand nine hundred and forty-two authority is conferred on any department board or commission of the Commonwealth to adopt and promulgate rules and regulations to supply provisions of law which have been suspended because they interfered with the prosecution of any war in which this nation is or may be engaged at the time of the final enactment of this act the procedure provided by this act for the adoption and promulgation of rules and regulations shall be followed before the same shall become effective

Section 2 No rules and regulations shall be adopted and promulgated by any department board or commission unless the same have first been approved by the Governor of the Commonwealth the President Pro Tempore of the Senate and the Speaker of the House of Representatives The rules and regulations shall state the date when the same shall become effective

Prior to the effective date of any such rules and regulations copies thereof shall be printed and shall be filed for free distribution in the office of the prothonotary of each county and in the office of each local and district council of defense

Copies thereof shall be distributed upon request by the department board or commission adopting and promulgating such rules and regulations

Section 2 This act shall expire upon the termination of the last war in which the United States of America was engaged at the time of the final enactment of this act

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—42

Barr,	DiSilvestro,	Kephart,	Stevenson,
Bartlett,	Ealy,	Lanius,	Stiefel,
Becker,	Edmonds,	Letzler,	Tallman,
Carr,	Farrell,	Mallery,	Taylor,
Chapman,	Frey,	McCreesh,	Thomas,
Coleman,	Geltz,	McGinnis,	Tyler,
Cox,	Haluska,	McQuiddy,	Wade,
Crider,	Heyburn,	Miller,	Walker,
Crowe,	Homsher,	Ruth,	Watkins,
Deitrick,	James,	Snowden,	Wilson, H. I.,
Dent,	Jaspan,		

NAYS—1

Reed,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL OVER IN ORDER

Mr. EALY. Mr. President, I ask unanimous consent that Senate Bill No. 80, (House Bill No. 76), on third reading, entitled:

An Act suspending and modifying for the period of the present war and for a time thereafter the provisions of section one of the act, approved the eighth day of July, one thousand nine hundred and nineteen (P. L. 737), entitled "A supplement to an act, entitled 'An act to establish a Board of Commissioners of Navigation for the River Delaware and its navigable tributaries; regulating their jurisdiction over ships, vessels, and boats, and wharves, piers, bulkheads, docks, slips, and basins; and exempting cities of the first class from certain of its provisions; and making an appropriation therefor,' approved the eighth day of June, Anno Domini one thousand nine hundred and seven; authorizing and directing the commissioners to provide and maintain a nautical school for the education and training of pupils from the various counties of the Commonwealth of Pennsylvania in the science and practice of navigation; and making an appropriation for two years from the first day of June, Anno Domini one thousand nine hundred and nineteen, towards its maintenance," and its amendments, in so far as they require, the furnishing of accommodations on board a proper vessel for the nautical school, when no such vessel is available and imposing upon the State Council of Defense the duty of furnishing other accommodations.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 81, (House Bill No. 78), entitled:

An Act to amend section six of the act approved the twenty-fourth day of June one thousand eight hundred ninety-five (P. L. 212) entitled "An act to establish an intermediate court of appeal regulating its constitution officers jurisdiction powers practice and its relation to the Supreme Court and other courts providing for the reports of its decisions the compensation of the judges and other officers and the practice and costs on appeal from its judgments" by making further provision as to the preparation custody and disposition of plates used in the printing of Superior Court Reports.

And said bill having been read at length the third time,

On the question

Will the Senate agree to the bill?

Mr. KEPHART. Mr. President, I ask unanimous consent to amend bill, page 4, by adding a new section after line 19, which is as follows: "Section 2. This act shall not be deemed or construed to amend or repeal the Act or any section of the Act of May 6, 1909, (P. L. 433) entitled "An act fixing the salary of the reporter of the decisions of the Supreme Court of Pennsylvania, and of his assistant."

The PRESIDENT. Is there objection? The Chair hears none.

The amendment was agreed to.

On the question,

Will the Senate agree to the bill on third reading as amended?

It was agreed to.

Ordered, That said bill as amended be printed for the use of the Senate.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 82, (House Bill No. 79), as follows:

An Act to further amend section seven of the act approved the twelfth day of June one thousand eight hundred seventy-eight (P. L. 201) entitled "An act to provide for the publication of the decisions of the Supreme court and the appointment of a state reporter" by making further provision relative to the custody and disposition of plates used in the printing of supreme court reports and supreme court advance sheets

Whereas The involvement of the United States of America in the present crucial world war and the consequent necessity for all out war production on the part of our industries has resulted in shortages of many indispensable metals and

Whereas Any unnecessary or unused metals in the possession of the Commonwealth should be released immediately if necessary for war purposes therefore

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section seven of the act approved the twelfth day of June one thousand eight hundred seventy-eight (P. L. 201) entitled "An act to provide for the publication of the decisions of the supreme court and the appointment of a state reporter" as amended by the act approved the fifteenth day of May one thousand nine hundred forty-one (P. L. 40) is hereby further amended to read as follows

Section 7 The reporter shall have no pecuniary interest in such reports but the same shall be published under the supervision of the reporter by contract to be entered into by the reporter secretary of the Commonwealth and auditor general with the responsible person or persons who in addition to furnishing the State librarian for library and exchange fifty copies of each volume shall agree to publish and sell the said reports and advance sets thereof at the lowest price as hereinafter provided in this section which contract shall be for a term of four years from the first day of July one thousand nine hundred and forty-one and thereafter for terms of five years each and shall provide that the said reports and advance sheets shall be printed and published in this commonwealth and that every volume printed under such contract shall be stereotyped or electrotyped and the plates thereof preserved within this Commonwealth and be delivered to the secretary of the commonwealth as the property of the state within [three] five years after the expiration of the contract [and] Upon the receipt of such plates the secretary of the commonwealth may in his discretion dispose of them as unserviceable property in the manner provided by law Such contract shall further provide that all volumes published under such contract shall be kept by the contractor at his place of business within this commonwealth for sale at a price established by the contractor in conformity with the provisions of this section to all citizens of the commonwealth desiring the same during the term of his said contract and for five years thereafter and shall further provide that the contractor shall currently sell at a price established by him in conformity with the provisions of this section to all citizens of the commonwealth desiring the same advance sheets of such reports to be published weekly with reasonable promptitude after decision completion of the work of the reporter and approval thereof by the justices of the court in accordance with specifications to be prescribed by the reporter secretary of the commonwealth and auditor general conforming as nearly as may be to the typographical form of the reports Each bidder for the said contract shall designate the price at which he will under the conditions specified in this section sell and deliver prepaid anywhere within the commonwealth to any citizen thereof each volume of said reports including the advance sheets thereof and upon award of the contract as hereinbefore provided the contractor shall be entitled to charge for each volume (without advance sheets) a price not exceeding eighty per cent and for the advance sheets thereof (without the volume) a price not exceeding forty per cent of the amount so bid by him

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—43

Barr,	DiSilvestro,	Kephart,	Stevenson,
Bartlett,	Ealy,	Lanius,	Tallman,
Becker,	Edmonds,	Letzler,	Taylor,
Carr,	Farrell,	Mallery,	Thomas,
Chapman,	Frey,	McCreesh,	Tyler,
Coleman,	Geltz,	McGinnis,	Wade,
Cox,	Haluska,	McQuidd	Walker,
Crider,	Heyburn,	Miller,	Watkins,
Crowe,	Homsher,	Reed,	Wilson, H. I.,
Deitrick,	James,	Ruth,	Ziesenhelm,
Dent,	Jaspan,	Snowden,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 85, as follows:

An Act prescribing temporary emergency war provisions with respect to the administration of certain provisions of the school laws of this Commonwealth relating to days for schools to be in session closing schools temporarily assignment and reassignment of teachers and temporary farm and domestic employment certificates for certain pupils and authorizing boards of school directors (or boards of public instruction) with the approval of the Superintendent of

Public Instruction to put such provisions into operation and to suspend the provisions of existing school laws inconsistent therewith upon findings by such boards and department and the State Council of Defense

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Whenever during the continuance of any war in which this Nation is or may become engaged it shall be found as a fact by the board of school directors (or board of public education) of any school district by the Superintendent of Public Instruction and by the State Council of Defense and so recorded on the minutes of a regular or special meeting of such board and in the Department of Public Instruction that the provisions of the school laws of the Commonwealth in respect to any of the matters hereinafter set forth shall interfere with the prosecution of such war such board of school directors (or board of public education) shall have power subject to the approval of the Superintendent of Public Instruction to put into operation in such school district any one or more temporary emergency war provisions authorized by this act and to suspend all provisions of the existing school laws inconsistent therewith until the Superintendent of Public Instruction shall in like manner find that the same are no longer necessary, but in no event longer than one year after the cessation of the hostilities of such war

Section 2 Any board of school directors (or board of public education) having exercised the power conferred upon it by the foregoing section of this act shall have power subject to the approval of the Superintendent of Public Instruction to

(a) Keep the schools of the district in session such days and number of days per week as they shall deem necessary or desirable

(b) Close temporarily any school or all the schools of the district when the board of school directors deem it advisable as an emergency measure or when the Governor or the Superintendent of Public Instruction by proclamation so directs The days on which the schools are so closed shall be recorded and credited as if they were days taught

(c) Adjust the assignment and reassignment of teachers in such fields subjects schedules and semesters or other periods of work and in such schools as their preparation experience and certification may qualify them to perform No such temporary emergency assignment or reassignment shall reduce the rate of compensation the employe now receives nor shall the return to the original type of assignment which shall be made when the emergency has ended be deemed to be a demotion under the tenure provisions of the school laws of this Commonwealth

(d) Grant farm and domestic employment permits to pupils who have attained the age of fourteen years

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—30

Bartlett,	Ealy,	Kephart,	Tallman,
Becker,	Edmonds,	Letzler,	Taylor,
Carr,	Farrell,	Mallery,	Thomas,
Chapman,	Geltz,	Reed,	Tyler,
Crider,	Heyburn,	Ruth,	Wade,
Crowe,	Homsher,	Snowden,	Wilson, H. I.,
Deitrick,	James,	Stevenson,	Ziesenheim,
DiSilvestro,	Jaspan,		

NAYS—13

Barr,	Frey,	McCreesh,	Miller,
Coleman,	Haluska,	McQuiddy,	Walker,
Cox,	Lanius,	McGinnis,	Watkins,
Dent,			

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Mr. EDMONDS. Mr. President, I would like to read to the members of the Senate a letter which I just received, which relates to this bill No. 85, which is the school bill.

The letter is from the Pennsylvania State Education Association, which is an association that contains, I think, about ninety per cent of the total teachership of this state. The letter reads as follows:

PENNSYLVANIA STATE EDUCATION ASSOCIATION

Harrisburg, Pa., April 7, 1942.

Hon. Franklin Spencer Edmonds
State Capitol
Harrisburg, Pennsylvania

My dear Mr. Edmonds:

In order that there may be no misunderstanding with reference to the position of the Pennsylvania State Education Association on S. B. 85, I should like to take this means to inform you that at a meeting of a subcommittee of our Legislative Committee held yesterday afternoon they gave favorable endorsement to S. B. 85.

Our association recognizes the emergency which confronts our nation and is of the opinion that the immediate future may require unforeseen modifications of normal activities both with reference to individuals and school programs.

As an organization we should like to pledge our united effort to whatever sacrifices may be necessary to bring to a speedy and successful conclusion the war effort in which our nation is engaged. To this end we endorse S. B. 85.

Very sincerely yours,

(signed) H. E. GAYMAN,
Executive Secretary

I have read this letter, Mr. President, because there was originally some criticism of the bill from teachers whom I think did not understand its provisions, and while, in a large measure, that criticism disappeared at the hearing yesterday, nevertheless, I think it is worth while to have in the record this formal statement from the strongest organization of professional workers in education in the State.

Mr. DENT. Mr. President, by way of explanation, I just want to say that if the word "domestic" had been stricken from the bill, and in lieu thereof the words "temporary positions to be filled because of temporary vacancies created by the emergency," were inserted, I would have voted for the bill. I do not think there is any situation existing or may exist that would demand taking children in the eighth grade at the age of fourteen, and sending them into homes to do work for women who could probably do the work themselves.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 59, entitled:

A Joint Resolution proposing an amendment to Article nine of the Constitution of the Commonwealth of Pennsylvania by adding thereto section eighteen.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 84, entitled:

An Act to conserve metal by suspending the provisions of article five of the act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," and its amendments, in so far as they require the issuance and use of more than one registration plate.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 87, entitled:

An Act creating a Joint Legislative Committee, for the purpose of investigating and studying plans, methods and systems for liberalization of the Pennsylvania Unemployment Compensation Law to provide benefits for partial unemployment; providing for its appointment; authorizing the employment of necessary assistance and making an appropriation.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

PERMISSION TO ADDRESS SENATE

Mr. EALY. Mr. President, I desire permission to address the Senate.

The PRESIDENT. The gentleman from Somerset will proceed.

Mr. EALY. I should like to say a few words which will be somewhat supplementary to the address by the gentleman from Washington, Senator Reed. His resolution, I am afraid, places an almost superhuman task upon any committee, unless there is a bill to provide some money to carry along the work of this proposed committee, the committee will not be effective.

It seems to me though, that there are certain things this Legislature should keep in mind. We are almost at the point of adjournment and if I were entirely sure that I should be back here again at the next session, perhaps I would defer these remarks, but the uncertainties of the present situation move me to reiterate some of the things which I have been trying to say with respect to our government and our relation to it.

The prophets of old did not so much predict future events through divine inspiration as they declared what history and experience pointed out would follow certain courses of conduct in individuals and nations just as surely as winter follows autumn or night follows day.

Human nature has not changed during the period of recorded history and history has taught that follies in government or private business bring the same results in all ages of time. The tragedy is that we are willing to learn but little from the plain lessons of experience.

Now we are engaged in the greatest of all wars. Unfortunately we have squandered such vast sums of money in wasteful projects which have demoralized our people and have left us with a most severe handicap for war financing. We forgot that mathematics is the "first of the sciences and the mother of safety." We have passed on to our children and children's children for many generations a great debt unless a financial collapse results with all its dire and horrible developments.

I, for one, am glad to see a growing appreciation of the dangers we face and I can look with less bitterness on the heavy taxes being imposed, because it seems to me only in this way and by reducing unnecessary expenditures can we hope to save our nation.

We, as members of the Senate of Pennsylvania, should concern ourselves to maintain a sound policy for our Commonwealth that when the war is over and we struggle back to saner ways of life and government our State may take a leading part in the reconstruction for peaceful pursuits.

When Benjamin Franklin was asked what basic form of Government was adopted by the Constitutional Convention he replied "A republic, if we can keep it." The coming years will determine whether or not we have the desire and the will to keep our democratic way of life.

Our constitution will not preserve our government. A constitution in itself is only a piece of parchment. It is not the rock of Gibraltar which stands firm against all the storms which rage. It is rather as a sand dune along the coasts of Holland which the waves of hysteria and self-interest and indifference wash away, unless the people stoutly maintain the dikes which our fathers have set.

I have called attention to certain Acts of Assembly which have been passed at times for purposes of supposed expediency and which are really evasions of our Constitution.

One of these Acts was that authorizing the formation of the so-called General State Authority. Here is a debt-creating body which has placed a sizeable obligation upon the people of the Commonwealth by devious methods not approved by the people as the Constitution provides.

Granted that many of the projects undertaken were

needed. That does not justify the means used. A Constitutional Amendment adopted in proper manner would have assured a sufficient sum of money which could then have been expended more properly by the regular agencies of government—and more economically.

Let me call attention to one source of demands upon the General State Authority—namely, the building of historical monuments or the restoration of places of historical interest. Some of these places should be restored—partly by public funds, but largely by voluntary subscriptions from a public whose interest has been aroused.

To our children and grandchildren it seems to me the value of a monument or historical building rebuilt for their benefit will seem much less when they learn that it is covered by a mortgage which they will be taxed for a period of thirty years to pay.

I referred in the last session to our issuance of large amounts of tax anticipation notes to finance our appropriations. I hope we can get away from such expensive methods of keeping the Ship of State sailing.

Some efforts have been made in this session to cut down very materially the reserve in the Unemployment Compensation Fund and to reduce taxation—But why efforts at this time to destroy the insurance funds built up against the time of need. A few dark days of financial depression and reserves will melt away as the snow under a summer's sun. And when the war is over and the soldiers return to refit themselves into society again any available money to start anew the work necessary for honest toil or to permit tax reduction will be a blessing of untold value.

There is always much criticism of the Legislature and part of it is, of course, deserved. But service here is difficult. The members are torn between the demands, often unreasonable, of their constitutents and the things which their better judgment urges them to do. If it were possible to receive the disinterested advice of the wise men of the State rather than the continual urging of pressure groups, who are seeking only their own selfish ends, legislation would be better.

It may matter little to the Commonwealth what individuals are elected to sit in this Senate, but it is all imporant to our future that the General Assembly maintain its authority as a co-ordinate branch of our government and that its acts be in accord with this general principle—the best interests of the State.

RECESS

Mr. GELTZ. Mr. President, I move that the Senate do now take a recess until 4:00 o'clock, p. m.

Mr. MILLER. Mr. President, I second the motion.

The motion was agreed to.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed the Senate will be in order.

REPORTS FROM COMMITTEES

Mr. REED. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is the objection? The Chair hears none.

Mr. REED, from the Committee on State Government, reported as committed, Senate Bill No. 90, (House Bill No. 58), entitled:

An Act authorizing the Department of Property and Supplies with the approval of the Board of Commissioners of Public Grounds and Buildings as a temporary emergency war measure for a limited period of time to adopt certain rules and regulations governing purchases and contracts of the Department of Property and Supplies on behalf of the Commonwealth and with like approval to make and alter purchases and contracts pursuant thereto and suspending certain statutory provisions inconsistent with such rules and regulations.

Mr. RUTH. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. RUTH, from the Committee on Education, reported as committed, Senate Bill No. 92, (House Bill No. 71), entitled:

A Supplement to the act approved the eighteenth day of July one thousand nine hundred seventeen (P. L. 1043) entitled "An act establishing a public school employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon boards having the employment of public school employes exempting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" defining the rights and obligations of certain members of the School Employes' Retirement Association engaged in active military service.

Mr. COLEMAN. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. COLEMAN, from the Committee on Education, reported as committed, Senate Bill No. 91, (House Bill No. 69), entitled:

An Act to further amend section two of the act approved the seventh day of June one thousand nine hundred seventeen (P. L. 600) entitled "An act providing that appointive officers and employes employed by the Commonwealth of Pennsylvania in its civil service or by any department bureau commission or office thereof or by any county municipality township or school district shall not be deemed or held to have resigned or abandoned their offices or employments by reason of enlistment enrollment or draft in the military or naval service of the United States or any branch or unit thereof in time of war or contemplated war prohibiting the removal from their offices or employments of such officers and employes during the period of their service in the Army or Navy directing that one-half of the salaries or wages of such officers or employes as have dependent wives children or parents and not exceeding two thousand dollars per annum be paid during the term of their service in the Army or Navy to such dependents authorizing the employment during said term of substitutes to perform the duties theretofore performed by such officers or employes respectively and providing for the compensation of such substitutes" by providing for the payment into the School Employes' Retirement Fund of certain amounts of the

salaries or wages of certain officers or employes under certain circumstances.

Mr. STIEFEL. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. STIEFEL, from the Committee on State Government, reported as committed, Senate Bill No. 94, (House Bill No. 101), entitled:

An Act to amend the appropriation to the Department of Military Affairs in section two of the act approved the sixteenth day of June one thousand nine hundred and forty-one (Appropriation Act No. 12-A) entitled "An act to provide for the ordinary expenses of the Executive Legislative and Judicial Departments of the Commonwealth interest on the public debt and the support of the public schools for two years beginning June first one thousand nine hundred and forty-one and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first one thousand nine hundred and forty-one" by providing specifically for the expenses of the State Council of Defense for the maintenance of a nautical school.

With the request that it be re-referred to the Committee on Appropriations after one reading.

Mr. STEVENSON. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. STEVENSON, from the Committee on Municipal Government, reported as committed, Senate Bill No. 89, (House Bill No. 57), entitled:

An Act authorizing the secretary of the board of health in the various cities of the third class throughout the Commonwealth during the continuation of the present war and for six months thereafter to search and issue certified copies of birth and death records maintained by such cities after the State-wide system for registering vital statistics was established requiring that such birth and death records be made available to the secretary of the board of health for the purposes of this act and authorizing the respective city councils to prescribe fees for such services.

MOTION TO READ BILLS THE FIRST TIME

Mr. GELTZ. Mr. President, I move that the Senate do now proceed to the first reading of all bills reported from committees for the first time at today's session.

Mr. MILLER. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 89, (House Bill No. 57), entitled:

An Act authorizing the secretary of the board of health in the various cities of the third class throughout the Commonwealth during the continuation of the present war and for six months thereafter to search and issue certified copies of birth and death records maintained by such cities after the State-wide system for registering vital statistics was established requiring that such birth and death records be made available to the secretary of the board of health for the purposes of this act and authorizing the respective city councils to prescribe fees for such services.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 90, (House Bill No. 58), entitled:

An Act authorizing the Department of Property and Supplies with the approval of the Board of Commissioners of Public Grounds and Buildings as a temporary emergency war measure for a limited period of time to adopt certain rules and regulations governing purchases and contracts of the Department of Property and Supplies on behalf of the Commonwealth and with like approval to make and alter purchases and contracts pursuant thereto and suspending certain statutory provisions inconsistent with such rules and regulations

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 91, (House Bill No. 69), entitled:

An Act to further amend section two of the act approved the seventh day of June one thousand nine hundred seventeen (P. L. 600) entitled "An act providing that appointive officers and employes employed by the Commonwealth of Pennsylvania in its civil service or by any department bureau commission or office thereof or by any county municipality township or school district shall not be deemed or held to have resigned or abandoned their offices or employments by reason of enlistment enrollment or draft in the military or naval service of the United States or any branch or unit thereof in time of war or contemplated war prohibiting the removal from their offices or employments of such officers and employes during the period of their service in the Army or Navy directing that one-half of the salaries or wages of such officers or employes as have dependent wives children or parents and not exceeding two thousand dollars per annum be paid during the term of their service in the Army or Navy to such dependents authorizing the employment during said term of substitutes to perform the duties theretofore performed by such officers or employes respectively and providing for the compensation of such substitutes" by providing for the payment into the School Employes' Retirement Fund of certain amounts of the salaries or wages of certain officers or employes under certain circumstances.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 92, (House Bill No. 71), entitled:

A Supplement to the act approved the eighteenth day of July one thousand nine hundred seventeen (P. L. 1043) entitled "An act establishing a public school employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds

imposing powers and duties upon boards having the employment of public school employes exempting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" defining the rights and obligations of certain members of the School Employes' Retirement Association engaged in active military service.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 94, (House Bill No. 101), entitled:

An Act to amend the appropriation to the Department of Military Affairs in section two of the act approved the sixteenth day of June one thousand nine hundred and forty-one (Appropriation Act No. 12-A) entitled "An act to provide for the ordinary expenses of the Executive Legislative and Judicial Departments of the Commonwealth interest on the public debt and the support of the public schools for two years beginning June first one thousand nine hundred and forty-one and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first one thousand nine hundred and forty-one" by providing specifically for the expenses of the State Council of Defense for the maintenance of a nautical school.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

HOUSE MESSAGE

SINE DIE RESOLUTION

The Clerk of the House of Representatives being introduced, presented an extract from the Journal of the House of Representatives, which was twice read, considered and agreed to:

In the Senate, March 31, 1942.

Resolved (if the House of Representatives concur), That this Special Session of the General Assembly adjourn sine die on Friday, April 10, 1942, at 4:00 o'clock, p. m., Eastern War Time.

MOTION THAT SENATE CONCUR IN RESOLUTION AS AMENDED

Mr. GELTZ. Mr. President, I move that the Senate do now concur in the resolution as amended.

Mr. FARRELL. Mr. President, I second the motion.

The motion was agreed to.

Ordered, That the Clerk inform the House of Representatives accordingly.

BILL SIGNED

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) announced that the Chief Clerk having reported that the following bill had passed both houses of the General Assembly and the same being correct, the title was publicly read as follows:

House Bill No. 79, entitled:

An Act to further amend section seven of the act, approved the twelfth day of June, one thousand eight hundred seventy-eight (P. L. 201), entitled "An act to provide for the publication of the decisions of the supreme court and the appointment of a state reporter," by making further provisions relative to the custody and disposition of plates used in the printing of supreme court reports and supreme court advance sheets.

Whereupon,

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the presence of the Senate signed the same.

HOUSE MESSAGES

HOUSE INSISTS UPON ITS NON-CONCURRENCE IN AMENDMENTS TO HOUSE BILL No. 8 AND APPOINTS COMMITTEE OF CONFERENCE

The Clerk of the House of Representatives being introduced, informed the Senate that the House insists on its non-concurrence in Senate amendments to House Bill No. 8, entitled:

An Act to further amend section two of the act, approved the seventh day of June, one thousand nine hundred seventeen (P. L. 600), entitled "Status of Public Officers and Employes in Military Service in Time of War or contemplated War Act," by more fully defining amounts payable.

and has appointed Messrs. Readinger, Marks, and Bretherick as a Committee of Conference to confer with a similar committee of the Senate (if the Senate shall appoint such committee) to consider the differences existing between the two houses in relation to said bill.

SENATE APPOINTS COMMITTEE OF CONFERENCE, HOUSE BILL No. 8

Mr. GELTZ. Mr. President, I move that a Committee of Conference be appointed to confer with a similar committee of the House of Representatives (already appointed) to consider the differences existing between the two houses in relation to House Bill No. 8.

Mr. MILLER. Mr. President, I second the motion.

The motion was agreed to.

The PRESIDENT. The President Pro Tempore appoints Messrs. Tallman, Homsher and Reed to be said committee on the part of the Senate, and that the Clerk inform the House of Representatives accordingly.

HOUSE INSISTS UPON ITS NON-CONCURRENCE IN AMENDMENTS TO HOUSE BILL No. 68 AND APPOINTS COMMITTEE OF CONFERENCE

He also informed the Senate that the House insists on its non-concurrence in Senate amendments to House Bill No. 68, entitled:

An Act to amend section two of the act, approved the tenth day of July, one thousand nine hundred thirty-five (P. L. 645), entitled "An act imposing certain requirements on certain hospitals receiving state aid; authorizing the withholding of appropriations; and imposing duties on the Department of Welfare," by providing that, during the present war and six months thereafter, funds shall not be withheld from hospitals for violation of such act, if the Secretary of Welfare determines that the constant attendance of a licensed physician or resident interne cannot be secured by such hospitals because of the war emergency.

and has appointed Messrs. Sarraf, Mihm and Serrill as a Committee of Conference to confer with a similar com-

mittee of the Senate (if the Senate shall appoint such committee) to consider the differences existing between the two houses in relation to said bill.

SENATE APPOINTS COMMITTEE OF CONFERENCE, HOUSE BILL No. 68

Mr. GELTZ. Mr. PRESIDENT, I move that a Committee of Conference be appointed to confer with a similar committee of the House of Representatives (already appointed) to consider the differences existing between the two houses in relation to House Bill 68.

Mr. MILLER. Mr. President, I second the motion.

The motion was agreed to.

The PRESIDENT. The President Pro Tempore appoints Messrs. Bartlett, Becker and Cox to be said committee on the part of the Senate, and that the Clerk inform the House of Representatives accordingly.

ADJOURNMENT

Mr. GELTZ. Mr. President, I move that the Senate do now adjourn until Wednesday, April 8, 1942, at 2:00 o'clock, p. m., Eastern War Time.

Mr. MILLER. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 5:08 o'clock, p. m., Eastern War Time, until Wednesday, April 8, 1942, at 2:00 o'clock, p. m., Eastern War Time.

HOUSE OF REPRESENTATIVES

TUESDAY, April 7, 1942

The House met at 2 p. m.

The SPEAKER (Elmer Kilroy) in the Chair.

PRAYER

The Chaplain, Rev. Donald McFall offered the following prayer:

Dear God, as Representatives of the people may we remember that he who would be greatest of them all must be a servant. May we build in order to make a life and not simply to make a living. Indeed Our Father, we would say, "Give us men, for a time like this demands strong minds, great hearts, true faith and ready hands. Give us men who possess opinions and a will. Men whom the desire for office does not kill. Men who have honor. Men who do not lie. Yes, God, give us Men whom the spoil of office cannot buy. Give us tall men, small men, sun-crowned, furrowed-browed, all who can live above the fog in public duty, and in private thinking, with Thee, O God." Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of yesterday.

The Clerk proceeded to read the Journal of yesterday, when, on motion of Mr. VOLDOW, unanimously agreed to, the further reading was dispensed with and the Journal approved.

PETITIONS AND COMMUNICATIONS

The SPEAKER laid before the House the following petitions and communications which were read by the Clerk.

CIVILIAN DEFENSE

Telegrams from:

Pennsylvania Association of County Commissioners;
County Commissioners of Berks County;
County Commissioners of McKean County;
County Commissioners of Montgomery County and
County Commissioners of Snyder County; also a

Resolution from the Luzerne County Council of Civilian Defense, favoring passage of Senate Bill No. 21, authorizing political subdivisions to make appropriations for civilian defense.

Referred to the Select Committee on Special Session Legislation.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

GENERAL PULASKI MEMORIAL DAY

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 6, 1942.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Concurrent Resolution requesting the Governor, by virtue of the authority vested in him, to issue a proclamation designating October 11, 1942, as "General Pulaski Memorial Day."

ARTHUR H. JAMES

LEAVE OF ABSENCE

By unanimous consent leave of absence was granted as follows: Mr. Longo for Mr. WOODRING for today and tomorrow.

By unanimous consent leave of absence was granted as follows: Mr. Goodwin for Mr. YESTER for today's session.

REPORTS FROM COMMITTEE

Mr. FINNERTY, from the Select Committee on Special Session Legislation, reported as committed, House Bill No. 117, entitled:

An Act to amend an act approved the seventh day of June, one thousand nine hundred seventeen (P. L. 600), entitled "An act providing that appointive officers and employes employed by the Commonwealth of Pennsylvania in its civil service or by any department, bureau, commission or office thereof, or by any county, municipality, township or school district shall not be deemed or held to have resigned or abandoned their offices or employments by reason of enlistment, enrollment or draft in the military or naval service of the United States or any branch or unit thereof in time of war or contemplated war; prohibiting the removal from their offices or employments of such officers and employes during the period of their service in the Army or Navy; directing that one-half of the salaries or wages of such officers or employes as have dependent wives, children

or parents, and not exceeding two thousand dollars per annum, be paid during the term of their service in the Army or Navy to such dependents; authorizing the employment during said term of substitutes to perform the duties theretofore performed by such officers or employes respectively and providing for the compensation of such substitutes" by more fully defining amounts payable; providing for the payment by the Commonwealth of the salary deductions to the State Employes' Retirement Fund or the Pennsylvania Motor Police Retirement Fund where there are no dependents; limiting the time such amounts are payable and limiting the conditions of resumption of office or employment.

Mr. O'BRIEN, from the Select Committee on Special Session Legislation, reported as committed, House Bill No. 116, entitled:

An Act to promote interstate cooperation for the use, conservation, protection and equitable diversion of the water resources in the Delaware River Basin between and among the States of Pennsylvania, New York and New Jersey, for the purpose of meeting prospective needs for domestic and municipal water supply; regulating and limiting the use of the waters of the Delaware River and its tributaries and prescribing rules and standards; requiring permits from, and providing for hearings by, the Water and Power Resources Board and for appeals from its decisions; vesting power in the Water and Power Resources Board to vary or modify the rules and standards under certain conditions and to adopt rules and regulations, and further defining its powers and duties; requiring notice to the States of New York and New Jersey of all applications for water diversion; providing for the filing of stipulations by the Attorney General with the United States Supreme Court and obtaining its approval of water diversions.

Mr. MELCHIORRE from the Select Committee on Special Session Legislation, reported as committed House Bill No. 105, (Senate Bill No. 60), entitled:

An Act to modify existing law of the Commonwealth regulating the operation of motor driven vehicles which limit the gross weight or length of such vehicles as are permitted to be operated upon the highways of the Commonwealth by authorizing the Secretary of the Department of Highways to issue permits for the use of over-weight and over-length vehicles in certain cases.

Mr. STANK from the Select Committee on Special Session Legislation reported as committed House Resolution No. 25.

Mr. O'BRIEN from the Select Committee on Special Session Legislation reported as committed House Resolution No. 42.

Mr. SHEPARD from the Select Committee on Special Session Legislation reported as committed House Resolution No. 46.

BILLS ON FIRST READING

Mr. TURNER. Mr. Speaker, I move that all bills reported today from Committee as committed, be read for the first time.

The motion was unanimously agreed to.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 117, entitled:

An Act to amend an act approved the seventh day of June, one thousand nine hundred seventeen (P. L. 600) entitled "An act providing that appointive officers and employes employed by the Commonwealth of Pennsylvania in its civil service or by any department, bureau, commission or office thereof, or by any county, municipality, township or school district shall not be deemed or held to have resigned or abandoned their offices or employments by reason of enlistment, enrollment or draft in the military or naval service of the United States or any branch or unit thereof in time of war or contemplated war; prohibiting the removal from their offices or employments of such officers and employes during the period of their service in the Army or Navy; directing that one-half of the salaries or wages of such officers or employes as have dependent wives, children or parents, and not exceeding two thousand dollars per annum, be paid during the term of their service in the Army or Navy to such dependents; authorizing the employment during said term of substitutes to perform the duties theretofore performed by such officers or employes respectively and providing for the compensation of such substitutes" by more fully defining amounts payable; providing for the payment by the Commonwealth of the salary deductions to the State Employes' Retirement Fund or the Pennsylvania Motor Police Retirement Fund where there are no dependents; limiting the time such amounts are payable and limiting the conditions of resumption of office or employment.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 116, entitled:

An Act to promote interstate cooperation for the use, conservation protection and equitable diversion of the water resources in the Delaware River Basin between and among the States of Pennsylvania, New York and New Jersey, for the purpose of meeting prospective needs for domestic and municipal water supply; regulating and limiting the use of the waters of the Delaware River and its tributaries and prescribing rules and standards; requiring permits from, and providing for hearings by, the Water and Power Resources Board and for appeals from its decisions; vesting power in the Water and Power Resources Board to vary or modify the rules and standards under certain conditions and to adopt rules and regulations, and further defining its powers and duties; requiring notice to the States of New York and New Jersey of all applications for water diversion; providing for the filing of stipulations by the Attorney General with the United States Supreme Court and obtaining its approval of water diversions.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 105, (Senate Bill No. 60), entitled:

An Act to modify existing law of the Commonwealth regulating the operation of motor driven vehicles which limit the gross weight or length of such vehicles as are permitted to be operated upon the highways of the Commonwealth by authorizing the Secretary of the Department of Highways to issue permits for the use of over-weight and over-length vehicles in certain cases.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and con-

sideration of House Bill No. 99, (Senate Bill No. 65), entitled:

An Act to amend section twenty-one as amended, of the act, approved the seventh day of June, one thousand nine hundred and fifteen (P. L. 900), entitled "An act to provide for the immediate registration of all births and deaths throughout the Commonwealth of Pennsylvania, by means of certificates of births and deaths, and burial or removal permits; requiring prompt returns to the Central Bureau of Vital Statistics, as required to be established by the State Department of Health; and, in order to secure prompt and faithful registration of births, marriages, deaths, and diseases of practitioners of medicine, and surgery, or midwives, nurses, and undertakers, and of all persons whose occupation is deemed to be of importance in obtaining complete registration of births, deaths, marriages, and diseases throughout the State, as provided in section ten of an act, entitled 'An act creating the Department of Health and defining its powers and duties,' approved the twenty-seventh day of April, nineteen hundred and five, and providing penalties for violations of this act," by further regulating the giving of certified copies of birth certificates to soldiers, sailors and marines and war nurses.

The first section was read.

On the question,

Will the House agree to the section?

Mr. HEATHERINGTON offered the following amendment:

Amend Sec. 1 (Sec. 21), page 4, line 15, by inserting after the word "fee" the following: "from a special file maintained by the Department of Health for such persons".

It was agreed to.

The section was agreed to as amended.

The title was read and agreed to.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 37, (Senate Bill No. 35), entitled:

An Act authorizing the Department of Highways to construct, replace or repair bridges in cities of the third class which form connecting links on State highways necessary for National defense in cases where Federal funds and city funds are available for such purposes and authorizing the Secretary of Highways to enter into agreements with the proper Federal authorities and the authorities of cities of the third class covering the construction, replacement or repair of such bridges; and making an appropriation.

And said bill having been read at length the second time and agreed to

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 112, entitled:

An Act to amend subsection (a) and to further amend subsection (b) of section nine of the act approved the first day of June one thousand nine hundred thirty-seven (P. L. 1168) entitled "An act to protect the right of employes to organize and bargain collectively creating the Pennsylvania Labor Relations Board conferring powers and imposing duties upon the Pennsylvania Labor Relations Board officers of the State government and courts providing for the right of employes to organize and bargain collectively declaring certain labor practices by employers to be unfair further providing that representatives of a majority of the employes be the exclusive representatives of all the employes authorizing the board to conduct hearings and elections and certify as to representatives of employes for purposes of collective bargaining empowering the board to prevent any person from engaging in any unfair labor practice and providing a procedure for such cases including the issuance of a complaint the conducting of a hearing and the making of an order empowering the board to petition a court of common pleas for the enforcement of its order and providing a procedure for such cases providing for the review of an order of the board by a court of common pleas on petition of any person aggrieved by such order and establishing a procedure for such cases providing for an appeal from the common pleas court to the Supreme Court providing the board with investigatory powers including the power to issue subpoenas and the compelling of obedience to them through application to the proper court providing for service of papers and process of the board prescribing certain penalties" fixing the rights and standing of the Pennsylvania Labor Relations Board as a party and as appellant in the courts in matters originating before the board and defining the jurisdiction of the Supreme Court on appeal

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 113, entitled:

An Act creating a joint legislative committee to study partial unemployment as related to unemployment compensation defining its powers and duties authorizing the employment of counsel and employes and making an appropriation

And said bill having been read at length the second time and agreed to

Ordered, To be transcribed for third reading.

BILL PASSED OVER

There being no objection House Bill No. 98, (Senate Bill No. 64), Printers' No. 48, was passed over at the request of the SPEAKER.

BILL ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 83, (Senate Bill No. 41), entitled:

An Act to further amend the act approved the fifth day of December, one thousand nine hundred and thirty-six (P. L. 2897, 1937), entitled "An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry and its existing and newly created agencies, with personnel (with certain exceptions) selected on a civil service basis, requiring employers to keep records and make reports and certain employers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons, providing procedure and administrative details for the determination, payment and collection of such contributions and the payment of such compensation, providing for cooperation with the Federal Government and its agencies, creating certain special funds in the custody of the State Treasurer and prescrib-

ing penalties," changing the provisions thereof and the rights, obligations and procedure thereunder.

The first section was read.

On the question,

Will the House agree to the section?

Mr. REUBEN E. COHEN offered the following amendments:

Amend Sec. 1 (Sec. 4), page 6, line 5, by inserting a light-faced bracket before the word "twenty" and after the figure "(20)".

Amend Sec. 1 (Sec. 4), page 6, line 5, by inserting after the figure "(20)" the following: "two (2)".

Amend Sec. 1 (Sec. 4), page 6, line 7, by inserting after the word "week" the following: "in covered employment".

Amend Sec. 1 (Sec. 4), page 7, line 14, by striking out the following: "twenty (20)" and inserting in lieu thereof: "two (2)".

On the question,

Will the House agree to the amendments?

Mr. WALTER E. ROSE. Mr. Speaker, in looking over the amendments in full I find that for the most part I am in agreement with them, and would urge the approval of the Republican side of the amendments.

However, I want to point out one thing concerning the amendments, and that is they raise the question of throwing this bill into conference, and that is something we must be very careful of, particularly if the changes are of more than minor importance. We have before us the question of adjournment possibly this week, and we must be very careful that we do not get ourselves into a position where we will permit an adjournment without getting through the necessary liberalization of unemployment compensation.

I will refer to several amendments later, Mr. Speaker, when they are brought up, but I will say at this time for the amendments to Section 1, I urge the support of the Republican members of the sponsor on the amendments to this section.

On the question recurring

Will the House agree to the amendments?

They were agreed to.

The second and third sections were separately read and agreed to.

The fourth section was read.

On the question,

Will the House agree to the section?

Mr. REUBEN E. COHEN offered the following amendments:

Amend Sec. 4 (Sec. 303), page 30, lines 6 to 9, by striking out the following: "[he has not]" in line 6, and all of lines 7, 8 and 9, and inserting in lieu thereof: "he has not during the previous calendar year".

Amend Sec. 4 (Sec. 303), page 30, line 12, by inserting a light-faced bracket before and after the word "twenty".

Amend Sec. 4 (Sec. 303), page 30, line 12, by inserting after the word "twenty" the following: "two (2)".

Amend Sec. 4 (Sec. 303), page 30, line 14, by inserting after the word "consecutive" the following: "and that he has not, during the part of the current calendar year preceding the filing of his application, employed any employe (whether or not the same employe) in employment subject to this act for some portion of each of some two (2) days, each day being in a different week, whether or not such weeks are consecutive. An employer shall be relieved of the payment of contributions for any calendar year in which the department, upon application by such employer or upon its own motion, shall find that such employer has failed to employ any employe (whether or not the same employe) in employment subject to this act for some portion of each of some two (2) days, each day being in a different week, whether or not such weeks are consecutive.

Amend Sec. 4 (Sec. 308.1), page 34, lines 16, 17 and 18, by striking out the following: "provided however that the lien" in line 16, all of line 17, and the words "corded real estate mortgages" in line 18.

Amend Sec. 4 (Sec. 308.1), page 34, line 19, by inserting after the word "hereof" the following: "Provided, That the lien hereby created shall not be prior to pre-existing duly recorded real estate mortgages".

Amend Sec. 4 (Sec. 309.1), page 35, line 22, by inserting after the word "compromise" the following: "any delinquent contribution and".

Amend Sec. 4 (Sec. 309.1), page 35, lines 24 to 27, both inclusive, by striking out all of said lines.

Amend Sec. 4 (Sec. 401), page 40, line 20, by striking out the light-faced bracket before the word "from" and inserting in lieu thereof: "in employment as defined in this act".

Amend Sec. 4 (Sec. 401), page 40, line 21, by inserting a light-faced bracket before the word "thirteen".

Amend Sec. 4 (Sec. 401), page 40, lines 22 and 23, by striking out the following: "of fifty dollars in each of two sepa-" in line 22, and all of line 23, and inserting in lieu thereof: "one hundred dollars ($100) except for casual labor".

Amend Sec. 4 (Sec. 401), page 42, by inserting between lines 19 and 20, the following: "(f) In claiming benefits hereunder, an employe shall correctly report any days of employment, including employment not subject to this act, and the days on which he was totally unemployed, and shall make such reports in accordance with such regulations as the department shall prescribe".

Amend Sec. 4 (Sec. 402), page 44, lines 13, 14 and 15, by striking out the following: "without good cause [except] Provided That" in line 13, all of line 14, and the word "section" in line 15, and inserting in lieu thereof: "except".

Amend Sec. 4 (Sec. 402), page 44, line 16, by striking out the following: "[the] such" and inserting in lieu thereof: "the".

Amend Sec. 4 (Sec. 402), page 44, line 22, by inserting after the word "conditions" the following: "or without other good cause".

Amend Sec. 4 (Sec. 403), page 45, lines 8 and 9, by striking out the following: "[Rate and] Payment of [Weekly] Compensation to Heirs of Deceased Claimants [" and inserting in lieu thereof: "Rate and Payment of Weekly Compensation—"

Amend Sec. 4 (Sec. 403), page 45, line 10, by inserting a light-faced bracket before and after the word "fifty".

Amend Sec. 4 (Sec. 403), page 45, line 10, by inserting after the word "fifty" the following: "sixty".

Amend Sec. 4 (Sec. 403), page 45, line 12, by inserting a light-faced bracket before and after the word "fifteen"

Amend Sec. 4 (Sec. 403), page 45, line 12, by inserting after the word "fifteen" the following: "eighteen".

Amend Sec. 4 (Sec. 403), page 45, lines 12 and 13, by inserting a light-faced bracket before the word "seven" in line 12, and after the word "cents" in line 13.

Amend Sec. 4 (Sec. 403), page 45, line 13, by inserting after the word "cents" the following: "eight dollars".

Amend Sec. 4 (Sec. 403), page 45, line 17, by inserting a light-faced bracket before and after the word "five".

Amend Sec. 4 (Sec. 403), page 45, line 17, by inserting after the word "five" the following: "fifty".

Amend Sec. 4 (Sec. 403), page 45, line 19, by striking out the light-faced bracket after the word "prescribe".

Amend Sec. 4 (Sec. 404), page 45, line 24, by striking out the words "Rate and".

Amend Sec. 4 (Sec. 404), page 45, line 24, by striking out the light-faced bracket before the word "The".

Amend Sec. 4 (Sec. 404), page 45, line 27, by inserting a light-faced bracket before and after the word "one-eighth".

Amend Sec. 4 (Sec. 404), page 45, line 27, by inserting after the word "eighth" the following: "one-seventh".

Amend Sec. 4 (Sec. 404), page 45, line 29, by striking out the light-faced bracket after the word "which".

Amend Sec. 4 (Sec. 404), page 46, line 1, by striking out the light-faced bracket before the word "compensation".

Amend Sec. 4 (Sec. 404), page 46, line 3, by inserting a light-faced bracket before and after the word "thirteen".

Amend Sec. 4 (Sec. 404), page 46, line 3, by inserting after the word "thirteen" the following: "sixteen".

QUESTION OF INFORMATION

Mr. WALTER E. ROSE. Mr. Speaker, I rise to a question of information.

The SPEAKER. The gentleman from Cambria will state his question of information.

Mr. WALTER E. ROSE. Mr. Speaker, I would like to know whether the sponsor will agree to a division of the question on the amendments at this point, in order that we can consider the later amendments separately. In other words, consider the amendments read by the clerk to this time, and vote on them now.

The SPEAKER. What is the desire of the gentleman?

Mr. WALTER E. ROSE. Mr. Speaker, the amendments so far read by the clerk are those on which we are in agreement and I request that we vote on them now. This for the purpose of debating the later amendments to this same section.

The SPEAKER. There will be an opportunity for debate on the amendments in their entirety after the amendments to section four have been read.

Mr. WALTER E. ROSE. Mr. Speaker, my point in making this request is that we would like to divide our vote on the amendments. The amendments read so far are the amendments on which we are in accord. However, if we are forced to debate all of the amendments to section four there are some amendments on which we are in accord and some on which we are not, and I would request therefore that we vote on the amendments read so far.

The SPEAKER. It is the privilege of the gentleman to ask for a division of the question.

Mr. WALTER E. ROSE. Mr. Speaker, the last amendment was "by inserting after the word 'thirteen' the word 'sixteen' ". That is the point at which I would like a division of the question.

On the question,

Will the House agree to the amendments as read?

Mr. WALTER E. ROSE. Mr. Speaker, I should like to say with reference to these amendments that it is my understanding that these are all amendments on which the sponsor has had agreement with the Members of the Senate. We of course will have no trouble in supporting these amendments because we have already indicated our intention by voting for a bill which was even more liberal in some instances than this one. We therefo agree with the efforts of the gentleman from Philad phia to reach a compromise on this controversial qu tion, and I ask the Members on this side to support t amendments so far read.

On the question recurring,

Will the House agree to the amendments?

They were agreed to.

The SPEAKER. The Clerk will continue to read t amendments to Section 4.

The Clerk read the amendments as follows:

Amend Sec. 4 (Sec. 404), page 46, lines 12 to 29, striking out the following: "] Compensation shall be p with" in line 12, and all of lines 13 to 29, both inclusi

Amend Sec. 4 (Sec. 404), page 47, lines 1 to 29, b inclusive, by striking out all of said lines.

Amend Sec. 4 (Sec. 404), page 48, lines 1 to 10, b inclusive, by striking out all of said lines.

Amend Sec. 4 (Sec. 404), page 49, by striking out of said page.

Amend Sec. 4 (Sec. 404), page 50, by striking out of said page.

Amend Sec. 4 (Sec. 404), page 51, by striking out of said page.

Amend Sec. 4 (Sec. 407), page 52, lines 13 to 28, striking out the following: "The Secretary is hereby e powered" in line 13, and all of lines 14 to 28, both clusive, and inserting in lieu thereof: "Notwithstandi any provision of this act to the contrary, the compens tion rights of any employe who enters the military naval service of the United States, during any period war or preparation for defense, and is honorably d charged from such service, shall become fixed as of t time he enters such service, and shall remain in sta quo for and during the period of such service, a upon being honorably discharged from such service, su employe shall be entitled to the same benefit righ under the act to which this is an amendment, as he v at the time he entered the service. In calculating t base year, the base period, the benefit year, or a period of time under said act, all time so spent in t military or naval service of the United States shall excluded from computation therein.

The legislature hereby declares the intent of this s tion to be that the benefit rights of an employe enteri the military or naval service herein described, and su sequently receiving an honorable discharge therefro shall, during the period of such service, be and rema as they were at the time of entry into service, and th upon the termination of such service by honorable d charge, the benefit rights of such employe shall be a continue as though uninterrupted by the period of su service.

On the question,

Will the House agree to the amendments?

Mr. WALTER E. ROSE. Mr. Speaker, in consideri the amendments which have just now been read by t clerk, I find that there are points of disagreement, w the exception of the last amendment concerning t military service. We are in agreement with that pr vision. The change is not severe from the original ter of the bill. However, there are two other importa features which I cannot agree to as an amendment. T first is the striking out of the safety feature which in the Senate bill.

The Senate bill in its unamended terms provides f two different rates of compensation. One is the libera ized rate so long as the fund is in as healthy shape it is now. The second schedule on payments is bas on a more strict set of figures, and is to be applied on

if the full amount of the fund falls below the sum of one hundred million dollars. Now, I agree it is not likely that the fund will fall below one hundred million dollars before we come back again in a regular session. However, it could happen, and if it does not happen we haven't lost anything.

Otherwise, Mr. Speaker, the provisions of the bill in its present form acts as safety valve, a kind of insurance, so that if anything happens to the fund at any time, or whether it is discussed at a later session or not, there is always that safety feature in there, that if the amount of the fund falls below one hundred million dollars the rate of payment shall be decreased in order to preserve the fund for the benefit of those who will need the proceeds thereafter.

I think we are making a mistake and that the amendment is destructive in that respect, in that it cuts out a very good and constructive step in providing this safety feature.

The second point on which we take issue with the gentleman from Philadelphia is on the amendment which would strike out the tables. As I remember the debate of the gentleman in the discussion of his own House bill, I recall that he objected to these figures and these tables as being complicated. I have gone over them carefully and believe, if anything, they simplify it a great deal. To find out now what compensation a man is to get, it is only necessary to go through three simple mathematical calculations, under which it is only necessary to show how much a man has earned, what his rate is, and then look over the schedule and find out the amount of money he is to receive as his unemployment compensation.

It is not only the ease of computation which is important, it is the fact that this schedule of tables is far more liberal, particularly in the lower brackets. Under the bill as amended, it would be possible for a man to receive as little as twelve dollars and fifty cents or one eighth of one hundred dollars. If we allow these tables to stay in, we not only make it easier to determine how much a man is to get but to raise his benefits to a minimum of twenty-four dollars. Under these tables there is no payment less than twenty-four dollars, and under the other method it can be as low as twelve dollars and fifty cents, and that is from the bottom of the scale all the way up to the higher brackets. In no case do I find that these tables cut down the payment. Therefore, because of the fact that these present amendments under consideration would not only take out the safety feature, but would as well take out the added benefits of these tables, I ask the Membership of this House to oppose these particular amendments, and Mr. Speaker, I ask for a roll call.

Mr. REUBEN E. COHEN. Mr. Speaker, the problem of the tables that appear in Senate Bill 41 is not a very vexatious problem, except I still feel, as I felt a couple of weeks ago, talking about the tables, I hope sometime we will be able to write a law that will be readily understandable to the people and will not need the guidance of a lawyer or a legal mind to unravel complicated matters.

The tables in the bill represent seventeen columns of figures with a sort of cost index from section A over to Section B, and from schedule 1 to Schedule 2 depending upon many factors. If the gentleman is pleading for somebody's pride of authorship, I can understand the plea, because the making up of these tables represents a great deal of work and possibly a great deal of ingenuity.

However, since this bill was passed in the Senate I have been visited by people who came to me pleading for simplification of the tables in the bill. If the tables were that simple I doubt whether the association of certified public accountants would come to us pleading to please make it four columns instead of seventeen and to make the computations more simple. I do not know that the tables represent any help to the people in the lower brackets. I know full well that my friends in the Senate might send another raiding party over here after my scalp, but I still feel that the Senate is not so awfully worried about the people in the lower brackets, because if they were they would give us a ten dollar minimum and not put it down to eight dollars, and they would not worry so much about the people in the lower brackets—

The SPEAKER. For the information of the gentleman from Philadelphia, he is completely out of order in criticizing the Senate. It is against our Rules for the gentleman to do that.

Mr. REUBEN E. COHEN. I apologize to the Speaker for having transgressed the Rules of the House.

The SPEAKER. The gentleman from Philadelphia will confine his remarks to the question on the amendment.

Mr. REUBEN E. COHEN. Mr. Speaker, may I say that the tables represent a complicated approach to the calculation of benefits. The gentleman in pleading for the people in the low brackets who may be cut to a minimum of twelve dollars and fifty cents is merely using an extreme case, and not the average case, and I believe that the force of workers in the bureau who now compute the benefits almost automatically, mentally, do not need any artificial aid in the form of a bill, which would to my mind make the whole problem very complex and not understandable to the layman.

So far as the so-called safety valve is concerned, it is my understanding that this safety valve is more or less tied up with the tables. It seems that the gentlemen on the other side of this legislative body, not meaning this House, who drew the bill could not themselves agree as to what was a safety valve. At one point they inserted an amount of less than one hundred million dollars, and at another time they changed it to one and one half times the highest amount paid for compensation in two consecutive months. My thought is that we in this session should not attempt now to legislate for the future. After all we are the ones who are to determine how much benefits are to be paid, we are the ones who are to determine when the benefits shall be paid, and we are the ones to say today that we agree that the liberalization of the benefits in this Bill will not wreck the fund, that is our mature and that is our considered judgment. If we do not think we are right, and if we think we are apt to wreck the fund, I think we would have to be somewhat of a prophet in order to be able to tell that today, and we should not enact the bill.

I think that if we agree that eighteen dollars is sound, we must agree that the fund will not be in any way endangered, and if we believe that eventually there is no chance or danger that the fund will be hurt, then

I think a future legislature can sit down and go over the facts and figures again and apply a safety valve or some safety measure.

The point is, the thing we ought to understand is that we are not dealing with the money of the Commonwealth of Pennsylvania, we are not dealing with the taxpayers' money which is used for the purpose of the improvement of the government or for the use of the government of the Commonwealth of Pennsylvania, but as I have reminded you many times before, we are dealing with the peoples' money. We are the peoples' court. If in the future the people say to us that the fund is in danger, let them come to us and tell us and we can then legislate in such manner as we deem advisable and proper, either by raising or lowering taxes whereby in some way we as thustees can see that the fund is properly managed.

I urge, Mr. Speaker, that we keep these amendments in the bill. As the gentleman from Cambria has said, all the amendments in this bill represent practically a unanimous accord that was reached by myself and other conferees two weeks ago. Why there should be any difficulty or any disagreement I do not know but at least the agreement which was reached was an all around agreement. I gave in on some of the amendments and someone else gave in on others. Therefore, Mr. Speaker, I urge that we take all of the amendments or none of the amendments, and I urge that these amendments be supported.

Mr. WALTER E. ROSE. Mr. Speaker, I am surprised at one of the remarks of the gentleman from Philadelphia that we should not legislate for the future. In the Constitution that is just about the limit of our legislative power, for the future. Only in very rare circumstances can we make laws retroactive.

I appreciate the gentleman's effort to reach a compromise. I appreciate the fact that somebody else has given up its insistence on these particular provisions, at the insistence or request of the gentleman from Philadelphia. However, my point and my plea to the gentleman now is not to insist on these changes because they are not actually an improvement over the present system. Those tables are not complicated. All you have to do, if the gentleman will refer to the seventeen sections, and that is because it runs up to that number of weeks—all you have to do is find out how much money you have earned during the past two years, follow out the column until you come to the bracket where that figure fits in and that determines the number of weeks of compensation you receive.

It is true, Mr. Speaker, as the gentleman has said, that the difference is most notable in the lowest income brackets. That is where it should be most noticeable. I picked out a number of instances at random and in every case the man got a dollar or two or four or five more than he would under the present complicated system of computation.

In answer to the gentleman's reference to the certified public accountant association, maybe the gentlemen referred to do not want something so simple, I don't know, but the thought occurs to me that if anybody would spend five minutes on these tables, they will decide they are easy and simple.

In regard to the safety feature, our experiences in the 1941 session and in this special session is a very good indication of the reason why we should provide a safety valve. We might come back here in 1943 or 1945 or some other time in the future, when the fund is in danger and find that the money was so tied up with controversial features that we could not legislate a safety valve at that time. We would be far better off to include it at this time as a precaution to the future when it might be absolutely necessary for the preservation of the fund.

I am informed by one of my colleagues that the shop workers in his district have gone over the bill and they are in favor of the safety valve. The men I have talked to at home have been in favor of it, and while I would not vote in any way to destroy the bill, I do think we should at this time record ourselves as being in favor of inclusion of the safety valve and the inclusion of the simplification of the tables as to the amount of benefits.

I therefore again urge the membership not to support these amendments and to protect the fund by the inclusion of the provisions as they now stand, and I, therefore, repeat my request for a roll call.

On the question recurring,

Will the House agree to the amendments?

The yeas and nays were required by Mr. Walter E. Rose and Mr. Auker, and were as follows:

YEAS—105

Achterman,	Gates,	McClanaghan	Reese, R. E.,
Baker,	Gerard,	McDermott	Regan,
Balthaser,	Goodwin,	McFall	Reynolds,
Baugher,	Gryskewicz,	McIntosh	Rose, S.,
Bentzel,	Haberlen,	McLanahan	Rush,
Boles,	Hamilton,	McLane,	Sarraf,
Boney,	Harmuth,	Melchiorre,	Schwab,
Bradley,	Harris,	Mihm,	Shaffer.
Brown,	Heatherington,	Modell,	Shepard,
Brunner, P. A.,	Herman,	Monks,	Skale,
Burns,	Hirsch,	Mooney,	Stank,
Burris,	Holland,	Moran,	Stine,
Chervenak,	Jefferson,	Munley	Tarr,
Chudoff,	Jones, P N.,	Nagel	Tate.
Cochran,	Keenan,	Nunemacher	Thompson, E. F.
Cohen, M. M.,	Kenehan,	O'Brien,	Verona,
Cohen, R E.,	Kolankiewicz,	O'Connor,	Vincent,
Cordier,	Komorofski,	O'Mullen,	Vogt,
Corrigan,	Leonard,	O'Neill,	Voldow,
Croop,	Lesko,	Owens,	Weiss,
Cullen,	Levy,	Petrosky,	Welsh, E. B.
DiGenova,	Longo,	Pettit,	Welsh, M. J.
Dolon,	Lovett,	Polaski,	Williams,
Finestone,	Malloy,	Polen,	Wright,
Finnerty,	Marks,	Powers,	Young,
French,	Maxwell,	Readinger,	Kilroy, Speaker
Gallagher,			

NAYS—50

Auker,	Haines,	Muir,	Stambaugh,
Bower,	Hall,	Rank,	Stockham,
Bretherick,	Hare,	Reese, D. P.,	Taylor,
Brunner, C. H.,	Hewitt,	Rhea,	Thompson, R. L.
Cooper,	Huntley,	Rose, W. E.,	Trout,
Dalrymple,	James,	Royer,	Turner,
Dennison,	Kline,	Sarge,	VanAllsburg,
Elder,	Krise,	Serrill,	Weingartner,
Fiss,	Leydic,	Simons,	Wilkinson,
Foor,	Lichtenwalter,	Snyder,	Wood, L. H.,
Gillan,	Lyons,	Sollenberger,	Wood, N.,
Greenwood,	McClester	Sorg,	Yeakel,
Gross,	McMillen,		

So the question was determined in the affirmative and the amendments were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The fifth, sixth and seventh sections and title were separately read and agreed to.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for third reading.

BILL ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 34, (Senate Bill No. 26), entitled:

A Joint Resolution proposing an amendment to article eight, section eleven, of the Constitution of the Commonwealth of Pennsylvania.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for third reading.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 109, entitled:

An Act to prohibit during a limited period certain workers for State local and district councils of defense or for certain Federal boards agencies or instrumentalities engaged in defense and war activities from engaging in political activity and providing penalties

On the question,

Will the House agree to the bill on third reading?

Mr. EDWIN F. THOMPSON. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend Sec. 1, page 1, line 2, by inserting after the word "as" the following: "chief".

Amend Sec. 1, page 1, line 2, by inserting after the word "warden" the following: "chief".

Amend Sec. 1, page 1, line 2, by inserting after the word "policemen" the following: "chief".

Amend Sec. 1, page 1, line 3, by striking out the words "air raid spotter".

Amend Sec. 1, page 1, lines 4, 5, and 6, by striking out the words "or in any other capacity having def-" in line 4, all of line 5, and the words "defense activities" in line 6.

Amend Sec. 1, page 1, line 8, by striking out the words "or instrumentalities".

The SPEAKER. Will the House give unanimous consent to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 92, (Senate Bill No. 46), as follows:

An Act to suspend for a limited time the operation of laws regulating or relating to the movement loading lightering docking and anchorage of vessels carrying or having on board certain explosives insofar as the same relate to the handling or stowing of small arms ammunition or ammunition which contains the projectile and the explosive in one container or shell to from or in such vessels docking or anchoring in the Delaware River and its navigable tributaries

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 In order to facilitate the movement and transportation of certain explosives during the continuance of the war in which the United States is now engaged and for six months thereafter any laws or parts of laws of the Commonwealth and any regulations thereunder regulating or relating to the movement loading lightering docking or anchorage of vessels in the Delaware River and its navigable tributaries carrying or having on board gunpowder guncotton or other explosive insofar as the same regulates or relates to the movement loading lightering handling or storing of small arms ammunition which contains the projectile and the explosive in one container or shell to from or in such vessels are hereby suspended

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—185

Achterman,	Gallagher,	Marks,	Rosenfeld,
Baker,	Gates,	Maxwell,	Royer,
Balthaser,	Gerard,	McClanaghan,	Rush,
Baugher,	Gillan,	McClester,	Sarge,
Bentzel,	Goodwin,	McDermott,	Sarraf,
Boles,	Greenwood,	McFall,	Scanlon,
Boney,	Gross,	McIntosh,	Schwab,
Boorse,	Gryskewicz,	McKinney,	Serrill,
Bower,	Haberlen,	McLanahan,	Shaffer,
Bradley,	Haines,	McLane,	Shepard,
Breth,	Hall,	McMillen,	Simons,
Bretherick,	Hamilton,	McSurdy,	Skale,
Brown,	Hare,	Melchiorre,	Snyder,
Brunner, C. H.,	Harmuth,	Mihm,	Sollenberger,
Brunner, P. A.,	Harris,	Modell,	Sorg,
Burns,	Heatherington,	Monks,	Stambaugh,
Burris,	Hering,	Mooney,	Stank,
Chervenak,	Herman,	Moran,	Stine,
Chudoff,	Hersch,	Muir,	Stockham,
Cochran,	Hewitt,	Munley,	Tarr,
Cohen, M. M.,	Hirsch,	Nagel,	Tate,
Cohen, R. E.,	Holland,	Nunemacher,	Taylor,
Cook,	Huntley,	O'Brien,	Thompson, E. F.,
Cooper,	Imbrie,	O'Connor	Thompson, R. L.,
Cordier,	James,	O'Mullen,	Trout,
Corrigan,	Jefferson,	O'Neill,	Turner,
Croop,	Jones, G. E.,	Owens,	VanAllsburg,
Cullen,	Jones, P. N.,	Petrosky,	Verona,
Dalrymple,	Keenan,	Pettit,	Vincent,
Dennison,	Kenehan,	Polaski,	Vogt,
DiGenova,	Kline,	Polen,	Voldow,
Dix,	Knoble,	Powers,	Wagner,
Dolon,	Kolankiewicz,	Prosen,	Watkins,
Elder,	Komorofski,	Rank,	Weingartner,
Elliott,	Krise,	Rausch,	Weiss,
Ely,	Lee, T. H.,	Readinger,	Welsh, E. B.,
Falkenstein,	Leisey,	Reagan,	Welsh, M. J.,
Finestone,	Leonard,	Reese, D. P.,	Wilkinson,
Finnerty,	Lesko,	Reese, R. E.,	Williams,
Fisher,	Levy,	Regan,	Winner,
Fiss,	Leydic,	Reynolds,	Wolf,
Fleming,	Lichtenwalter,	Rhea,	Wood, L. E.,
Fletcher,	Longo,	Riley,	Wood, N.,
Flynn,	Lovett,	Rooney,	Wright,
Foor,	Lyons,	Rose, S.,	Yeakel,

French, Malloy, Rose, W. E., Young,
Kilroy, Speaker

NAYS—1

Auker,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return it to the Senate with information that the House has passed it with amendments in which the concurrence of the Senate is requested.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 33, (Senate Bill No. 19), as follows:

An Act to protect property and prevent sabotage by prohibiting for a limited period of time certain intentional injuries to and interferences with real and personal property prohibiting certain intentional defects in workmanship limiting the privileges of certain witnesses and providing penalties

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Destroying or Injuring Real and Personal Property Whoever with intent to injure interfere with or obstruct the United States any associate nation this State or any other state in defense or in preparing for or carrying on war or whoever with reason to believe that his act may injure interfere with or obstruct the United States any associate nation this State or any other state in defense or in preparing for or carrying on war shall wilfully injure or destroy or shall attempt to so injure or destroy any real or personal property within this State is guilty of a felony and upon conviction thereof shall be sentenced to pay a fine not exceeding ten thousand dollars ($10,000) or to undergo imprisonment not exceeding ten (10) years or both

Section 2 Making or Causing Articles to be Made in Defective Manner Whoever with intent to injure interfere with or obstruct the United States any associate nation this State or any other state in defense or in preparing for or carrying on war or whoever with reason to believe that his act may injure interfere with or obstruct the United States any associate nation this State or any other state in defense or in preparing for or carrying on war shall wilfully make or cause to be made in a defective manner or attempt to make or cause to be made in a defective manner any article or thing which he has reasonable grounds to believe is intended to be used in connection with defense or with the prosecution of war is guilty of a felony and upon conviction thereof shall be sentenced to pay a fine not exceeding ten thousand dollars ($10,000) or to undergo imprisonment not exceeding ten (10) years or both

Section 3 Witnesses' Privileges No person shall be excused from attending and testifying or producing any books papers or other documents before any court magistrate referee or grand jury upon any investigation proceeding or trial for or relating to or concerned with a violation of any section of this act or attempt to commit such violation upon the ground or for the reason that the testimony or evidence documentary or otherwise required of him by the state may tend to convict him of a crime or to subject him to a penalty or forfeiture but no person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction matter or thing concerning which he may so testify or produce evidence documentary or otherwise and no testimony so given or produced shall be received against him upon any criminal investigation proceeding or trial except upon a prosecution for perjury or contempt of court based upon the giving or producing of such testimony

Section 4 Effective Period This act shall become effective immediately upon final enactment and shall remain in effect so long as a state of war exists between the United States and any foreign country and six months after such state of war ceases to exist

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. CHARLES H. BRUNNER. Mr. Speaker, I desire to interrogate the gentleman from Berks, Mr. Readinger.

The SPEAKER. Will the gentleman from Berks permit himself to be interrogated?

Mr. READINGER. I shall, Mr. Speaker.

Mr. CHARLES H. BRUNNER. Mr. Speaker, I desire to ask the gentleman from Berks as a member of the majority party of this House, who is responsible for the preparation of the amendments which are now inserted in Senate Bill 19, Printer's No. 61.

Mr. READINGER. Mr. Speaker, I procured the drafting of these amendments.

Mr. CHARLES H. BRUNNER. Mr. Speaker, did the gentleman likewise supervise them, and by that I do not mean personally, but on behalf of the majority party of this House, did he supervise the deletion of those secctions which were in the bill when it entered this House?

Mr. READINGER. Mr. Speaker, my answer to the question of the gentleman is, as a result of conferences with the members of the Select Committee on Special Session Legislation and members of the majority party of the House, these amendments were drafted.

Mr. CHARLES H. BRUNNER. Mr. Speaker, is the gentleman in a position to state therefore whether these amendments represent the position of the majority party of this House?

Mr. READINGER. Mr. Speaker, in answer to the question of the gentleman I can say that these amendments are in accord with the majority opinion of the members of the Select Committee, from which the bill has been reported out as amended.

Mr. CHARLES H. BRUNNER. Mr. Speaker, I thank the gentleman from Berks. Is the gentleman from Berks familiar with the provisions of the federal act of 1918 dealing with sabotage?

Mr. READINGER. I believe I am, Mr. Speaker.

Mr. CHARLES H. BRUNNER. Mr. Speaker, is the gentleman also familiar with the so-called peace time sabotage act enacted by Congress in 1940?

Mr. READINGER. I believe I am, Mr. Speaker.

Mr. CHARLES H. BRUNNER. Mr. Speaker, is it not a fact that in both these measures the word "materials" which I take it means personal property, the word "premises" which I likewise take to mean real property, and the word "utilities" are defined at great length in those two measures?

Mr. READINGER. That is correct, Mr. Speaker.

Mr. CHARLES H. BRUNNER. It is my understanding that Senate Bill 19, Printer's No. 61, in its present form resembles and closely follows the federal sabotage act of 1918 and 1940?

Mr. READINGER. Mr. Speaker, it closely resembles the war time sabotage act of the federal government of 1918.

Mr. CHARLES H. BRUNNER. Mr. Speaker, may I ask the gentleman why then did he not include in this bill the various definitions as set forth in the federal act, if the gentleman is in a position to answer the question.

Mr. READINGER. Mr. Speaker, the words "personal and real property were inserted in the present bill and it was believed that description adequately covered all the property we desired to protect against sabotage. The federal government back in 1918 and also in 1940 saw fit to define in great detail all the particular materials to which the act was related. It was not thought to be necessary in this particular act.

Mr. CHARLES H. BRUNNER. Mr. Speaker, I understand the gentleman to say that Senate Bill 19, Printer's No. 61, in its present form closely resembles the federal war time sabotage law of 1918.

Mr. READINGER. That is correct, Mr. Speaker.

Mr. CHARLES H. BRUNNER. Mr. Speaker, will the gentleman please answer for the information of the Members of this House why this bill carries the penal provisions of the so-called peace time sabotage bill, mainly, as I understand it, a penalty not to exceed a fine of ten thousand dollars or ten years imprisonment, or both, instead of the war time penalty inserted in the federal act, a fine not exceeding ten thousand dollars and imprisonment not exceeding thirty years or both? Does the gentleman not believe that we should have a more strict sentencing provision in the act in view of the fact we are presently at war?

Mr. READINGER. Mr. Speaker, in answer to the gentleman's question I would say that the study of penology seems to indicate and the study of the operation of the application of criminal statutes indicates that where very long sentences are provided they are very rarely imposed. In other words, a criminal statute which provides for a sentence of ten to twenty years or one that provides imprisonment for fifty years is very seldom imposed on a person. The courts seem to lean towards shorter periods, and in my opinion and I believe in the opinion of many of the Members of this House, the maximum fine and imprisonment provided in this bill is adequate even in war time.

Mr. CHARLES H. BRUNNER. Mr. Speaker, in other words, the gentleman from Berks does not believe that a greater penalty would act more as a deterrent than the present penalty?

Mr. READINGER. That is correct, Mr. Speaker.

Mr. CHARLES H. BRUNNER. Mr. Speaker, would the gentleman from Berks follow that to the conclusion, if he believed it to be logical, and say where the penal provision for murder would be reduced to that of simple assault and battery that fewer people would commit murder?

Mr. READINGER. Mr. Speaker, I do not believe that by reducing the penalty it would lead to fewer people committing murder.

Mr. CHARLES H. BRUNNER. Mr. Speaker, would the gentleman likewise then explain why he thinks the cutting down of the penal provision of the federal sabotage law for our state purposes will help to deter sabotage in Pennsylvania?

Mr. READINGER. Mr. Speaker, I think the penalty provision of this bill is adequate as a deterrent. I do not believe it would deter any person from committing sabotage if you raised the penalty to seventy-five years.

Mr. CHARLES H. BRUNNER. Mr. Speaker, is the gentleman familiar with section eight and section nine of the bill as it passed the Senate?

Mr. READINGER. I believe I am, Mr. Speaker.

Mr. CHARLES H. BRUNNER. Mr. Speaker, is it true that these sections make it a crime to trespass upon streams, ponds, reservoirs and dams where the same have been posted under the authority of the Water and Power Resources Board of Pennsylvania?

Mr. READINGER. Mr. Speaker, I believe that to be correct.

Mr. CHARLES H. BRUNNER. Mr. Speaker, does Senate Bill 19 in its present form cover this situation, in the opinion of the gentleman from Berks?

Mr. READINGER. Mr. Speaker, if the person who is trespassing is committing an act of sabotage on such property this present bill does cover it. If he is simply trespassing and committing no act of sabotage then this bill does not cover it.

Mr. CHARLES H. BRUNNER. In other words, Mr. Speaker, under the present bill which we are discussing, it is not possible to prevent sabotage by patrolling the waters of this state and we would have to wait until the act of sabotage had been committed and then punished, is that correct?

Mr. READINGER. That is not correct, Mr. Speaker.

Mr. CHARLES H. BRUNNER. Mr. Speaker, will the gentleman please answer me whether there is any law in Pennsylvania which will permit such waters to be posted, any criminal law which can be used against the trespassers, if the gentleman from Berks knows?

Mr. READINGER. Mr. Speaker, it is my understanding that there is now on the statute books of Pennsylvania a statute which makes such trespassing a penal offense. I believe it is a summary conviction and the fine is small. I also understand the law of Pennsylvania to include provisions allowing persons to guard their lands against trespassers and to forcibly remove persons who have no legal right to be on private premises.

Mr. CHARLES H. BRUNNER. Mr. Speaker, provided the lands are posted?

Mr. READINGER. Whether the lands are posted or not, Mr. Speaker. If the owner of a piece of real estate finds someone on his premises without permission I understand the law is that he can remove him. There are certain statutes on the books of Pennsylvania relative to utility properties, providing against trespassing on utility properties such as railroads and electric companies, and I believe imposing rather stiff penalties.

Mr. CHARLES H. BRUNNER. Mr. Speaker, is it not a fact that so far as the trespassing of real estate in this State is concerned that it is necessary for the real estate to be posted and for the man to be arrested for having trespassed?

Mr. READINGER. Mr. Speaker, in some instances I would say yes, and in others I would say no.

Mr. CHARLES H. BRUNNER. Mr. Speaker, will the gentleman agree to this, that Section 255 of the fish laws of this State, so far as the closing of streams is concerned, as I am reliably informed, is the only law which

we have on the books of this State which can possibly deal with this situation, and the only reason, the only authority given to the Fish Commission to close any of the waters of this State is to have them declared a nursery, and that this does not apply to any one who does not come on the premises for the sake of fishing, but who in fact happens to be a casual trespasser. Nor do I believe that it applies to navigable streams,—Will the gentleman please answer that question?

Mr. READINGER. Mr. Speaker, may I ask the gentleman to repeat the title of that Act, the citation?

Mr. CHARLES H. BRUNNER. Mr. Speaker, it is Section 255 as amended by Act No. 121, approved June 5, 1935, Act No. 368, approved July 17, 1935 and Act No. 364, approved June 24, 1939, entitled "Nursery Waters," in which it states:

"The Board is authorized to set aside at its discretion or upon petition of one hundred and fifty residents who shall be holders of fishing licenses such streams, lakes, dams, ponds or parts thereof as it may judge best, as nursery waters in which fishing shall be prohibited for such periods of time as the board may prescribe."

It then goes on to provide as follows:

"Before setting aside such waters the board through the Commissioner shall give public notice of closing such waters by publishing the prohibition and the duration thereof in such manner as the Board may prescribe. Notice of such closing shall also be posted along the banks of such waters. Any person fishing, catching or killing any fish from any stream or water so closed shall on conviction in the manner provided by chapter fourteen be sentenced to pay a fine of one hundred dollars."

Mr. READINGER. Mr. Speaker, in answer to the gentleman I will say that I am not familiar with the act he just cited, but I have before me House Bill 64, Printer's No. 24, introduced by Mr. Baugher and Mr. Breth on March 16, 1942 in this House. This bill amends the Act of 1925 relating to fishing and authorizes the Board of Fish Commissioners during the emergency war time to close or open seasons for any of the inland waters, artificial or otherwise, and the boundary lakes and boundary rivers of the Commonwealth as in its judgment it may deem necessary for any emergency, and the Board shall not be solely limited in the application of its judgment to the conservation of the future fish supply. The first part of this bill suspends the present law of 1925 and its amendments relating to the present power of the Board of Fish Commissioners, to conserve the future fish supply, and then adds the section which I have just read.

Mr. CHARLES H. BRUNNER. Mr. Speaker, under the circumstances there would seem at best to be some dispute as to whether there is any authority to post these waters. May I say, that I do not believe such authority exists despite the bill which was passed here and has gone over to the Senate. But for the sake of clarification, for the sake of giving aid to power plants and the manufacturing interests of this State, which are doing such a good job of production, I feel that it would be better to amend the sabotage law rather than have some serious disaster fall upon us by our failing to meet the proposition now. Is the gentleman in a position now to say on behalf of the majority party whether he thinks that is the case?

Mr. READINGER. Mr. Speaker, in answer to the gentleman I will say that I am not in a position to state what is in the minds of the majority members of the House, but in my own personal opinion, I think there is at the present time sufficient law on the books to allow the postings of such premises and the enforcement and removal of trespassers from the premises. In my opinion, may I add, it seems to me that no amount of law we might pass here will stop sabotage; the enforcement and the vigilance of persons who are hired to guard the premises against saboteurs is far more important.

Mr. CHARLES H. BRUNNER. Mr. Speaker, I thank the gentleman from Berks, Mr. Readinger.

Mr. Speaker. It is with somewhat mixed emotions that I appear before this House today in behalf of this sabotage bill. I think you all realize that Pennsylvania needs a sabotage law, and for that we are very grateful —that we are at last obtaining one—we hope. But it is a shame that this law which allegedly copies and follows the Federal law has not been made more elastic to adjust itself to a state which is as industrial as ours and bears such a tremendous share of the burden of the national production scheme.

During the 1941 session I sponsored an anti-sabotage bill. It was kept in the House committee here with the same Democratic majority. It never enjoyed any readings, it was never reported out and no public hearing was held. After waiting many weeks we finally gave up the ghost here and submitted a similar bill to one of our own Senators, at which time it was introduced in the State Senate, and the Republican Senate passed the measure over to this House, but that bill died here just like the one I introduced. It never received any public hearing, it never received any consideration. The federal sabotage law which this bill copies has been in existence in this country for twenty-four years, but they did not seek to amend the bill last year as they do now. I don't know what the reason is exactly and I would hesitate to give what I think the real reason may be. However, I would like to read to you what one writer has said about sabotage legislation.

It may not get any votes for this measure but I would like to see it put into the record. I wish it would serve as information to those members who at one time opposed any sabotage law in this state, that there are other people besides we Pennsylvanians who have long been impressed with the idea that sabotage legislation was necessary, both in the federal government and in the respective states.

This writer states as follows:

"The prevention of sabotage is a vital cog in the machinery of national defense. Sabotage is far more dangerous now than it has ever been in the past, because in the mechanized war of today the products of the factory are essential to the success of the army. In the First World War, armies required quite some mechanical equipment, but today the need not only for guns but for airplanes, tanks and trucks as well is many times as great. If our country is to prepare for a possible modern war and is actively to pursue its now openly-avowed policy to assist England in defeating the Axis powers, every available factory must work at top speed. Destruction of

machinery, factories and utilities will spell defeat just as surely as rout in the field.".

The writer then goes on to state as follows:

"Our criminal law, both statutory and judge-made, has grown out of the dangers that have confronted us in the past. Sabotage is a comparatively new instrument of national aggression; its threat was not generally recognized in this country during the First World War and very few states enacted statutes punishing it. Today, therefore, if Nazi and Fascist saboteurs are to be punished by existing state laws, in most states it must be, strangely enough, because their acts constitute some crime other than sabotage. Whether this will be the case depends on the method of sabotage used, the intent of the saboteur, and the nature of the property attacked."

Now, Mr. Speaker, we Republicans over here are going to be consistent. That is one of our many virtues. We would like to have included in Senate Bill 19 provisions regarding the posting of waters, because we feel that plants which are surrounded by waters are entitled to the same protection as those plants which are on land and which are able to build fences, to withhold trespassers. We realize, that the sabotage law will tend to prevent and deter sabotage, and by doing this our war effort will be advanced more.

This was our stand in 1941, for seven long months, and it is our stand now. Further, Mr. Speaker, we want no measure on the statute books of this state which interferes with the rights of the citizens of this state, be they members of any church, race or union, and we want a unity of effort which will win this war.

We do believe that our privileges may suffer somewhat in order to advance production. We likewise believe that if we are successful in deterring sabotage, we will continue the flow of essential supplies.

God knows it is the least we can do. We at home have a relatively easy task. The men for whom we are producing have the risk and no one here can debate or minimize the seriousness. A private who assumes these risks does so for us, for our nation's existence and for the munificient pay of less than three cents an hour. Should we quibble on our responsibility?

Mr. Speaker, in urging the Republican members to abide by their stand of 1941 and support this measure by voting for it, I fear that I would be remiss if I did not take this final opportunity to thank the Democratic membership for finally seeing the light and going along. I thank you.

Mr. LEONARD. Mr. Speaker, I rise to support the bill, not so much because I believe we need a bill of this kind, but because I want to go down the line one hundred per cent with the administration that is responsible for the successful prosecution of this war.

We have at the head of the Government our Commander-in-Chief, a practical man, a man who knows his business in war, and it would be folly for me to attempt to try to advise him how to proceed. If the Federal Act is good enough for those in charge of that responsibility, then it should be good enough for Pennsylvania. Who are we in Pennsylvania? Are we greater, Mr. Speaker, more important than the Federal Government? We are just a part of the Federal Government, ten million American citizens, loyal American citizens, and I am going to try to demonstrate to you here now that it was not necessary in the first place to have a bill.

Governor James in his address to the Special Session said the only reason for calling this session was the necessity of enacting a reapportionment bill, so he was not thinking that Pennsylvania was not properly protected from the standpoint of sabotage. He must have felt perfectly satisfied at that time.

I would like to read for the record what has recently taken place in Pennsylvania further to prove the stand I am taking. This is a quotation from the Philadelphia Record:

"Scranton, Pa., March 17—An arms plant foreman was accused by the Government today of trying to maim and kill Army gun crews by "doctoring" 81-millimeter trench mortar shells."

"Only the keen eyes of Army ordinance inspectors blocked the attempt, the Government charged."

"On trial in Federal District Court here is Walter C. Dietrick, 40, for 19 years an employe of the Kennedy Van Saun Manfacturing & Engineering Corporation, at Danville, Pa. The company holds a large shell contract."

"Possible Penalty. The indictment was based on two sections of Title 50, U. S. Code Annotated, as amended November 30, 1940. Section 101 defines war material. Section 103 states that a person is guilty of violating the statute if, during wartime, he "shall willfully make or cause to be made in a defective manner, any war material, as defined herein." Conviction carries a $10,000 fine, 30 years in prison, or both."

"Dietrick was arrested two months ago. A resident of Danville, and a native American, he was indicted by the Federal Grand Jury at Lewisburg."

Now, how could we pass any kind of law that would catch up with this fellow? He had had nineteen years of work with this company, was perfectly trusted. The Federal Government did catch up with him. We could enact all kinds of law but we would never have caught up with him until he was caught redhanded in the act, and that goes for anyone. We can pass laws as high as this ceiling, gentlemen, and still we have got to catch the fellow in the act; still he is not guilty until he is proven guilty.

I look upon the citizens of Pennsylvania as being loyal Americans until such time as they are caught in the act of doing something detrimental to the country in its war effort. I am in favor of the bill as it now stands, because the people of Pennsylvania and the people of the United States that are mostly affected by bills of this kind are satisfied with it because it is in line with the judgment of those in charge and having the responsibility of prosecuting the war.

Mr. READINGER. Mr. Speaker, realizing that probably all of the Members of this House will vote for this bill I am not going to prolong the debate on it, but I do want to make a few observations.

First I wish to thank the gentleman from Montgomery for his support, his interest in this matter, just as all

Members of this House should be interested in this subject.

I wish to take issue with the gentleman from Allegheny who just spoke when he says that what is good enough for the Federal government is good enough for Pennsylvania. In my opinion that is not necessarily so, and, if I did not believe that other laws in Pennsylvania today covered sections of the original Senate bill which have been deleted, I would not be supporting this bill in its present form.

Pennsylvania is entitled to have a sabotage act which will be effective and which will supplement and help the Federal act and its enforcement. That is the least we can do for our boys who are across the seas fighting, and for those thousands who are going to go shortly.

I believe the bill in its present form will adequately protect Pennsylvanians against sabotage to the extent that any law can protect us. It will facilitate enforcement by having a state act, and I believe that every Member of this House should support this bill.

Mr. REUBEN E. COHEN. Mr. Speaker, I desire to make just a brief statement for the record.

The gentleman from Montgomery made reference a while ago—this is strictly for the record and no personal reflection meant, but the gentleman spoke about a bill on anti-sabotage in the past session. Since I was Chairman of the Committee that handled that legislation I think the Members of this House would like to have an explanation,—I think the record deserves an explanation.

The bill was introduced in the early part of the last session, and during the entire term, the entire six and one-half months that we were here, if my memory is correct, I received but one letter to have the bill reported out, whereas I received numerous protests against its being reported out.

When the Senate passed the identical bill and it came over to the House I received no requests to get the bill out until the last week of the session, when a request came from certain persons who were interested in certain particular kinds of property being protected. I might say that I worked very hard with those people in an attempt to affect some legislation that would help certain types of property, but we came to the conclusion that we had neither the time nor the ingenuity to get such a bill.

The gentleman from Montgomery knows as well as I do, both having been members of the Committee on Judiciary Special for the past two terms, both having handled a great deal of criminal law legislation, that there is no act on our books which will stop crime. The passage of an anti-sabotage bill is not going to stop sabotage if the saboteur is going to do a particular piece of work.

The point I wanted to make is that the best way to stop sabotage is to prevent sabotage, and that must be done by an intelligent program of prevention rather than the mere chasing after saboteurs. In that connection may I refer the gentleman from Montgomery to one of the congressional exponents of the problem? The gentleman from Montgomery well knows the Republican Congressman from Montgomery County who nine or ten months ago, together with two other gentlemen of the Naval Affairs Committee, were given an appropriation bill as a sub-committee of the Naval Affairs Committee,—they were given a request to study the advisability of spending one million dollars to be given to the F.B.I. for the purpose of setting up a sabotage prevention system. The thought was to set up ways and means either by an increase of the personnel of the force or by some more scientific methods or what not to try to stop sabotage.

If the gentleman from Montgomery will only ask the congressman from Montgomery, whom I believe he knows well, and knows personally, he could find out why that gentleman up until about a month ago, of that I am certain, refused, together with two other isolationist members of Congress, to work on that appropriation or to request an appropriation or to attempt in any way to put that one million dollars into the hands of the FBI for attempting to work out a sabotage control or a sabotage prevention system.

A saboteur is not interested in the penalty in a sabotage bill. You may make your bill to provide for capital punishment and you are not going to stop that person, representing a foreign nation, from committing sabotage. But if you want to approach the sabotage question you have got to prevent it, and maybe the Congressman from Montgomery can tell us why they did not think it advisable to give one million dollars, or report favorable at all on the effort to get one million dollars for the FBI to set up a sabotage control or a sabotage prevention system.

Mr. Speaker, I think we ought to have that in the record, inasmuch as there has been some implication of some dirty work at the crossroads.

Mr. CHARLES H. BRUNNER. Mr. Speaker, about a month ago, the gentleman from Philadelphia, Mr. Cohen, accosted me on the sidewalk in front of the library or rather in front of the museum and told me about this story. He did not refer to notes, he does not refer to notes today. I would like to recite to the gentleman, because I anticipated that, even though this had nothing to do with sabotage, if an opportunity were afforded the gentleman to launch an attack upon the gentleman from Montgomery County, he would take the opportunity to do so.

I, in turn, Mr. Speaker, want to read, not from memory, but from an issue of the Congressional Record of May 26th, Page 4430, in which it states that this measure was introduced for the Secretary of the Navy for the purpose of putting three hundred and thirty men into a force on an appropriation of three million dollars to protect navy yards and plants in the United States. The idea as I understand it, was to create a separate FBI for the Navy, without giving the FBI the benefit of the fund, and the gentleman from Montgomery, it is my understanding, told Congress in no uncertain terms, and he happens to have been eloquent enough to have two Democratic colleagues on the sub-committee to agree with him, that if any money is to be given, it should be given to the FBI, because J. Edgar Hoover could use the three million dollars for the purpose of getting three hundred and thirty men in a national training setup.

Mr. Speaker, if I may be allowed a few minutes more time, I may be able to quote to the gentleman directly what he said on this measure. I quote from Page 4432. Incidentally, I have the Congressmen's word that as a result of these remarks he received a personal letter of thanks from Mr. J. Edgar Hoover, and I hope that before the session is over to be able to read that into the record for the benefit of the gentleman from Philadelphia.

I read now from the Congressional Record under date of May 22, page 4432, as follows:

"They now want to appoint a new agency to cost $3,000,000. The work that has to be done could be done by the FBI just as well as this newly created agency could do it; in fact, my own impression is the FBI could do it better."

I read further from the Congressional Record of that date as follows:

"I challenge any man here on the floor of the House to say the FBI is not a capable, trustworthy, proven agency of investigation. They are skilled men. They are men who have stood the acid test. At the head of that agency is a man who has rendered the best of service in the tasks that have been assigned to him. If this be so, and I hardly believe any man will challenge the statement, why not let the FBI take over? Give them 200 additional men or 300 additional men, or whatever may be necessary to carry out this work, and root out the enemies in the places where there are difficulties."

"What I am opposed to is not the appointment of investigators. I am opposed to the army of patronage seekers that would come as a result of this measure. You are going to get so many more stenographers, and you are going to get so many more clerks, and you are going to get another agency building itself up for successive $3,000,000 grabs, and then you say you want economy. If we want economy, if we want to make the dollars do all the work that they should be doing, these dollars ought to be applied to the doing of some serious things right now. If you want the dollars to be doing the things they should be doing, then for goodness sake let us get away from this policy of trying to find every excuse to establish a new agency of government, to set up another establishment, to create some more jobs, to give a new administrator $7,500 and get a lot more clerks and a lot more stenographers and a lot more of other employes somebody will have to pay for. Your people and my people will have to pay the bills."

Mr. Speaker, I am heartily in accord with that statement and I believe it is a good old fashioned American doctrine.

Mr. AUKER. Mr. Speaker, I just wish to take a few minutes of the time of the House members, possibly at the risk of again being called a "squawker" by the gentleman from Philadelphia, Mr. O'Brien. But I might say, Mr. Speaker, that because of such a remark it is my own personal opinion that if more of us did a little squawking in the halls of the Legislature we possibly would not be subject to so much criticism by the Press and the people of Pennsylvania.

I merely wish to square myself with my constitutents back home, Mr. Speaker, on this Bill. They were heartily in accord that I should offer amendments on second reading of the bill in this House to make the penalty a death penalty.

To my mind a man who blows up a defense industry or in any way interferes with defense work is just as much a murderer as if he had stood up and shot our men in the back in the front ranks in the army, and if that is true, and I individually believe it is true, and my constituents back home agree with me,—and I might say that a large percentage of that constituency is made up of the Railroad Shop Craft of America, not affiliated with the A. F. of L. nor with the C. I. O., but a good loyal bunch of Pennsylvanians,—if that is true, the penalty for sabotage should be the same as for murder or attempted murder. Certainly in my mind any person who attempts to interfere with war work or with any industry, transportation or otherwise is just as guilty of murder as if he stood up and shot our men in the front ranks in the back.

I am going to support the bill, Mr. Speaker, because it is the only thing we have, I just wanted to square myself with my people back home.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—186

Achterman,	French,	Marks,	Royer,
Auker,	Gallagher,	Maxwell,	Rush,
Baker,	Gates,	McClanaghan,	Sarge,
Balthaser,	Gerard,	McClester,	Sarraf,
Baugher,	Gillan,	McDermott,	Scanlon,
Bentzel,	Goodwin,	McFall,	Schwab,
Boles,	Greenwood,	McIntosh,	Serrill,
Boney,	Gross,	McKinney,	Shaffer,
Boorse,	Gryskewicz,	McLanahan,	Shepard,
Bower,	Haberlen,	McLane,	Simons,
Bradley,	Haines,	McMillen,	Skale,
Breth,	Hall,	McSurdy,	Snyder,
Bretherick,	Hamilton,	Melchiorre,	Sollenberger,
Brown,	Hare,	Mihm,	Sorg,
Brunner, C. H.,	Harmuth,	Modell,	Stambaugh,
Brunner, P. A.,	Harris,	Monks,	Stank,
Burns,	Heatherington,	Mooney,	Stine,
Burris,	Hering,	Moran,	Stockham,
Chervenak,	Herman,	Muir,	Tarr,
Chudoff,	Hersch,	Munley,	Tate,
Cochran,	Hewitt,	Nagel,	Taylor,
Cohen, M. M.,	Hirsch,	Nunemacher,	Thompson, E. F.,
Cohen, R. E.,	Holland,	O'Brien,	Thompson, R. L.,
Cook,	Huntley,	O'Connor,	Trout,
Cooper,	Imbrie,	O'Mullen,	Turner,
Cordier,	James,	O'Neill,	Van Allsburg,
Corrigan,	Jefferson,	Owens,	Verona,
Croop,	Jones, G. E.,	Petrosky,	Vincent,
Cullen,	Jones, P. N.,	Pettit,	Vogt,
Dalrymple,	Keenan,	Polaski,	Voldow,
Dennison,	Kenehan,	Polen,	Wagner,
DiGenova,	Kline,	Powers,	Watkins,
Dix,	Knoble,	Prosen,	Weingartner,
Dolon,	Kolankiewicz,	Rank,	Weiss,
Elder,	Komorofski,	Rausch,	Welsh, E. B.,
Elliott,	Krise,	Readinger,	Welsh, M. J.,
Ely,	Lee, T. H.,	Regan,	Wilkinson,
Falkenstein,	Leisey,	Reese, D. P.,	Williams,
Finestone,	Leonard,	Reese, R. E.,	Winner,
Finnerty,	Lesko,	Reagan,	Wolf,
Fisher,	Levy,	Reynolds,	Wood, L. H.,
Fiss,	Leydic,	Rhea,	Wood, N.,
Fleming,	Lichtenwalter,	Riley,	Wright,
Fletcher,	Longo,	Rooney,	Yeakel,
Flynn,	Lovett,	Rose, S.,	Young,
Foor,	Lyons,	Rose, W. E.,	Kilroy,
	Malloy,	Rosenfeld,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return it to the Senate with information that the House has passed it with amendments in which the concurrence of the Senate is requested.

SENATE MESSAGE

SENATE INSISTS ON AMENDMENTS NON-CONCURRED IN BY HOUSE

The Clerk of the Senate being introduced, informed that the Senate has insisted upon its amendments, non-concurred in by the House of Representatives, to House Bill No. 68, entitled:

An Act to amend section two of the act approved the tenth day of July one thousand nine hundred thirty-five (P. L. 645) entitled "An act imposing certain requirements on certain hospitals receiving State aid authorizing the withholding of appropriations and imposing duties on the Department of Welfare" by providing that during the present war and six months thereafter funds shall not be withheld from hospitals for violation of such act if the Secretary of Welfare determines that the constant attendance of a licensed physician or resident interne cannot be secured by such hospitals because of the war emergency

APPOINTMENT OF CONFERENCE COMMITTEE ON HOUSE BILL No. 68

Mr. READINGER. Mr. Speaker, I move that the House insist on its non-concurrence in the amendments made and insisted upon by the Senate and that a Committee of Conference be appointed.

The motion was agreed to.

The SPEAKER. The Chair appoints as a Committee of Conference Messrs. SARRAF, MIHM and SERRILL.

Ordered, That the Clerk inform the Senate accordingly.

SENATE MESSAGE

SENATE INSISTS ON AMENDMENTS NON-CONCURRED IN BY HOUSE

The Clerk of the Senate being introduced, informed that the Senate has insisted upon its amendments, non-concurred in by the House of Representatives, to House Bill No. 8, entitled:

An Act to further amend section two of and to add sections four and five to the act approved the seventh day of June one thousand nine hundred seventeen (P. L. 600) entitled "An act providing that appointive officers and employes employed by the Commonwealth of Pennsylvania in its civil service or by any department bureau commission or office thereof or by any county municipality township or school district shall not be deemed or held to have resigned or abandoned their offices or employments by reason of enlistment enrollment or draft in the military or naval service of the United States or any branch or unit thereof in time of war or contemplated war prohibiting the removal from their offices or employments of such officers and employes during the period of their service in the Army or Navy directing that one-half of the salaries or wages of such officers or employes as have dependent wives children or parents and not exceeding two thousand dollars per annum be paid during the term of their service in the Army or Navy to such dependents authorizing the employment during said term of substitutes to perform the duties theretofore performed by such officers or employes respectively and providing for the compensation of such substitutes" by more fully defining amounts payable limiting the time such amounts are payable and limiting the conditions of resumption of office or employment.

APPOINTMENT OF CONFERENCE COMMITTEE ON HOUSE BILL No. 8

Mr. READINGER. Mr. Speaker, I move that the House insist upon its amendments in the amendments made and insisted upon by the Senate and that a Committee of Conference be appointed.

The motion was agreed to.

The SPEAKER. The Chair appoints as a Committee of Conference, Messrs. READINGER, MARKS and BRETHERICK.

Ordered, That the Clerk inform the Senate accordingly.

SENATE MESSAGE

HOUSE BILL CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bills from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 79.

An Act to further amend section seven of the act, approved the twelfth day of June, one thousand eight hundred seventy-eight (P. L. 201), entitled "An act to provide for the publication of the decisions of the Supreme Court and the appointment of a state reporter," by making further provision relative to the custody and disposition of plates used in the printing of Supreme Court reports and Supreme Court advance sheets.

With the information that the Senate has passed the same without amendment.

BILLS SIGNED BY SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

SENATE BILL No. 58.

An Act to further amend section seven hundred two to amend section seven hundred nineteen and to further amend section eight hundred and six of the act approved the third day of June one thousand nine hundred and thirty-seven (P. L. 1225) entitled "An act concerning game and other wild birds and wild animals and amending revising consolidating and changing the law relating thereto" by vesting in the Pennsylvania Game Commission the power to adjust hours for hunting training of dogs and carrying certain firearms and ammunition

SENATE BILL No. 28.

An Act to further amend Section 801 of the act, approved the fifth day of May, one thousand nine hundred and thirty-three (P. L. 457), entitled "An act relating to the business of building and loan associations; providing for the organization and voluntary dissolution of such associations; defining the rights, powers, duties, liabilities, and immunities of such associations, and of their officers, directors, shareholders, solicitors, and other employes; prohibiting the transaction of business in this Commonwealth by foreign building and loan associations; conferring powers and imposing duties upon the courts, recorders of deeds, and certain State departments, commissions, and officers; establishing limitations of actions; imposing penalties; and repealing certain acts and parts of acts," by authorizing building and loan associations to act as fiscal agents of the United States Government for the sale of United States Defense Bonds and Defense Stamps, or obligations of the United States Government of a similar character and purpose and permitting such associations to pledge their assets for the faithful performance of their duties as such agents.

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

REPORT FROM COMMITTEE

Mr. MALLOY from the Select Committee on Special Session Legislation reported as committed House Resolution No. 3.

PERMISSION TO ADDRESS HOUSE

Mr. ROSENFELD asked and obtained unanimous consent to address the House.

Mr. Speaker and Members of the House: When the Governor of this Commonwealth, in addressing the opening session of the House, had the temerity to indicate that it has been a cause of sincere regret to him that this body last year failed to enact more liberal grants in unemployment compensation, most of us thought that the all-time political low had been reached by our Chief Executive. For, of course, it was common knowledge to all of us that this House had long fought for liberalization of unemployment compensation payments and that it was the Administration, and the Administration only, which balked every effort at such liberalization. This obviously, therefore, was an attempt on the part of the Governor to mislead the thousands of radio listeners since the Chief Executive knew that the House was well aware of this record.

But even this act of chicanery has been exceeded.

For last evening Governor James sent a message to the House in which he made certain vague accusations.

I have risen from a sick bed to come here to answer this libelous slander directed at me personally. I believe that I can state without fear of successful contradiction that a new low has been achieved, even for Arthur H. James, in this attack on my personal and legislative integrity.

It is a cause of some regret to me that I cannot stoop so low as to reveal all the things that have been said to me by the Governor in numerous discussions that I have had with him after the passage of the Parole Bill. It is a matter of sheer self-defense, however, for me to reveal portions of conversations which I felt were confidential and which I did not believe it would ever become necessary to reveal.

Let me open by saying that, far from seeking appointment on the projected Parole Commission, the possibility of appointment was suggested to me by the Chief Executive some time after the enactment of the act. It was at that time that I first called the attention of the Governor to the fact that constitutional limitations made this appointment impossible. It was then suggested that I serve without pay in setting up the Board and that I keep the record clear by offering to do so without pay formally in writing. To now produce this letter as evidence of my seeking office is an act so despicable as to shake all faith in our Chief Executive as a public official or individual.

But perhaps an even more significant portion of the story is a subsequent meeting in October, 1941, when I went to the Governor's Office at his request. For nearly two hours, he attempted to persuade me to back him up in his request to postpone the effective date of the Parole Act intimating in consideration for such postponement that I could be appointed to the Parole Board after the constitutional limitation shall have expired. Far from making it a matter of personal interest therefore to oppose the postponement of the Parole Act, the Governor intimated that it would be to my personal interest to favor the postponement of the act.

So deep-seated, however, has been my desire to see this liberal legislation of ours go into effect that I firmly refused to back his request and promised to fight postponement to the utmost of my ability. The Governor then called me—asked me to write my views in a letter, wanted me to reconsider. I refused. I have fought postponement in a full measure.

Those of you who will recall my address of last week, in which I castigated our Chief Executive for his failure to put the Act into effect, will certainly remember that I pulled no punches in doing so. Was this attack on the Governor compatible with desire for appointment which must come from him and from him alone? If personal interest and a desire for appointment were in my mind, would I not rather have used the weasel words of a supplicant for office?

Actually, his intention was to sow the seed of suspicion among the Democratic members that I would personally benefit from the passage of the Parole Act.

You will recall, Mr. Speaker, that Governor James used his high office on a previous occasion to vent his intemperate displeasure on another member of this House for daring to oppose him. I refer to the incident of last May, when the Democrats submitted their budget to the Legislature.

The Governor must think us naive-minded indeed if he believed that his present story, so dramatically presented last night, will convince any one, let alone a majority, of this House that it was to my personal interest to attack him so that he should appoint me to office.

I am sure that Governor James does not speak for the Republican Party. It is inconceivable to me that a political party should be so lacking in principle and so devoid of policy that it must avail itself of this form of political chicanery.

Governor James acts with the honesty of a European peace pact and the sportsmanship of a Jap. He has taken a lesson from Pearl Harbor and improved on its treachery.

He has once more indulged in the hit-run tactics that have characterized his assault on individuals and causes from the moment that he started his campaign for the high office he now holds. In a clear and flagrant violation of the canons of ethics of the American Bar, Arthur James carried on a vigorous campaign for the most political office in the State while a Judge of the Superior Court of this Commonwealth, and in additiob took full pay while doing so. The campaign was perhaps unprecedented in its vulgar appeals to bigotry and prejudice and its vicious attacks on personalities and principles, later proven without foundation. The administration was begun by the sleight-of-hand trick of the left hand passing to the right hand the resignation of Judge James to Governor James and has continued with trickery of equal calibre. Campaign pledges have been broken in such numbers that to recount them would postpone adjournment indefinitely. Flagrant violation of solemn pledges and breach of faith

are now followed by our Chief Executive's even more flagrant refusal to abide by the legislative mandate to establish a Parole Board.

When clearly indicted of this violation of the law, the best that the Governor produces is this personal libel so contradictory to the facts and to common sense as to make it ludicrous were it not for the tragedy of observing the Chief Executive of the Commonwealth stooping to such methods.

It is a cause of sincere regret to me that our Parole Act has become a subject of acrimonious discussion on personalities. I will say no more now, only because in my respect for the objectives of the Act, I do not wish to drag it any further through the mire of personal recriminations.

REPORT FROM COMMITTEE ON RULES

Mr. ACHTERMAN from the Committee on Rules reported with amendments Senate Concurrent Resolution Serial No. 107.

SENATE MESSAGE

ADJOURNMENT SINE DIE

The Clerk of the Senate being introduced presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, March 31, 1942.

Resolved (if the House of Representatives concur) That this Special Session of the General Assembly adjourn sine die on Tuesday, April 7, 1942, at 12:00 o'clock noon, Eastern War Time.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

The amendments were read by the Clerk as follows:

Amend resolution, by striking out the following: "Tuesday, April 7, 1942, at 12:00 o'clock noon" and inserting in lieu thereof: Friday, April 10, 1942, at 4:00 p. m.

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House concur in the resolution as amended?

It was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

SENATE MESSAGE

SENATE BILLS FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence, bills numbered and entitled as follows:

SENATE BILL No. 74. (HOUSE BILL No. 118).

An Act presecribing the procedure for the adoption and promulgation of rules and regulations to supply provisions of law which have ben suspended because they interfere with the prosecution of any war in which the United States of America is engaged at the time of the final enactment of this act.

Referred to the Select Committee on Special Session Legislation.

SENATE BILL No. 85. (HOUSE BILL No. 119).

An Act prescribing temporary emergency war provisions with respect to the administration of certain provisions of the school laws of this Commonwealth relating to days for schools to be in session closing schools temporarily assignment and reassignment of teachers and temporary farm and domestic employment certificates for certain pupils and authorizing boards of school directors (or boards of public instruction) with the approval of the Superintendent of Public Instruction to put such provisions into operation and to suspend the provisions of existing school laws inconsistent therewith upon findings by such boards and department and the State Council of Defense.

Referred to the Select Committee on Special Session Legislation.

BILL SIGNED BY SPEAKER

Bill numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the title was publicly read as follows:

HOUSE BILL No. 79:

An Act to further amend section seven of the act approved the twelfth day of June, one thousand eight hundred seventy-eight (P. L. 201), entitled "An act to provide for the publication of the decisions of the supreme court and the appointment of a state reporter," by making further provision relative to the custody and disposition of plates used in the printing of Supreme Court Reports and Supreme Court Advance Sheets.

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

RESOLUTIONS

INVESTIGATION OF LICENSURE BOARDS

Mr. BAUGHER offered a resolution and asked and obtained unanimous consent for it to be read for the information of the House.

The resolution was read by the Clerk as follows:

In the House of Representatives, April 7, 1942.

Whereas, One of the vitally important governmental functions of the Commonwealth of Pennsylvania is the examination, registration and licensure of persons seeking to engage in certain professions and occupations; and

Whereas, The respective boards and commissions, charged by Acts of Assembly with the duty of conducting and supervising such examination, registration and licensure, occupy a position of the highest responsibility and trust in protecting both the members of the general public and also those persons engaged in the professions and occupations concerned; and

Whereas, In certain instances, bribes have been solicited and accepted by employes of such boards, for the purpose of registering or licensing persons who had taken examinations and were waiting qualification under the law to engage in the profession or occupation involved; and

Whereas, Any such corrupt and illegal evasion of the legal safeguards and restrictions governing the practice of certain professions and occupations, seriously endangers the general public health, safety and welfare, as well as destroys the public confidence in the ability of those engaging in these professions and occupations; now therefore be it

Resolved, That the Speaker of this House of Representatives appoint a committee, composed of seven members thereof, whose duty it shall be to make a careful, thorough and impartial investigation of the activities of the re-

spective boards and commissions charged by law with the duty of examining, registering and licensing persons desiring to engage in certain professions and occupations, for the purpose of discovering and eliminating any bribery or other illegality in such examination, registration and licensure. It shall be the duty of such committee to make its report to this House of Representatives as soon as possible, and to take any other proper action which it may deem advisable in view of its findings. The investigations and deliberations of such committee may be continued after the end of the present Extraordinary Session of the General Assembly; and be it further

Resolved, That the said committee shall have power to issue subpoenas under the hand and seal of its chairman, requesting and commanding any person or persons to appear before them and to answer such questions touching matters properly being inquired into by the committee, and to produce such books, papers, records and documents as the committee may deem necessary. Such subpoenas may be served upon any person, and shall have the force and effect of subpoenas issued out of the courts of this Commonwealth. Each member of said committee shall have power to administer oaths and affirmations to witnesses appearing before the committee. Any person who shall wilfully neglect or refuse to testify before said committee or to produce any books, papers, records or documents shall be subject to the penalties provided by the laws of the Commonwealth in such cases.

The SPEAKER. The resolution lies over for printing under the Rules.

STATE ATHLETIC COMMISSION

Messrs. BENTZEL and MARSHALL M. COHEN offered a resolution and asked and obtained unanimous consent for its immediate consideration.

The resolution was twice read, considered and adopted as follows:

In the House of Representatives, April 7, 1942.

Whereas, The State Athletic Commission of the Commonwealth of Pennsylvania, in connection with its duties of supervising amateur boxing bouts and exhibitions staged by certain clubs and organizations within the Commonwealth, has adopted certain rules and regulations; and

Whereas, Among such rules and regulations is a requirement that participants in amateur events be members of the Amateur Athletic Union (A. A. U.); and

Whereas, Although ordinarily such requirement might be proper and advisable, it nevertheless works a hardship upon young men attached to the various armed forces of the United States who may wish to participate in amateur events held within the Commonwealth; and

Whereas, It does not appear necessary that such young men should be required to expend the money necessary for membership in the A. A. U. before they should be permitted to participate in amateur boxing activities in Pennsylvania; now therefore be it

Resolved, That the House of Representatives favors a relaxation of the aforesaid rule on the part of the State Athletic Commission; and be it further

Resolved, That a copy of this resolution be forwarded by the Chief Clerk of the House to the State Athletic Commission.

Mr. SARRAF offered a resolution which was laid over for printing under the Rules.

HOUSE RESOLUTION No. 15

Mr. O'BRIEN. Mr. Speaker I desire to call up House Resolution No. 15, Printer's No. 46.

The resolution was read by the Clerk as follows:

In the House of Representatives, March 3, 1942.

Whereas, The Pennsylvania Motor Police, working under trying conditions, have and continue to perform their obligations to the citizens of this Commonwealth in a manner that ranks with the best in the Nation; and

Whereas, Members of this Legislature recognizing their needs and conditions introduced House Bill No. 1956 at the 1941 Regular Session, which provides for automatic wage increases for all such motor police who had been on active duty for three years; and

Whereas, While said bill failed to receive the Legislatures consideration, the result was that examinations were held in July, 1941, enabling such motor police to attain the rank of private first class; and

Whereas, Eight months have now elapsed since said examinations and no official results have been published, preventing many motor policemen from acquiring the rank and pay to which they are entitled; and

Whereas, Because of the lack of opportunity provided to said motor police to keep up with the increased cost of living many are leaving or about to leave the service to the detriment of the bureau and the citizens of this Commonwealth; and

Whereas, Notwithstanding this threat to the bureau, the Commissioner and other State officials have not made the slightest effort to remedy this situation; therefore be it

Resolved, That the Commissioner of Motor Police be required to inform this House immediately of the status of the examinations given to members of the Motor Police in July, 1941, noting those who passed the examination and such information indicating when raises in rank and pay have or will be made.

On the question,
Will the House adopt the resolution?
It was adopted.

HOUSE RESOLUTION No. 9

Mr. EDWIN F. THOMPSON. Mr. Speaker, I desire to call up House Resolution No. 9, Printer's No. 47.

The resolution was read by the Clerk as follows:

In the House of Representatives, February 25, 1942.

Whereas, At the last session of the General Assembly, a State Council of Defense was created, one of its purposes being to coordinate the defense activities of the Commonwealth with those of the entire Nation; and

Whereas, Almost a year has passed and industry in its all out effort for defense production is still handicapped because of the lack of skilled labor; and

Whereas, Nothwithstanding prior resolutions, public statements and demands that all discrimination against the employment of Negroes in defense industries cease, it is well known that the policies of such discrimination still exist; and

Whereas, The neglect to remedy the intolerable conditions caused by such discriminatory policies is a serious deterrent to the success of our defense program; and

Whereas, The failure to fully utilize the services of available and competent Negro workers, who are thus denied the right of all patriotic citizens to live and work and die in the service of their country is a serious menace to the welfare and morals of all citizens of our Commonwealth and Nation, and directly opposed to the great traditions of the true democratic ideals and principles upon which this Nation was founded; therefore be it

Resolved, That the House of Representatives hereby requests the Governor of this Commonwealth and the State Council of Defense to request and demand the elimination of all discrimination in the employment of negroes in industry; and be it further

Resolved, That the Chief Clerk of the House submit a

copy of this resolution to the Governor of the Commonwealth and to the State Council of Defense so that appropriate action hereunder may immediately be instituted.

On the question,
Will the House adopt the resolution?
It was adopted.

HOUSE RESOLUTION No. 39

Mr. MONKS. Mr. Speaker, I desire to call up House Resolution No. 39, Printer's No. 59.

The resolution was read by the Clerk as follows:

In the House of Representatives, March 25, 1942.

Whereas, Recent difficulty at the Eastern State Penitentiary at Philadelphia resulted in the death of one of its convicts; and

Whereas, The Coroner of the County of Philadelphia and his chief deputy are also President and Vice-President, respectively, of the Board of Trustees of the Eastern State Penitentiary, and as such, responsible for the management of that institution; and

Whereas, As a result of the aforesaid death, the Coroner of the County of Philadelphia will be required to perform an autopsy, investigate the cause or causes of death and, by reason thereof, will investigate the operation of said penitentiary by its Board of Trustees, in connection with the reasons for said death; and

Whereas, Because of such occurrences, from time to time, the Coroner will be called upon in like matters indirectly to investigate the Board of Trustees of the penitentiary of which he and his chief deputy are officers and members, and it is recognized by this House that such investigations may be conducive to prejudice, creating disrespect for our democratic system of government; therefore be it

Resolved, That the Governor of the Commonwealth is hereby directed to request the resignation of the Coroner of the County of Philadelphia, Herbert M. Goddard, and his chief deputy, Matthew H. Roth, from the Board of Trustees of the Eastern State Penitentiary; and be it further

Resolved, That a copy of this resolution be submitted to the Governor of the Commonwealth, the Board of Trustees of the Eastern State Penitentiary, and the Coroner of the County of Philadelphia.

On the question,
Will the House adopt the resolution?

Mr. TURNER. Mr. Speaker, I think it is highly improper to ask the membership of this House to vote on such a resolution, because it is in the form of an indictment of an official of a city. The members of this House have no knowledge of the circumstances, nor has the official charged an opportunity to appear to answer any charges that may be made.

If the official has been guilty of misconduct, malfeasance in office, misfeasance in office or nonfeasance in office, we have powers of impeachment. Outside of that we have no right, it seems to me, to indict an official by practically directing the Governor of the Commonwealth to dismiss that official. That is a part of the executive branch of the government. There are methods by which officials can be tried; there are grand jury proceedings and other methods, and with only the allegations made in the resolution to indict an official, it seems to me to be beyond the propriety and beyond the rights of this House, and I, therefore, ask that the resolution be voted down.

Mr. MONKS. Mr. Speaker, the only reason the resolution was introduced was the possibility of a man sitting in judgment on himself. There isn't anything to show that the man has committed any wrong in any thing that he has done. I think Dr. Goddard, as far as I know, bears an excellent reputation. I don't know anything against him, but I do think a case might come up in the future where they might favor themselves if they had to.

On the question recurring,

Will the House adopt the resolution?

The SPEAKER declared the ayes appeared to have it.

Whereupon a division was called for seventy-seven members voting in the affirmative and forty-four in the negative, the question was determined in the affirmative and the resolution was adopted.

HOUSE RESOLUTION No. 24

Mr. TARR. Mr. Speaker, I desire to call up House Resolution No. 24, Printer's No. 45.

The resolution was read by the Clerk as follows:

In the House of Representatives, March 10, 1942.

It has been a custom in the United States and in other countries throughout the world to observe the first day of May as May Day, and to mark such observances by various kinds of celebrations.

A decade ago the American Legion organization in Fayette County inaugurated a new and more appropriate observance of the first day of May, by staging a parade and celebration in the name of Americanism.

The first day of May has since been annually observed and celebrated as Americanism Day by patriotic societies, veterans' organizations and other groups, both in Fayette County and throughout the Commonwealth, and it has been the custom of the Governor of the Commonwealth to issue his proclamation signifying the observance of Americanism Day.

The present world crisis constitutes a serious threat to those American principles of life and government, which were established with such great sacrifice and which have since been maintained and protected so valiantly, thus making particularly significant and appropriate the observance of May first as Americanism Day in the year of 1942; now therefore be it

Resolved, That the Governor of the Commonwealth is hereby urged to issue his proclamation signifying May 1, 1942, as Americanism Day, and calling upon all patriotic, veteran, fraternal and civic organizations to hold celebrations of this day in such a manner as will bring to the people of the Commonwealth the full realization of the benefits, privileges and blessings that come to them through the continuance of our American form of government; and be it further

Resolved, That the House of Representatives of the General Assembly of the Commonwealth of Pennsylvania further urges all persons in the Commonwealth of Pennsylvania to join in a real American celebration of May 1, 1942, as Americanism Day.

On the question,
Will the House adopt the resolution?
It was adopted.

HOUSE RESOLUTION No. 30

Mr. STANK. Mr. Speaker, I desire to call up House Resolution No. 30, Printer's No. 44.

The resolution was read by the Clerk as follows:

In the House of Representatives, March 17, 1942.

Whereas, The existing coal purchase plan evolved by the Anthracite Emergency Committee and carried out by

the legitimate anthracite coal operators and the free-lance coal miners of this Commonwealth, has been very successful in reducing the evils arising from bootleg coal mining, and restoring to legitimate employment, many miners in the anthracite coal fields; and

Whereas, The time limit on said coal purchase plan is about to expire; and

Whereas, The said evils arising from the bootleg coal operations have not been entirely eliminated, due to the insufficiency of time; be it therefore

Resolved, That the House of Representatives congratulates the Anthracite Emergency Committee, the legitimate coal operators, and the free-lance coal miners of Pennsylvania for their sincere efforts, their conciliatory and earnest attitude and the successful results achieved by their mutual cooperation; and be it further

Resolved, That the House of Representatives hereby memorializes the Anthracite Emergency Committee, the legitimate coal operators, and the free-lance coal miners, to continue the said coal purchase plan with whatever modifications seem desirable for a further period of time; and be it also

Resolved, That a copy of this resolution be forwarded to the Governor of Pennsylvania, and a copy to the Anthracite Emergency Committee.

On the question,

Will the House adopt the resolution?

It was adopted.

BILL ON THIRD READING

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. Turner,

The House resumed the consideration on third reading of House Bill No. 43, (Senate Bill No. 31), as follows:

An Act making available the services of recipients of general assistance under certain conditions by permitting them to earn a limited amount of money in work essential to the prosecution of the existing war in which the United States of America is engaged without forfeiting their right to assistance or any part thereof

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 In order to make available the services of persons receiving general assistance no person now or hereafter receiving such assistance shall be denied the same or any part thereof by reason of the fact that he or she earns in any capacity or in any form of effort essential to the prosecution of the existing war in which the United States of America is engaged an amount not exceeding fifteen dollars ($15) in any one calendar month nor exceeding a total of one hundred fifty dollars ($150) in any one calendar year in addition to all work expenses connected with the job and any such amount shall not be deductible from any such grant now or hereafter payable Provided however That if such person shall have earned in excess of one hundred fifty dollars ($150) in any calendar year such excess shall be deductible from his general assistance grant Provided further That if such earnings are of such amount as to disqualify such person from receiving any grant according to the standards fixed by the Department of Public Assistance he shall be restored to general assistance immediately upon the termination of said employment if he is otherwise eligible to receive same The Department of Public Assistance is hereby authorized to prescribe by rules and regulations the types of work deemed essential to the prosecution of the aforesaid war for the purposes of this act

Section 2 The provisions of this Act shall continue in effect only during the continuance of the war in which the United States of America is now engaged and for a period of three months thereafter

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—186

Achterman,	French,	Malloy,	Rosenfeld,
Auker,	Gallagher,	Marks,	Royer,
Baker,	Gates,	Maxwell,	Rush,
Balthaser,	Gerard,	McClanaghan,	Sarge,
Baugher,	Gillan,	McClester,	Sarraf,
Bentzel,	Goodwin,	McDermott,	Scanlon,
Boies,	Greenwood,	McFall,	Schwab,
Boney,	Gross,	McIntosh,	Serrill,
Boorse,	Gryskewicz,	McKinney,	Shaffer,
Bower,	Haberlen,	McLanahan	Shepard,
Bradley,	Haines,	McLane,	Simons,
Breth,	Hall,	McMillen,	Skale,
Bretherick,	Hamilton,	McSurdy,	Snyder,
Brown,	Hare,	Melchiorre,	Sollenberger,
Brunner, C. H.,	Harmuth,	Mihm,	Sorg,
Brunner, P. A.,	Harris,	Modell,	Stambaugh,
Burns,	Heatherington,	Monks,	Stank,
Burris,	Hering,	Mooney,	Stine,
Chervenak,	Herman,	Moran,	Stockham,
Chudoff,	Hersch,	Muir,	Tarr,
Cochran,	Hewitt,	Munley,	Tate,
Cohen, M. M.,	Hirsch,	Nagel,	Taylor,
Cohen, R. E.,	Holland,	Nunemacher,	Thompson, E. F.,
Cook,	Huntley,	O'Brien,	Thompson, R. L.,
Cooper,	Imbrie,	O'Connor,	Trout,
Cordier,	James,	O'Mullen,	Turner,
Corrigan,	Jefferson,	O'Neill,	Van Allsburg,
Croop,	Jones, G. E.,	Owens,	Verona,
Cullen,	Jones, P. N.,	Petrosky,	Vincent,
Dalrymple,	Keenan,	Pettit,	Vogt,
Dennison,	Kenehan,	Polaski,	Voldow,
DiGenova,	Kline,	Polen,	Wagner,
Dix,	Knoble,	Powers,	Watkins,
Dolon,	Kolankiewicz,	Prosen,	Weingartner,
Elder,	Komorofski,	Rank,	Weiss,
Elliott,	Krise,	Rausch,	Welsh, E. B.,
Ely,	Lee, T. H.,	Readinger,	Welsh, M. J.,
Falkenstein,	Leisey,	Reagan,	Wilkinson,
Finestone,	Leonard,	Reese, D. P.,	Williams,
Finnerty,	Lesko,	Reese, R. E.,	Winner,
Fisher,	Levy,	Regan,	Wolf,
Fiss,	Leydic,	Reynolds,	Wood, L. H.,
Fleming,	Lichtenwalter,	Rhea,	Wood, N.,
Fletcher,	Longo,	Riley,	Wright,
Flynn,	Lovett,	Rooney,	Yeakel,
Foor,	Lyons,	Rose, S.,	Young,
		Rose, W. E.,	Kilroy, Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return it to the Senate with information that the House has passed it without amendment.

ANNOUNCEMENTS

The Rules Committee will meet immediately after adjournment of today's (Tuesday) session in the Speaker's Office.

There will be a meeting of the Select Committee on Special Session Legislation on Wednesday, April 8th, at 1 p. m. in Room 327.

The Stream Pollution Study Committee will hold a

hearing with Fish Commissioner Charles A. French, representatives of the Sanitary Water Board and the Attorney General's Office Wednesday, April 8th at 10 a. m. in the New House Caucus Room. Committee members please try to be present.

ADJOURNMENT

Mr. OWENS. Mr. Speaker, I move that this House do now adjourn until Wednesday, April 8, 1942, at 2 p. m.

The motion was agreed to, and (at 4:31 p. m.) the House adjourned.

COMMONWEALTH OF PENNSYLVANIA

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SENATE

WEDNESDAY, April 8, 1942

The Senate met at 2:00 o'clock, p. m., E. W. T.

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the Chair.

PRAYER

The PRESIDENT. We have a distinct honor this morning. The Reverend Doctor Daniel A. Poling, Pastor of the Grace Baptist Temple, Philadelphia, successor to Doctor Russell Conwell, President of the International Association of Christian Endeavor, and one of my co-workers on the State Council of Defense, will offer prayer. My friend, Doctor Poling.

Doctor POLING. Let us all unite in prayer. Our Father, Who art in heaven, we hallow Thy name. We thank Thee for the faith that has made us a nation, alive still in spite of dungeon, fire and sword. We thank Thee that we have a sense of Thy presence; we thank Thee that Thou art justice and freedom, that in Thee there is no shadow of turning, that when we are afraid and inadequate, we may turn to Thee for wisdom and for power.

We pray Thy blessing upon America, upon this Republic, upon our Commonwealth of Pennsylvania, upon the President of the United States and the Governor of this state, and this great legislative body. We do not ask to be delivered from burdens and from sacrifice. We seek to know Thy will and Thy way in these times of tragic responsibility and world crisis. We pray that each in his own place may be about the business of democracy, that we shall pay the price now of freedom, yet remember our sons and the sons of the state who bear the battle hardness; may we not fail them ever; may they be sustained in their bodies and in their spirits.

We offered to Thee the supplication of our hearts. We come not in pride of achievement; we would know true and sacrificial humility; oh, give the victory to righteousness.

The Lord bless thee and keep thee; the Lord make this goal that we seek for ourselves be vouchsafed unto all men and women and little children everywhere.

The Lord bless thee and keep thee; the Lord may His face shine upon thee and be gracious unto thee; the Lord lift up his countenance upon thee and give thee peace. Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. MALLERY and Mr. GELTZ, the further reading was dispensed with, and the Journal was approved.

WELCOME TO SENIOR CLASS OF THE MARTINSBURG HIGH SCHOOL, BLAIR COUNTY

Mr. MALLERY. Mr. President, I am pleased to announce that we have numbered among our guests today, the Senior Class of the Martinsburg High School of Blair County.

LEAVE OF ABSENCE

Mr. Henry I. Wilson asked and obtained leave of absence for the Senator from Wyoming, Mr. TYLER, on account of illness.

Mr. Edmonds asked and obtained leave of absence for the Senator from Philadelphia, Dr. WOODWARD, who is sick.

Mr. EALY asked and obtained leave of absence for himself, for tomorrow, April 9, 1942.

Mr. Reed asked and obtained leave of absence for the Senator from Fayette, Mr. CAVALCANTE.

Mr. Wade asked and obtained leave of absence for the Senator from McKean, Mr. THOMAS B. WILSON.

Mr. Carr asked and obtained leave of absence for the Senator from Franklin, Mr. CRIDER.

Mr. Stiefel asked and obtained leave of absence for the Senator from Philadelphia, Mr. SHAPIRO.

He also asked and obtained leave of absence for himself, for tomorrow, April 9, 1942.

NOMINATIONS BY THE GOVERNOR

NOTARIES PUBLIC

The Secretary to the Governor being introduced, presented in writing from His Excellency, the Governor of the Commonwealth, nominations for appointment as Notaries Public.

CONSIDERATION OF NOTARIES PUBLIC

Mr. JAMES. Mr. President, I move that the Senate do now proceed to the consideration of nominations for

appointment as Notaries Public, sent to the Senate, April 8, 1942, by His Excellency, the Governor of the Commonwealth.

Mr. GELTZ. Mr. President, I second the motion.

The motion was agreed to.

The nominations were read as follows:

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 8, 1942.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

Miss Cora L. Younger, Pittsburgh, 1004 Wylie Ave.

NORTHAMPTON COUNTY

Mrs. Esther C. Kellow, Easton.

ARTHUR H. JAMES

NOMINATIONS FOR NOTARIES PUBLIC

A motion was made by Mr. JAMES and Mr. GELTZ,

That the Senate do advise and consent to said nominations.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—42

Barr,	Edmonds,	Mallery,	Stiefel,
Bartlett,	Farrell,	McCreesh,	Tallman,
Becker,	Geltz,	McGinnis,	Taylor,
Carr,	Haluska,	McQuiddy	Thomas,
Chapman,	Heyburn,	Miller,	Wade,
Coleman,	Homsher,	Reed,	Walker,
Cox,	James,	Ruth,	Watkins,
Crowe,	Jaspan,	Scarlett,	Wilson, H. I.,
Deitrick,	Kephart,	Snowden,	Wilson, T. B.,
Dent,	Lanius,	Stevenson,	Ziesenheim,
Ealy,	Letzler,		

NAYS—0

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

HOUSE MESSAGES

SENATE BILL No. 19 RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives being introduced, returned to the Senate, Senate Bill No. 19, entitled:

An Act to protect property and prevent sabotage by prohibiting, for a limited period of time, certain intentional injuries to, and interferences with, real and personal property; prohibiting certain intentional defects in workmanship; limiting the privileges of certain witnesses, and providing penalties.

with the information that the House has passed the same with amendments, in which the concurrence of the Senate is requested.

Mr. EALY. Mr. President, I move that Rule 21, which requires amended bills to be noted on the calendar, be in this case dispensed with, and that the Senate proceed to the consideration of the amendments made by the House of Representatives to the foregoing bill.

Mr. MILLER. Mr. President, I second the motion.

The motion was agreed to.

SENATE INSISTS UPON ITS NONCONCURRENCE IN AMENDMENTS MADE BY THE HOUSE TO SENATE BILL No. 19

Mr. EALY. Mr. President, I move that the Senate insist upon its nonconcurrence in the amendments made by the House to Senate Bill No. 19.

Mr. MILLER. Mr. President, I second the motion.

The motion was agreed to.

Ordered, That the Clerk inform the House of Representatives accordingly.

SENATE BILL No. 46 RETURNED WITH AMENDMENTS

He also returned to the Senate, Senate Bill No. 46, entitled:

An Act to suspend for a limited time the operation of laws regulating or relating to the movement loading lightering docking and anchorage of vessels carrying or having on board certain explosives insofar as the same relate to the handling or stowing of small arms ammunition or ammunition which contains the projectile and the explosive in one container or shell to from or in such vessels docking or anchoring in the Delaware River and its navigable tributaries.

with the information that the House has passed the same with amendments, in which the concurrence of the Senate is requested.

Mr. EALY. Mr. President, I move that Rule 21, which requires amended bills to be noted on the calendar, be in this case dispensed with, and that the Senate proceed to the consideration of the amendments made by the House of Representatives to the foregoing bill.

Mr. GELTZ. Mr. President, I second the motion.

The motion was agreed to.

SENATE NONCONCURS IN THE AMENDMENTS MADE BY THE HOUSE TO SENATE BILL No. 46

Mr. EALY. Mr. President, I move that the Senate nonconcur in the amendments made by the House to Senate Bill No. 46.

Mr. SCARLETT. Mr. President, I second the motion.

The motion was agreed to.

Ordered, That the Clerk inform the House of Representatives accordingly.

HOUSE CONCURS IN SENATE BILL No. 31

He also returned to the Senate, Senate Bill No. 31, entitled:

An Act making available the services of recipients of general assistance under certain conditions by permitting them to earn a limited amount of money in work essential to the prosecution of the existing war in which the United States of America is engaged without forfeiting their right to assistance or any part thereof.

with the information that the House has passed the same without amendments.

BILL SIGNED

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) announced that the Chief Clerk having reported that the following bill had passed both houses of the General Assembly and the same being correct, the title was publicly read as follows:

Senate Bill No. 31, entitled:

An Act making available the services of recipients of general assistance under certain conditions by permitting them to earn a limited amount of money in work essential to the prosecution of the existing war in which the United States of America is engaged without forfeiting their right to assistance or any part thereof

Whereupon,

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the presence of the Senate signed the same.

REPORT FROM COMMITTEE ON EXECUTIVE NOMINATIONS

Mr. JAMES. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. JAMES from the Committee on Executive Nominations reported with a favorable recommendation the following nominations, made by His Excellency, the Governor of the Commonwealth:

APPOINTMENT AS MEMBER OF DELAWARE RIVER JOINT COMMISSION

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 7, 1942.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Alvin A. Swenson, 4719 Horrocks Street, Philadelphia, Philadelphia County, for appointment as a member of The Delaware River Joint Commission, for the term of five years and until his successor shall have been appointed and qualified, vice J. Willison Smith, deceased.

ARTHUR H. JAMES

APPOINTMENT AS MEMBER OF INDIANA COUNTY BOARD OF ASSISTANCE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 31, 1942.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate Dr. J. J. Connolly, of Indiana, for appointment as a member of the Indiana County Board of Assistance, until December 31, 1944, and until his successor is duly appointed and qualified, vice Paul B. Hasinger, Indiana, deceased.

ARTHUR H. JAMES

JUSTICES OF THE PEACE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 6, 1942.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following:

D. E. Gillung, 722 Broad Street, Brockway, Jefferson County, for appointment as Justice of the Peace in and for the Borough of Brockway, Jefferson County, until the first Monday in January, 1944, to fill a vacancy.

Raymond Daellenbach, R. D. No. 2, Ellwood City, Lawrence County, for appointment as Justice of the Peace in and for the Township of Wayne, Lawrence County, until the first Monday in January, 1944, to fill a vacancy.

Joseph W. Meade, Main Street, Gilberton, (P. O., Mahanoy Plane) Schuylkill County, for appointment as Justice of the Peace in and for the Borough of Gilberton, Schuylkill County, until the first Monday in January, 1944, vice John L. Meade, deceased.

ARTHUR H. JAMES

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 7, 1942.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Carl C. Dittmar, 74 Sampson Avenue, Ingram, Allegheny County, for appointment as Justice of the Peace in and for the Borough of Ingram, Allegheny County, until the first Monday in January, 1944, vice Philip C. Morgan, resigned.

ARTHUR H. JAMES

RULE 38 SUSPENDED

By unanimous consent,

A motion was made by Mr. JAMES and Mr. EDMONDS,

That Rule 38, which requires nominations made by the Governor, to lie on the table one day be dispensed with, and the Senate do now resolve itself into Executive Session, for the purpose of acting upon all the nominations collectively, reported at today's session.

Which was agreed to.

Whereupon,

A motion was made by Mr. JAMES and Mr. EDMONDS,

That the Senate do advise and consent to the nominations reported.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—42

Barr,	Edmonds,	Mallery,	Stiefel,
Bartlett,	Farrell,	McCreesh,	Tallman,
Becker,	Geltz,	McGinnis,	Taylor,
Carr,	Haluska,	McQuiddy,	Thomas,
Chapman,	Heyburn,	Miller,	Wade,
Coleman,	Homsher,	Reed,	Walker,
Cox,	James,	Ruth,	Watkins,
Crowe,	Jaspan,	Scarlett,	Wilson, H. I.,
Deitrick,	Kephart,	Snowden,	Wilson, T. B.,
Dent,	Lanius,	Stevenson,	Ziesenheim,
Ealy,	Letzler,		

NAYS—0

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

EXECUTIVE SESSION RISES

Mr. JAMES. Mr. President, I move that the Executive Session do now rise.

Mr. MILLER. Mr. President, I second the motion.

The motion was agreed to.

NOMINATIONS BY THE GOVERNOR

The Secretary to the Governor being introduced, presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Executive Nominations.

NOMINATION FOR APPOINTMENT AS MEMBER OF THE UNEMPLOYMENT COMPENSATION BOARD OF REVIEW

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 8, 1942.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Harry A. Englehart, 322 Sugar Street, Ebensburg, Cambria County, for appointment as a member of the Unemployment Compensation Board of Review, until July 1, 1947, and until his successor shall be appointed and qualified, vice P. Stephen Stahlnecker, resigned.

ARTHUR H. JAMES

PERMISSION TO ADDRESS SENATE

Mr. DENT. Mr. President, I desire permission to address the Senate.

The PRESIDENT. The gentleman from Westmoreland will proceed.

Mr. DENT. Under the heading of resolutions, Mr. President, I desire to interrogate the Chairman of the State Government Committee, the honorable Mr. Tallman.

The PRESIDENT. Will the gentleman from Lehigh permit himself to be interrogated?

Mr. TALLMAN. I will, Mr. President.

Mr. DENT. Mr. President, will the gentleman from Lehigh advise me whether or not the Committee on State Government has in its possession House Bill No. 107, Senate Bill No. 95?

Mr. TALLMAN. Mr. President, it has.

Mr. DENT. Will the chairman of that Committee advise the Senate whether or not that bill has been acted upon by the Committee.

Mr. TALLMAN. Mr. President, House Bill No. 107 was discussed by the Committee on State Government and by reason of that discussion the bill was referred to a sub-committee.

Mr. DENT. I thank the gentleman from Lehigh.

Mr. President, in view of the action of the committee in referring this bill to a sub-committee, and knowing full well that a resolution to adjourn sine die has been passed, the adjourning date is Friday, April 10, 1942 at four o'clock—I believe that unless we act upon this bill today it will die a natural—I might say an unnatural —death in the sub-committee.

Therefore, Mr. President, because of the fact that this is a very important piece of legislation at this time and knowing the rules of the Senate, I intend to offer a resolution asking that Rule No. 42, of the rules adopted for this Session, be suspended in order that a motion may be presented to the floor for a discharge resolution, in order that the Senate members may have an opportunity to vote one way or another upon this important legislation.

This is done without any reflection whatsoever upon the honor or the integrity or the honesty of purpose of the members of that committee, but we, as members of the Senate, as a whole, believe that we would like to have some expression of our own on the record books in order that the people of Pennsylvania shall know how the majority or the minority, or a greater number of the members of the Senate, feel about tax reduction at this time.

Mr. DENT. Therefore, Mr. President, I shall now move, and present to the Chair, a resolution, that Senate Rule No. 42 be suspended.

RESOLUTION TO SUSPEND RULE 42 OF THE SENATE

Mr. DENT offered the following resolution which was twice read:

Resolved, That Rule 42 of the Senate Rules adopted for this Special Session be suspended.

MOTION TO SUSPEND RULE 39

Mr. DENT. Mr. President, I ask unanimous consent that Rule 39, which requires resolutions be referred to an appropriate committee, be suspended and that the Senate do now proceed to the consideration of the resolution just read.

The PRESIDENT. Is there objection?

The Chair hears none.

On the question,

Will the Senate agree to the resolution?

Mr. DENT. Mr. President, I move the immediate adoption of the resolution.

Mr. BARR. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. TALLMAN. Mr. President, in connection with the motion just presented by the gentleman from Westmoreland, I should like to make a few remarks to this effect, that if this piece of legislation is as important as has been indicated, then certainly it would seem that the membership in the House and the sponsor of the bill should have acted upon it at an earlier date. The bill first came to this Senate yesterday, was committed to the Committee on State Government, and that Commitee met within about three hours after the time that it received the bill, to consider it.

I merely want to say further at this time that the action of that Committee in referring House Bill No. 107 to the sub-committee was done in complete good faith, because the gentlemen on the other side know very well that bill raises important questions at this time, not only as to the merits of the bill, but questions as to whether it can properly be considered at this time.

Mr. DENT. Mr. President, whatever the House does, as I understand it, is purely the matter and concern of the House; what the Senate does is our own concern. To those of us who have been here through various sessions this argument of not having enough time to do the job is ridiculous and entirely out of order and place.

We sat in this Senate less than three weeks ago, when one of the most important bills ever to hit the floor of this Senate was introduced at ten minutes to four and at ten minutes after four the bil was out of committee and read for the first time, without copies being on the desks of the Senators, without the members knowing what was in the bill. Monday of this week another bill was introduced, and before we left, in the early twilight hours, the bill was read for the first time, before there were copies of it on the desks of the Senators.

Every person in Pennsylvania knows the contents or the purposes of House Bill No. 107, Senate Bill No. 95, but in order to inform the members of the Senate, those who have not paid attention to their Calendars or have not read the History of this Session, Senate Bill No. 95 proposes to remove the emergency tax that was applied by the Democrats under an emergency in the State of Pennsylvania when we needed money to feed the unemployed. Today that money is no longer needed for that specific purpose.

The promise of the Democratic then majority and of the Republican candidate for Governor, who is now Governor, was made in all good faith to the people of Pennsylvania that at the first opportunity, when the money was no longer needed for the specific purpose that it was called up for, that that obnoxious piece of legislation would be removed from the books.

Anybody acquainted with the fiscal problems of this state knows that the relief load has dropped in the State of Pennsylvania from an all time high of $229,000,000 to less than $106,000,000. The relief load has become in Pennsylvania almost a constant figure, because the relief rolls are weighted down by unemployables, who at no time rightfully belonged on the direct relief rolls, by blind assistance, mother's assistance and aid to dependent children. Those categories belong in the Department of Welfare and have been transferred from there to the Department of Public Assistance in order that the load on the direct assistance budget of the state could be removed and placed upon the so-called emergency tax burden.

The people of Pennsylvania are entitled to a tax reduction at this time, if for no other reason than because a different kind of emergency exists today, an emergency in which the money that is now being applied to paying the personal property tax can be put into Defense Bonds and into the war effort channels. If for no other reason, this Senate owes it to the people of Pennsylvania to pass this piece of legislation.

Any person that is a student of Pennsylvania politics knows that if we were to pass the number one item of the Governor's call for this Session, that he, a few weeks before the election, would have, by executive order, removed from the books this obnoxious tax measure, but because we have the courage to put in a bill to remove it by legislative action, arguments have been raised pro and con to the effect that it is a political gesture. A political gesture is something that is done without the sincerity of purpose that we profess to have in this measure.

In 1939, the Democratic minority in the Senate of Pennsylvania voted against the reenactment of this law, and it was pointed out upon the floor of this Senate that the reenactment of this law would create an undue and dishonest burden upon those people in Pennsylvania who must live from the few accumulated stocks and bonds or the few dollars that had been saved from real estate and so forth.

We said then, and we repeat now, that this money is in excess of the amount that is needed for the carrying on of the specific purposes that the tax laws were passed for in 1935 and 1937 by a courageous Democratic administration, an administration that was defeated and run out of the Capitol by the false promises of the Republican platform speakers, who claimed that we had created taxes in the State of Pennsylvania that were unfair, that were dishonest, and were not needed.

We are now in the dying days of the James administration, an administration I beg to remind you, that will not be long lamented, and to this date the obnoxious taxes, as they were called by this man who is now Governor, have not been removed from the books, nor have they been reduced by the Republican majority in the Senate or the Republican majority in the House and Senate in 1939.

If this is a political move then it is so because the Republican party has made it a political move. There is no legitimate reason for keeping this legislation on the books today. The amounts needed for emergency relief are far below the amounts raised by direct taxes, applied solely for the purpose of creating funds for emergency relief.

A rough resume of the amount of money that has been taken in to the State Treasury by these emergency taxes may give you some idea as to the fiscal picture that we face now and can hope to face until the end of this biennium.

In 1935 and 1937, when we were faced in the State of Pennsylvania with a great load of relief recipients and an empty cupboard that was left by a former Governor, Mr. Pinchot, who believed in paying by borrowing from Peter to pay Paul, the Democratic majority in the House, with a combination in the Senate of a Democratic minority and liberal Republicans, passed a tax burden that totaled $127,582,000, which was applied against a relief load of $154,610,000.

In 1937, when the Democrats had control of both the House and the Senate, the picture was even blacker. We were faced with a greater relief load, with no new source of income to tap, and so we continued the tax, but because of a slight upsurge in national recovery in 1937, before the so-called recession set in, we received from the same tax $156,425,000, and that was applied against a relief load of $208,650,000.

The next biennium, 1939-1941, the Republicans came into power and found that they too had a very black picture in the matter of relief, and by continuing the same tax burden, they received $167,235,000. During all these years we found that the relief load was greater than the amount taken in from the emergency taxes.

However, in 1941, because of the war the picture

changed, and now we find that our appropriation for relief is $106,000,000. Every week, when you receive your reports from the Department of Public Assistance, if you will study them and analyze them, you will find that the relief load, insofar as the employables are concerned, is on the way out of the picture. Your Federal Government is threatening to mobilize all employable persons all over the United States, because of shortages of labor in certain industries. Well, then we would be up against a relief load which is purely an unemployable problem, and the estimated cost of handling that is between $90,000,000 and $95,000,000. Taken against that figure, if it is the figure or amount that has been appropriated, we find that the emergency tax will bring in to the state $188,075,000, or $82,000,000 more than the relief load can possibly be at the end of this biennium.

Now, gentlemen, when the first four mills personal property tax was passed, it was generally considered, and especially so by the then Republican Floor Leader, Mason Owlett, whose words on the floor of this Senate concerning the badness and the unsoundness of this particular law ought to be read and studied by every member of the Republican membership of the Senate—I never thought I would live to see the day when any Republican Senator would vote to continue any of the Earle taxes, let alone this particular obnoxious tax. Your own flag bearing, standard bearing paper, the Philadelphia Inquirer, has this to say about your inactivity in the matter of the personal property tax:

"No form of tax is popular but some are less burdensome and less resented than others, because they are based on fair principles. The personal property levy is not one of these. It was originally imposed as one of the so-called emergency taxes adopted by the State Government to meet the unusual demands of unemployment relief and other depression charges. So long as critical conditions made such taxation seem imperative, there was little disposition to quarrel with it, but that emergency is nearing extinction. Relief costs continue to dwindle and the state revenues continue to climb. The financial picture at Harrisburg is so bright that tax reduction is generally regarded as positively on the way. The only disagreement is with reference to the date of the reduction."

That, Mr. President, sums up the opinion of the Philadelphia Record—I mean, the Philadelphia Inquirer—because if I read what the Record said about you it probably would not get into the record.

Predictions have openly been made on this floor and on the floor of the House and in the newspapers that we would have a surplus at the end of this biennium of anywhere from $60,000,000 to $150,000,000. The least we can do is to show the people of Pennsylvania that we are at least as honest in our intentions as the General Assembly or State Legislature of the State of New York; the State of New York has called for a flat reduction of twenty-five per cent on all state taxes.

I know that Governor James has effected some economies in government, but what good are they to the people of Pennsylvania if in the same way he does not reduce the tax burden? He can save five million dollars in the operation of one department but if he does not reduce taxes in the same amount, the economies mean nothing to the people of the State of Pennsylvania.

I assure you of this, and I say this believing that I know what I am talking about, that if you go ahead and fill the till with all this money that ought to go into the new and present war emergency, into bonds and stamps and so forth, you fill that till and I will guarantee all of you here today that when the Democrats take charge next year we will reduce taxes in the State of Pennsylvania to a bare minimum. I believe the majority members of this Senate ought to give each and every man here the privilege of voting one way or another upon this particular measure.

Therefore, Mr. President, I would like to ask for a roll call on the motion to set aside Rule No. 42.

Mr. WALKER. Mr. President, assuming that we are going to continue to discuss this motion, I deeply appreciate the sincerity that is back of the illuminating remarks made by the gentleman from Westmoreland, Mr. Dent.

I also am a candidate for office. It is so easy when you are a candidate for office to be against sin and to be for God and mother and the fireside, and to be for all appropriations and against all tax measures, and do your baby kissing in public, because that is one way to get votes.

The situation that we have created here is very obvious. We have a motion now to discharge the committee that has a bill requiring the reduction or elimination of the personal property tax.

Mr. DENT. We do not have that at all.

Mr. WALKER. To suspend Rule No. 42.

Mr. DENT. Then when we suspend Rule No. 42, we are going to discharge the Committee—we hope.

Mr. WALKER. That situation becomes apparent when you suspend the rule, and then, if you vote against this motion, you will be listed all over this great Commonwealth as being in favor of a personal property tax, and the asininity of such a situation will be apparent to those who think, but the gravity of the situation becomes apparent when we realize that in the heat of a campaign sometimes our constituents, who love us so much, do not stop to reason the thing out, and you are automatically listed throughout your district as being in favor of the tax because you would not take this obnoxious burden off the backs of the taxpayer.

Now, Mr. President, there are a lot of folks back in my district who have to pay this personal property tax, and I say this with a great deal of pride, that I have folks in my district who are very wealthy. I represent a section of Pennsylvania where names mean dynasties, where people have fortunes that have been passed down from generation to generation, the personal property tax means something to them, and I am very much in favor of having it eliminated, because it would make me the hero and the idol of the people in my district, but I do not propose, Mr. President, to vote to discharge this bill from this committee, or vote to suspend a rule to pave the way to discharge the committee.

Let us analyze the situation that confronts this Senate. In the first place we are supposed to be a serious, dignified body and to look upon these things calmly; we are supposed to analyze the situation as it actually exists, and try to pass some legislation which will be good for the Commonwealth of Pennsylvania and the ten million people residing therein.

I could suggest that this bill that would eliminate the personal property tax is unconstitutional, but repeatedly in the short time I have been a member of this august and dignified body I have pointed out that the question of the constitutionality of a bill is somewhat of a legal or court gamble, and therefore I would not advance that as a reason for voting against the bill, the question of its unconstitutionality.

I might also raise the question with the gentleman from Westmoreland as to whether or not the bill, which is the subject of this adroit resolution, is within the Governor's call. There again we enter into a legal discussion on which there probably could be no meeting of minds, because sometimes that question might be clear cut and sometimes it might have a shadow under it, as to the decision, whichever way it might fall, but I would like to point out an actual fact, and that is this: in the first place, as I understand the situation, the personal property taxes are due and payable on the fifteenth of February and the taxes for this current year have already been paid. There may be a few of us who could not scrape the money together to pay them and have not paid all of them, but the vast majority of the personal property taxes have been paid, and there is nothing in this bill regarding refunding the money paid prior to February of 1942, so there will be no relief for the people in my district who have already paid the personal property tax.

In 1943, there will be a regular session of this Legislature and then might be a good time to enter into a very careful and analytical study of the tax structure in Pennsylvania, because I have been advised that taxes in Pennsylvania must be uniform, and if we eliminate the personal property tax, as is adroitly suggested through this resolution, and the motion to discharge a committee, and then finally arrive at the Achterman Bill, you have other taxes that are correlated thereto, the national banks tax and the corporate loans tax, which must be also taken care of or taxes in Pennsylvania will not be uniform.

How can we here in the dying moments of a session, which was called primarily to consider congressional reapportionment, how can we on the spur of the moment spasmodically rebuild the tax structure of Pennsylvania, and then turn to the people of Pennsylvania, who, after all, are thinking people, and say we did a good job?

We tried to study this thing, too, during 1941, predicated upon the experience we had at that time, and then, with some of the finest tax minds in Pennsylvania—and I will say in the United States—sitting right here in this body, we were firmly of the opinion in the dying moments of the 1941 session that the time was not yet ripe for us to say to the people of Pennsylvania that now we should rebuild and reconstruct the tax structure of Pennsylvania.

Mr. President, there is another angle I would like to direct to the attention of the gentleman from Westmoreland and that is the thought as to whether or not the income from this personal property tax is not already pledged by this Commonwealth to cover the tax anticipation notes that are outstanding. If this money is pledged, the honor and the integrity of the Commonwealth is pledged, and by what right do we now turn our backs on our pledged word and take all of that money which we have pledged to our creditors and say we will take it back, we were only kidding in 1941?

I do not think, and I say this from the bottom of my heart, I do not think that the sponsors of this revolutionary political maneuver for one minute ever believed that they would be able to get that bill through the Senate, and this motion merely paves the way—and I say this without the least bit of personal criticism of the maker of the motion—this merely paves the way to what in the parlance of my district—I do not know what they call it in Germantown, but in the parlance of my district, it is an attempt to put us on the spot politically.

I for one propose to vote against the motion to discharge this committee, and in this session I would vote against any bill attempting to tear down the tax structure of Pennsylvania when I do not know whether or not that would be a catastrophe.

I think we should seriously study this problem, and say to the people back home that the Republican party is always in favor of tax reduction, but we are not going to be swept over the falls by an adroit political maneuver, we are not going to permit our judgment to be carried away by the enthusiasm of a political bonfire.

Mr. EDMONDS. Mr. President, I have listened to this discussion with a great deal of interest and I want to congratulate the maker of this motion for having reached the conclusion that the personal property tax imposed in this state is unjust and iniquitous. As a matter of fact, some of us reached that conclusion a great many years ago, that the personal property tax imposed by the counties was also unjust and iniquitous, and I am heartily glad that gospel, which is a healthy gospel, has at last reached the gentlemen on the other side.

Now, Mr. President, the argument today involves a motion which is to dispense with a rule. Personally, I am opposed to that motion because it seems to me to be a disorderly way of doing the thing. We adopted these rules with care, they were all considered in their application, and the rules themselves intend that a committee shall give thorough consideration to a bill before it shall be discharged.

A motion to dispense with a rule, which is intended to pave the way for the discharge of a committee, would in my judgment be an exceedingly unfortunate parliamentary tactic for the Pennsylvania State Senate to adopt.

Now we come down to the bill itself. I confess I have only read the bill since this debate arose on Bill No. 107 of the House, but I am familiar, I think, with the point of view that actuates the sponsor of the bill in the House and, possibly, the gentleman from Westmoreland in the Senate.

This is a step to suspend certain provisions of the law relating to the state personal property tax. Now, as my friend from Allegheny has said, in order to justify your position in supporting that bill in this Senate, you must first show that it comes under the Governor's call. Personally I can not see that it does, and therefore it seems to me to be unconstitutional from the beginning.

In the second place you must show that as a tax measure, what you propose fits into the articulated structure of taxation in Pennsylvania, and there you are terribly wrong. As my friend from Allegheny has already demonstrated, you can not change the personal property tax in the state without at the same time considering its effect upon the national bank shares tax, because,

under Section 5219 of the Federal Revised Statutes, you must tax other capital in the state at the same rate that you tax the bank shares. Therefore, if you propose to reduce the bank shares tax, you can reduce the personal property tax, but you can not reduce one without the other, and in the second place, you must consider its relation to the corporate loans tax, which is a supplement to the personal property tax in Pennsylvania, and under our scheme of law, we have a corporate loans tax paid by the corporations of the state on the same assets which are paid by individuals also to the state under this four mills tax, and to the county.

The relationship of these forms of taxation must be considered. It is not a question for a surbstone opinion, it is a question that has to be considered with care, and all the details of the situation must be worked out with a knowledge of the taxing system of Pennsylvania.

Now, for my own part, Mr. President, I am glad to state what I understand to be the position of this side in this matter. We are heartily in favor of a reduction in taxes, we are heartily in favor of the policy which enables us in this state to gradually build up a sufficient surplus to take care of the deficits left by preceding administrations, and which enables us to be in a square position financially. When that has been done, we will reduce taxes, but until that is done we will not reduce taxes, because it would not be honest to do it. The money is needed for the pledges that have been made against it, the tax anticipation notes which have been issued on the security of these taxes, and the money itself is needed in order to balance the budget. Certainly until we have had one year's experience with this budget, it would be folly to take out some of the taxes and then expect the budget to balance itself at the end of two years, as we hope it will do.

Under the policy of the present administration, I am very glad to state, in my judgment, there has been an encouragement of business in Pennsylvania, and that encouragement of business has resulted in a tremendous increase in employment, and that has resulted in a decrease in the cost of general assistance. All of that is a good thing, and I think the people of Pennsylvania appreciate that it is a good thing, but being a good thing we must wait until some of the results are accomplished before we can proceed to do away with or to meddle with the tax structure of the state, in which event you will probably find yourselves, if this bill were to be passed, with half a dozen constitutional attacks, which would put the whole state into confusion, put us in chaos, and might eventually leave us without any money for old age assistance for those properly on relief.

Mr. President, all of those questions must be considered in determining a general question of this kind. For my own part, I take my stand, first, on the proposition that Rule No. 42 is a good rule and ought not to be suspended, and I take my stand, secondly, upon the proposition that while a reduction in taxes is something which is dear to every one of us here, it ought not to proceed until it can proceed in an orderly manner, showing exactly how much taxes are to be reduced or adjusted, and particularly we must pay our debts before we reduce taxes, so that we may eventually become clear with the balance sheet. I think, Mr. President, that will happen in 1943, and I congratulate the next administration that it will have an opportunity to build upon the excellent foundation which Governor James has made.

Mr. GELTZ. Mr. President, I think it is about time we looked under the disguise and tried to find out what is happening here.

All of this discussion is, or is supposed to be, in connection with the resolution which was introduced to suspend Rule No. 42. Rule No. 42 is one of a number of rules which were adopted for the purpose of regulating the business and conduct of this body. They were adopted, after study and deliberation, as the best method of properly conducting the business of the Senate. That rule, Mr. President, which they want now to suspend, provides that no committee shall be discharged from consideration of any measure within ten calendar days of its reference. The ten day period, Mr. President, was put in there for a very good purpose, and that was so that a committee could do its duty in the proper way and not be hurried or forced into taking action, which later might show up as the wrong kind of action.

If there is such an urgency about action, Mr. President, if the Democrats are as sincere as they would have us believe they are in connection with the repeal of these taxes, I wonder why it is that no bill was introduced before the first of April, that after some six or seven weeks of this Special Session, Mr. President, now our colleague from Westmoreland endeavors to answer what appears to be criticism of the House for not acting sooner, by the statement that what the House does is none of our business, and I think possibly that is correct, but there was nothing to have prevented our colleague from Westmoreland County, or any other of our colleagues on the other side of the House, from having introduced the same or a similar bill long before the first of April.

I wonder what it is that is underneath their apparent aim and desire in connection with this bill. Has anything happened within the last couple of weeks which might change the picture? Well, I think we all know, Mr. President, that something has happened. There have been slates drawn up by each of the major political parties and, of course, even though not sincere, it might be good political talk on the part of some individuals to be able to go around this state and say, you know, I introduced a bill in the last session to relieve the poor heavily burdened taxpayers of this state of all those obnoxious personal property taxes, and I think, Mr. President, that those who had the idea in mind were quite correct, it undoubtedly would appeal to some people, and it would undoubtedly secure some votes for those individuals but, gracious, that is no reason why a body of this kind should take action which it knows is unconstitutional, which it knows is not according to the rules of the game which were adopted before this game started, and which also, Mr. President, it knows would do a thing which if done by an individual in this state would bring about his indictment, if not conviction, for a violation of the criminal laws of this Commonwealth.

As I study this matter, Mr. President, it seems to me that we go back to a point several years ago when we heard a lot of talk throughout this state, when we read a lot of newspaper articles in this state, concerning some gag laws in connection with an idea which the Democratic Party had at that time, that members of the Legislature

and members of the Senate of the Commonwealth of Pennsylvania should be permitted much greater latitude and should be allowed to do things, which if done by some individual citizen of the Commonwealth, would bring him face to face with a prosecutor in our criminal courts.

Mr. President, at this time there are $135,000,000 of tax anticipation notes outstanding, $45,000,000 of which do not come due until the end of this year, $90,000,000 of which do not come due until the end of next year, and against that, Mr. President, there is only $20,000,000 as against $135,000,000 in the sinking fund which is being accumulated for the purpose of paying off tax anticipation notes.

In other words, Mr. President, the receipts which would come in from these taxes were pledged by the great Commonwealth of Pennsylvania for a greater amount than $135,000,000, but the amount still outstanding is $135,000,000, and now we are asked to vote for a resolution which would suspend a rule which would permit the discharge of a committee, which then might bring up for vote the attempted passage of not only an unconstitutional act, because it is not within the call of the Special Session, but also of doing a deed by this Legislature which in my opinion amounts to the crime of fraudulent conversion. In other words, by the passage of this act, we in effect take certain personal property and we convert that personal property to some other use than that for which it was intended, and if my recollection of the definition of fraudulent conversion is correct, that is substantially what fraudulent conversion is.

I want to say for one, Mr. President, that I think a little bit too much of my reputation, and I certainly think too much of the reputation of this body to be drawn into, to go along with, or to join with any group that wants to commit a crime of that kind, purely for political purposes, purely to deceive a lot of people of this Commonwealth who possibly do not have a proper understanding and who possibly will never be able to get the facts to show the real intent behind this movement, one of gross deception, and one in which I will not join.

I will therefore ask my colleagues to vote against this resolution.

Mr. REED. Mr. President, as I understand House Bill No. 107, it is a bill to suspend that portion of the tax law enacted some years ago dealing with the four mills personal property tax, and the end of House Bill No. 107 reads—I do not want to read it all, I just want to give you the gist of it—suspend the law as last enacted and reenacted and amended by the act approved the eleventh day of July, 1941, P. L. 361—this particular imposition of a state tax on personal property—those laws are hereby suspended during the continuation of the war effort this nation is now engaged in and for a period of two years thereafter.

As I understand the law, it provides for the suspension of the law relating to the four mills state personal property tax. I have always been against this tax. I think the older members will recall that back through the years I vigorously opposed the four mills state personal property tax, fundamentlly, for the chief reason that it was not just to tax, say, the thrifty people down in Lancaster County to take care of the indolent people, the lazy people in some other county of the state.

Now, I want to be consistent. I am vigorously opposed to this tax and as I stated before, I have always vigorously opposed this tax, I have fought it almost singlehanded on the floor of this Senate and in the councils of the Democratic party, and I am opposed to it still for the same reason.

I want to say that the tax, as the gentleman from Allegheny, Senator Walker, has stated, was due on February 15, 1942. I suppose there will not be a whole lot of taxes to be collected for this fiscal year. If we can pass this bill—I do not care how we pass it—pass this bill and abolish the tax, I do not care how we pass it, I do not care when we pass it—but fundamentally I want to get rid of the state personal property tax because it is fundamentally wrong and unsound.

It will not hurt a whole lot now, because the money is in, and if it is not in it will be collectible under the law as it stands today, because, as I read this bill, it becomes effective upon its passage and when signed by the Governor.

Mr. President, politically I am not concerned. No one asked me how I should vote on this bill or any resolution relating to this bill. If there is politics in it, I do not know anything about it, and I do not care; it would not affect me at all, because I fought politicians on this bill back through the years when they wanted it passed, and when I opposed it.

Politically, there is another angle to it. If you repeal this four mills personal property tax, then you can go out, those who are for it, and say to those on relief, well, certain Senators voted to repeal the four mills personal property tax and take money away from agencies that would in turn pay it over to you, so politically there are two sides to the question, but I am not concerned with either of them. I am opposed to this form of taxation, and I would like to see it eliminated, and I do not care how soon.

Now, Mr. President, I want to say a word in response to what the good gentleman from Lehigh said, the Chairman of the Committee that has this bill. He is a man who handles a committee well, he acts promptly and he acts judicially, and I want to say in his defense that he called a meeting almost as soon as he received this bill, and another bill, and he did have these bills discussed, and I want to say to him that my vote will not be in any way against any action that he has taken or any action his committee has taken, because he handles, I repeat, his committee work well.

I vote in this case on the fundamentals, not on rules and not on regulations, but on the vicious foundation of this part of the taxing system. I repeat, the personal property tax is wrong as it applies to the general boundaries of the state, and I have always voted against it, even when it was more popular than it is today, and I shall vote to eliminate it; I do not care in what manner that elimination comes; I welcome it now as I welcomed it back through the years that are passed.

Mr. WADE. Mr. President, in order to substantiate the position taken by the Chairman of the State Government Committee, of which I am a member—and I also have the privilege of being a member of the sub-committee studying this bill, I should like to read a letter into the record, first to substantiate his position that a sub-committee has been appointed and is studying this bill, and secondly, the statements made by the gentle-

man from Allegheny, Senator Walker, the gentleman from Montgomery, Senator Edmonds, and the gentleman from Allegheny, Senator Geltz, and also, the gentleman from Washington, Senator Reed, on the other side, that there is a question as to whether or not this bill comes within the scope of the Governor's call, and further, that there is a question as to the constitutionality of the bill.

Therefore, Mr. President, I wish to read a letter received from the Department of Justice, which is dated April 8, 1942.

Commonwealth of Pennsylvania,
Department of Justice, Harrisburg, April 8, 1942.

"State Government Committee,
Senate of Pennsyvania,
Harrisburg, Pennsylvania.

"Gentlemen:

"You have asked this department whether House Bill No. 107, which would suspend Section 3, of the Act of June 22, 1935, P. L. 414, as reenacted and amended, for the duration of the War and for a period of two years thereafter, falls within any subject designated in the Proclamations issued by the Governor convening the General Assembly into its current Special Session. Section 3 of the act referred to imposes the State Personal Property Tax.

"Paragraph 1 of the Governor's Supplemental Call designates as a subject for legislative consideration legislation authorizing the suspension or modification of existing laws that interfere with the prosecution of any war in which this nation is or may become engaged. In an attempt to bring the bill within this designated subject the bill contains various whereas clauses to the effect that the payment of the State Personal Property Tax interferes with the prosecution of the War in that it makes it unduly difficult for the taxpayers to pay their Federal taxes and to purchase war bonds and stamps. Notwithstanding this apparent window dressing, we have no hesitancy in advising you that in our opinion this bill, by no stretch of the imagination, can be said to come within the above provision of the Governor's Supplemental Call. It is essential that the revenues of the respective states remain unimpaired in order to enable them to play their proper part in the aid of the Federal Government in the present crisis. Therefore, in our opinion it can not be said that existing revenue measures impede the War effort.

"Moreover, even if House Bill No. 107 could be considered to be within any subject designated by the Governor in his Proclamations convening the General Assembly into Special Session, the bill would create various unconstitutional situations which could throw State finances into a chaotic condition. For example, the bill merely suspends the State Personal Property Tax but leaves the Corporate Loans Tax at the rate of eight mills. This, in our opinion, would create a lack of uniformity in violation of the Uniformity clause of the Constitution. Moreover, this bill would invalidate the State tax on shares of national banks in that money at interest in Pennsylvania would be taxed at a lesser rate than shares of national banks contrary to the Act of Congress which permits us to tax the shares of such banks.

"Likewise, the suspension of this tax would impair the obligation of the contract entered into by the General Assembly in the Tax Anticipation Notes Act whereby revenues of the current biennium were pledged as collateral for the payment of such notes.

Very truly yours,
E. RUSSELL SHOCKLEY,
Deputy Attorney General."

Mr. DENT. Mr. President, I do not want to try to answer all of the things that have been said, but in order to clear up some of the things that were said, I just looked over the list of candidates that have filed in the state, and I can not find my name on the list anywhere, so evidently I am not a candidate or looking for votes in my endeavors to reduce the tax burden in the State of Pennsylvania.

However, you know, just sitting here, a story came to my mind. In ancient times, a very wealthy man had two wives, one was young and the other one was an old wife. Every time he was with the young wife, she would pull out a gray hair to make him look younger, and when he was with the old wife, she pulled out a dark hair to make him look older, and between the two, why, he was bald, and that is the way the people of Pennsylvania are. We want to reduce taxes and we do not have the votes; you do not want to reduce taxes and you have the votes, and between the two of us, the people of Pennsylvania are bald.

I am particularly amused at the around the bush manner of the gentleman from Allegheny in making an attack upon the motion itself. Certainly, I explained to the Senate why I wanted the motion passed. I was fair and told you that if we passed the motion, I intended to try to discharge the committee, but for any member of this Senate to stand here and tell me that this Fascist Rule No. 42 which says, mind you, that if one member of this Senate objects, you can not consider a bill unless it has been in the committee ten days, and yet, by common practice of the majority of this Senate, there has not been a bill on the calendar in this Session that was in a committee ten days—except House bills.

Why, they have taken bills into committee one minute, brought them out the next minute, and they were read for the first time, and your great guardian of the Constitution, Mr. Edmonds, who is so worried that this might be an irregular way of doing things, does he know it is unconstitutional to pass a bill unless copies are on the members' desks? He sat there and voted time after time for first reading bills, and did not even know what they were, did not even know the number.

Mr. Walker wants to know what is going to happen to the money that is already paid in by the wealthy families in his district. Well now, Mr. Walker, we are trying to save them this year's taxes, and if you would have voted for the bill when we had it up last year, you would have saved the money they paid this year, and if you do not vote for the bill this year, you may not be here next year to vote for the one we will put in then.

I want also to remind the gentleman from Allegheny, Mr. Geltz, that when he calls the men who vote for this bill criminals, that he is calling one hundred and eighty members of the House criminals, for fraudulent conversion. One hundred and eighty members of the House voted for this bill, and they are not criminals; they are decent Democrats trying to make the Republican party live up to its promise to cut taxes. The only reason that you will not vote for the bill at this time is not because it has come into the last week of the Session before you could take a look at it, because every man knows the reason the bill was not introduced sooner was because the working committee of the House was trying to work out some solution with the Governor of Pennsylvania on what to do and what not to do with his number one section in the proclamation of the call. They wanted to know which bills were to be taken up and repealed or amended in order that the war effort could be aided, and if any person here thinks it would not aid the war

effort to give the people back home additional monies to buy bombers and so forth, why then I do not know what war effort is.

Every state in the union is making some effort at this time to reduce the tax burden on their people, because federal taxes have gone almost beyond the ability to pay.

Every time you get into a hole on that side, you blame the Federal Government; the Federal Government is to blame now for not allowing us to repeal the personal property tax, because it may checkmate some bank stock tax. The banks will get their relief. I am not worried about the bank stock tax or the corporate tax, I am worried about the widows in the State of Pennsylvania who are living upon the small income that is derived from the monies that are taxed by this bill.

You can put up all the arguments you want, regardless of how loud, and I will say to the Senate of Pennsylvania that the worst political maneuver that could befall the Democratic Party would be to allow this bill to go to the Governor's desk, and yet I and every Democrat sincerely is trying to get this bill over there so that the Governor can sign it. Do you think the people of Pennsylvania care whether Achterman put the bill in, or Geltz put the bill in, or Dent put the bill in? All they are interested in is relief in taxes, and for you political minded Senators on the other side, I want to say to you that if you pass this bill the present administration will get the credit from the people of Pennsylvania, and not the sponsor of the bill, but if you do not pass this bill, then you are being dishonest with the people, dishonest with yourselves, and dishonest in your promises to the people of Pennsylvania from the public platforms.

I say to you that a vote to discharge this committee, to be taken if we pass this motion, is a vote to reduce taxes, regardless of how you color the issue.

And the question recurring,

Will the Senate agree to the resolution?

The PRESIDENT. The Chair understands this is a motion to suspend Rule No. 42.

Mr. DENT. That is correct, Mr. President.

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—13

Barr,	Haluska,	McCreesh,	Reed,
Coleman,	Jaspan,	McGinnis,	Ruth,
Cox,	Lanius,	McQuiddy,	Stiefel,
Dent,			

NAYS—25

Bartlett,	Geltz,	Mallery,	Taylor,
Chapman,	Heyburn,	Miller,	Thomas,
Crowe,	Homsher,	Scarlett,	Wade,
Deitrick,	James,	Snowden,	Walker,
Ealy,	Kephart,	Stevenson,	Wilson, H. I.,
Edmonds,	Letzler,	Tallman,	Ziesenheim,
Farrell,			

Less than a majority of all the Senators having voted "aye" the question was determined in the negative.

HOUSE MESSAGES

HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives being introduced presented for concurrence bills of the House, as follows:

House Bill No. 113, (Senate Bill No. 96), entitled:

An Act creating a joint legislative committee to study partial unemployment as related to unemployment compensation; defining its powers and duties; authorizing the employment of counsel and employes; and making an appropriation.

Which was committed to the Committee on Appropriations.

House Bill No. 112, (Senate Bill No. 97), entitled:

An Act to amend subsection (a) and to further amend subsection (b) of section nine of the act, approved the first day of June, one thousand nine hundred thirty-seven (P. L. 1168), entitled "An act to protect the right of employes to organize and bargain collectively creating the Pennsylvania Labor Relations Board; conferring powers and imposing duties upon the Pennsylvania Labor Relations Board, officers of the State government, and courts; providing for the right of employes to organize and bargain collectively; declaring certain labor practices by employers to be unfair; further providing that representatives of a majority of the employes be the exclusive representatives of all the employes; authorizing the board to conduct hearings and elections, and certify as to representatives of employes for purposes of collective bargaining; empowering the board to prevent any person from engaging in any unfair labor practice, and providing for a procedure for such cases, including the issuance of a complaint, the conducting of a hearing, and the making of an order; empowering the board to petition a court of common pleas for the enforcement of its order, and providing a procedure for such cases; providing for the review of an order of the board by a court of common pleas on petition of any person aggrieved by such order, and establishing a procedure for such cases; providing for an appeal from the common pleas court to the Supreme Court; providing the board with investigatory powers, including the power to issue subpoenas and the compelling of obedience to them through application to the proper court; providing for service of papers and process of the board; prescribing certain penalties," fixing the rights and standing of the Pennsylvania Labor Relations Board as a party and as appellant in the courts in matters originating before the board; and defining the jurisdiction of the Supreme Court on appeal.

Which was committed to the Committee on State Government.

BILLS ON FINAL PASSAGE

Agreeably to order,

The Senate resumed the third reading and consideration of Senate Bill No. 67, (House Bill No. 24), entitled:

An Act relating to air raid precautions including blackouts conferring certain powers and duties upon the State Council of Defense local and district Councils of Defense political subdivisions members of certain municipal and volunteer agencies and civilians necessary for the safety defense and protection of civilians and property in the Commonwealth providing for the mobilization coordination and use of certain municipal agencies and volunteer agencies including their personnel and equipment providing for immunity from liability for injury or death to persons or damage to property under certain circumstances and providing penalties

And said bill having been read at length the third time, and agreed to.

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

Mr. WALKER. Mr. President, some time ago the Senate passed a bill that is practically identical with House Bill No. 24, and I would like now to very briefly review the situation as it now exists.

In the early days of this Session, a number of the members of the Department of Justice, who were working in collaboration with the State Council of Defense, prepared this bill for passage in the Special Session. This bill was originally drafted, as I have been advised, by the Federal Department of Justice, collaborating with the National Council of Defense, and it was to be a uniform bill to be adopted by all of the states in the union which might be subjected to or need defense of this type.

When it became necessary to have a bill introduced in the Pennsylvania Legislature, a bill was presented to the Republican Senate and also to the Democratic House, because our State Council of Defense is a non-partisan group, and in getting this bill passed, they desired to show a non-partisan attitude, and therefore they made obeisance to both major political parties.

The bill which was introduced in the Senate bore my name, merely because I was selected by the Republican Caucus to steer it through the Senate. It came out of committee early, the bill was presented to the Senate, and, after several constructive amendments, passed the Senate and went over to the House. In the course of its passage, and especially after it had passed the Senate, a number of the newspapers in the state, which took a very constructive position in the crystalization of public opinion, wrote editorials commenting favorably on the legislation, but, unfortunately, that delayed passage of the bill, because suddenly there was action in the House and the House bill was put through the House and sent over to the Senate, and then I was advised indirectly that the only thing we could do would be to accept this House bill, so that indirectly or by some stretch of the imagination, some credit or personal aggrandizement might be derived by being the father of this very meritorious legislation.

Mr. President, I think we are going rather far afield when we take that attitude on legislation. Therefore, when this matter was presented to my party Caucus, I immediately suggested to them that we proceed to adopt the House bill, because the major premise is the adoption of the legislation, and whoever sires the thing is absolutely immaterial. The folks back in my district understand what they want would be this air raid defense, and they are not the least bit interested in how the thing is arrived at.

It reminds me somewhat, Mr. President, of the old situation that we got into during the World War, when they told a story about a buck private that ran past a second lieutenant without saluting, and the second lieutenant called him back and made him salute him one hundred times, and after the buck private had saluted the second lieutenant one hundred times, the second lieutenant told the buck private he was dismissed. The buck private still stood there and the second lieutenant said, "what are you waiting for." and the buck private said to the second lieutenant, "it is part of army regulations that an officer shall return a buck private's salute; I saluted you one hundred times, and I am waiting for you to return it one hundred times."

Perhaps, Mr. President, if we salute the House by accepting their bill, perchance they may see the light of reason and occasionally pass a Senate bill that is over in the House, even though it happens to be sired by a Republican.

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—42

Barr,	Edmonds,	Mallery,	Stiefel,
Bartlett,	Farrell,	McCreesh,	Tallman,
Becker,	Geltz,	McGinnis,	Taylor,
Carr,	Haluska,	McQuiddy,	Thomas,
Chapman,	Heyburn,	Miller,	Wade,
Coleman,	Homsher,	Reed,	Walker,
Cox,	James,	Ruth,	Watkins,
Crowe,	Jaspan,	Scarlett,	Wilson, H. I.,
Deitrick,	Kephart,	Snowden,	Wilson, T. B.,
Dent,	Lanius,	Stevenson,	Ziesenheim,
Ealy,	Letzler,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendment in which the concurrence of the House is requested.

Agreeably to order,

The Senate resumed the third reading and consideration of Senate Bill No. 81, (House Bill No. 78), entitled:

An Act to amend section six of the act approved the twenty-fourth day of June one thousand eight hundred ninety-five (P. L. 212) entitled "An act to establish an intermediate court of appeal regulating its constitution officers jurisdiction powers practice and its relation to the Supreme Court and other courts providing for the reports of its decisions the compensation of the judges and other officers and the practice and costs on appeals from its judgments" by making further provision as to the preparation custody and disposition of plates used in the printing of Superior Court Reports.

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—42

Barr,	Edmonds,	Mallery,	Stiefel,
Bartlett,	Farrell,	McCreesh,	Tallman,
Becker,	Geltz,	McGinnis,	Taylor,
Carr,	Haluska,	McQuiddy,	Thomas,
Chapman,	Heyburn,	Miller,	Wade,
Coleman,	Homsher,	Reed,	Walker,
Cox,	James,	Ruth,	Watkins,
Crowe,	Jaspan,	Scarlett,	Wilson, H. I.,
Deitrick,	Kephart,	Snowden,	Wilson, T. B.,
Dent,	Lanius,	Stevenson,	Ziesenheim,
Ealy,	Letzler,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendment in which the concurrence of the House is requested.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 59, as follows:

A Joint Resolution proposing an amendment to Article nine of the Constitution of the Commonwealth of Pennsylvania by adding thereto section eighteen

The General Assembly of the Commonwealth of Pennsylvania hereby resolves as follows

Section I The following amendment to the Constitution of the Commonwealth of Pennsylvania be and the same is hereby proposed in accordance with the Eighteenth Article thereof

That Article Nine of the Constitution be amended by adding thereto section eighteen as follows

Section 18 All proceeds from gasoline and other motor fuel excise taxes motor vehicle registration fees and license taxes operators' license fees and other excise taxes imposed on products used in motor transportation after providing therefrom for (a) cost of administration and collection (b) payment of obligations incurred in the construction and reconstruction of public highways and bridges shall be appropriated and used under the direction or supervision or both of an agency of the state solely for construction reconstruction maintenance and repair of and safety on public highways and bridges and air navigation facilities and costs and expenses incident thereto and shall not be diverted by transfer or otherwise to any other purpose except that loans may be made by the state from the proceeds of such taxes and fees for a single period not exceeding eight months but no such loan shall be made within the period of one year from any preceding loan and every loan made in any fiscal year shall be repayable within one month after the beginning of the next fiscal year

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—42

Barr,	Edmonds,	Mallery,	Stiefel,
Bartlett,	Farrell,	McCreesh,	Tallman,
Becker,	Geltz,	McGinnis,	Taylor,
Carr,	Haluska,	McQuiddy,	Thomas,
Chapman,	Heyburn,	Miller,	Wade,
Coleman,	Homsher,	Reed,	Walker,
Cox,	James,	Ruth,	Watkins,
Crowe,	Jaspan,	Scarlett,	Wilson, H. I.,
Deitrick,	Kephart,	Snowden,	Wilson, T. B.,
Dent,	Lanius,	Stevenson,	Ziesenheim,
Ealy,	Letzler,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 80, (House Bill No. 76), on third reading, entitled:

An Act suspending and modifying for the period of the present war and for a time thereafter the provisions of section one of the act approved the eighth day of July one thousand nine hundred and nineteen (P. L. 737) entitled "A supplement to an act entitled 'An act to establish a Board of Commissioners of Navigation for the River Delaware and its navigable tributaries regulating their jurisdiction over ships vessels and boats and wharves piers bulkheads docks slips and basins and exempting cities of the first class from certain of its provisions and making an appropriation therefor' approved the eighth day of June Anno Domini one thousand nine hundred and seven authorizing and directing the commissioners to provide and maintain a nautical school for the education and training of pupils from the various counties of the Commonwealth of Pennsylvania in the science and practice of navigation and making an appropriation for two years from the first day of June Anno Domini one thousand nine hundred and nineteen towards its maintenance" and its amendments in so far as they require the furnishing of accommodations on board a proper vessel for the nautical school when no such vessel is available and imposing upon the State Council of Defense the duty of furnishing other accommodations.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 84, as follows:

An Act to conserve metal by suspending the provisions of article five of the act approved the first day of May one thousand nine hundred and twenty-nine (P. L. 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of the Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" and its amendments in so far as they require the issuance and use of more than one registration plate

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 In order to make available for war needs many tons of most valuable metal the provisions of article five of the act approved the first day of May one thousand nine hundred and twenty-nine (P. L. 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the

highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" and its amendments are hereby suspended in so far as they require the issuance of more than one registration plate for any motor vehicle and in so far as they require that a registration plate be attached on the front of any motor vehicle for the registration year commencing April first one thousand nine hundred and forty-two and all subsequent registration years commencing within six months after the termination of hostilities in the war in which the United States is now engaged

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

Mr. MILLER. Mr. President, I would just like to state that it is regrettable that there are not enough legislative days remaining in this Special Session of the Legislature to enact this measure into law.

This bill simply empowers the Secretary of Highways and the Secretary of Revenue to suspend laws requiring the use of two license plates on an automobile. It was retroactive, and I think it would have been a wonderful contribution by the motorists of Pennsylvania to donate one tag to the government in order that shells and guns might be manufactured out of that vital material.

I at this time want to express my personal thanks to the members of the Senate, and again say I regret that there are not sufficient legislative days to pass this bill.

And the question recurring?

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—42

Barr,	Edmonds,	Mallery,	Stiefel,
Bartlett,	Farrell,	McCreesh,	Tallman,
Becker,	Geltz,	McGinnis,	Taylor,
Carr,	Haluska,	McQuiddy,	Thomas,
Chapman,	Heyburn,	Miller,	Wade,
Coleman,	Homsher,	Reed,	Walker,
Cox,	James,	Ruth,	Watkins,
Crowe,	Jaspan,	Scarlett,	Wilson, H. I.,
Deitrick,	Kephart,	Snowden,	Wilson, T. B.,
Dent,	Lanius,	Stevenson,	Ziesenheim,
Ealy,	Letzler,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 87, as follows:

An Act creating a Joint Legislative Committee for the purpose of investigating and studying plans methods and systems for liberalization of the Pennsylvania Unemployment Compensation Law to provide benefits for partial unemployment providing for its appointment authorizing the employment of necessary assistance and making an appropriation

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Whereas on the tenth day of February 1942 the Governor of the Commonwealth of Pennsylvania convened the General Assembly to meet in Extraordinary Session on Tuesday February 17 1942 and by Supplemental Proclamation issued on February 17 1942 included "liberalization of unemployment compensation" in the additional subjects for the consideration of the General Assembly and

Whereas it is desirable to liberalize the Pennsylvania Unemployment Compensation Law to provide for the payment of benefits for partial unemployment and

Whereas certain information facts data and statistics on employment and unemployment in Pennsylvania and the systems or plans for payments of benefits for partial unemployment in other states are necessary to adopt a workable equitable and acceptable system for inclusion for the payment of benefits for partial unemployment under the Pennsylvania Unemployment Compensation Law

Section 1 A Committee of three senators to be appointed by the President Pro Tempore of the Senate and three members of the House to be appointed by the Speaker of the House of Representatives is hereby created whose duty it shall be to gather information facts data and statistics on unemployment and employment in Pennsylvania and the systems in operation in other states providing for the payment of benefits for partial unemployment under their laws for the purpose of determining the most equitable and desirable plan system or provision for the payment of benefits for partial unemployment under the present system and law of unemployment compensation in Pennsylvania and to make a full report of its findings including recommendations and drafts of bills for amending the Pennsylvania Unemployment Compensation Law to the next regular session of the General Assembly in 1943

Section 2 The said committee shall have the power to request the Bureau of Unemployment Compensation of the Department of Labor and Industry and any department board commission bureau or any other agency of the Commonwealth of Pennsylvania and their duty shall be to furnish such assistance and cooperation and to provide such information facts data and statistics pertinent to the investigation and study as herein authorized

Section 3 The persons appointed as members of said committee shall meet immediately after appointment and select one of their number to act as chairman and one to act as secretary of the committee The committee may employ any necessary clerks and stenographers or any other assistance as they deem necessary and fix their compensation The members of the committee shall receive no compensation for their services but shall be reimbursed for living and traveling expenses necessarily incurred in the performance of their duties

Section 4 The sum of five thousand dollars ($5,000.00) is hereby specifically appropriated to the said committee for the purpose of paying the expenses of the members and the salaries and traveling expenses of employes and any other necessary expenses incident to the work of said committee

Section 5 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill?

Mr. DENT. Mr. President, the other day when this bill was introduced, I opposed it on the ground that a committee was already studying this important subject.

Since that time I have had a discussion and conference with the sponsor of the bill, Mr. Heyburn, as well as others who are interested in this legislation, and we have come to the conclusion that probably, and I sincerely believe, the interests of the State of Pennsylvania would best be served, if the functions of the bill are carried on by those who are appointed on that committee.

I have tried, to the best of my ability and capacity, to do the job in the matter of unemployment compensation studies with the set-up as it is constituted under the Joint State Government Commission. However, it is felt that a separate and distinct non-partisan bi-partisan committe ought to study the most controversial of all the features of unemployment compensation, that of partial payments.

Therefore, Mr. President, I remove my objections to the passage of the bill, with the clear understanding that there shall be a committee of persons interested in the subject, and not a political committee.

And the question recurring,

Will the Senate agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—42

Barr,	Edmonds,	Mallery,	Stiefel,
Bartlett,	Farrell,	McCreesh,	Tallman,
Becker,	Geltz,	McGinnis,	Taylor,
Carr,	Haluska,	McQuiddy,	Thomas,
Chapman,	Heyburn,	Miller,	Wade,
Coleman,	Homsher,	Reed,	Walker,
Cox,	James,	Ruth,	Watkins,
Crowe,	Jaspan,	Scarlett,	Wilson, H. I.,
Deitrick,	Kephart,	Snowden,	Wilson, T. B.,
Dent,	Lanius,	Stevenson,	Ziesenheim,
Ealy,	Letzler,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 89, (House Bill No. 57), entitled:

An Act authorizing the secretary of the board of health in the various cities of the third class throughout the Commonwealth during the continuation of the present war and for six months thereafter to search and issue certified copies of birth and death records maintained by such cities after the State-wide system for registering vital statistics was established requiring that such birth and death records be made available to the secretary of the board of health for the purposes of this act and authorizing the respective city councils to prescribe fees for such services

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 90, (House Bill No. 58), entitled:

An Act authorizing the Department of Property and Supplies with the approval of the Board of Commissioners of Public Grounds and Buildings as a temporary emergency war measure for a limited period of time to adopt certain rules and regulations governing purchases and contracts of the Department of Property and Supplies on behalf of the Commonwealth and with like approval to make and alter purchases and contracts pursuant thereto and suspending certain statutory provisions inconsistent with such rules and regulations.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 91, (House Bill No. 69), entitled:

An Act to further amend section two of the act approved the seventh day of June one thousand nine hundred seventeen (P. L. 600) entitled "An act providing that appointive officers and employes employed by the Commonwealth of Pennsylvania in its civil service or by any department bureau commission or office thereof or by any county municipality township or school district shall not be deemed or held to have resigned or abandoned their offices or employments by reason of enlistment enrollment or draft in the military or naval service of the United States or any branch or unit thereof in time of war or contemplated war prohibiting the removal from their offices or employments of such officers and employes during the period of their service in the Army or Navy directing that one-half of the salaries or wages of such officers or employes as have dependent wives children or parents and not exceeding two thousand dollars per annum be paid during the term of their service in the Army and Navy to such dependents authorizing the employment during said term of substitutes to perform the duties theretofore performed by such officers or employes respectively and providing for the compensation of such substitutes" by providing for the payment into the School Employes' Retirement Fund of certain amounts of the salaries or wages of certain officers or employes under certain circumstances

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 92, (House Bill No. 71), entitled:

A Supplement to the act approved the eighteenth day of July one thousand nine hundred seventeen (P. L. 1043) entitled "An act establishing a public school employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon boards having the employment of public school employes exempting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" defining the rights and obligations of certain members of the School Employes' Retirement Association engaged in active military service

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 94, (House Bill No. 101), entitled:

An Act to amend the appropriation to the Department of Military Affairs in section two of the act approved the sixteenth day of June one thousand nine hundred and forty-one (Appropriation Act No. 12-A) entitled "An act to provide for the ordinary expenses of the Executive Legislative and Judicial Departments of the Commonwealth interest on the public debt and the support of the public schools for two years beginning June first one thousand nine hundred and forty-one and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first one thousand nine hundred and forty-one" by providing specifically for the expenses of the State Council of Defense for the maintenance of a nautical school

And said bill having been read at length the second time and agreed to,

BILL RECOMMITTED

Mr. GELTZ. Mr. President, I move that Senate Bill No. 94 (House Bill No. 101), the bill just read, be recommitted to the Committee on Appropriations, for the reason that it carries an appropriation provision.

Mr. EALY. Mr. President, I second the motion.

The motion was agreed to.

PERMISSION TO ADDRESS SENATE

Mr. REED. Mr. President, I desire permission to address the Senate.

The PRESIDENT. The gentleman from Washington will proceed.

Mr. REED. Mr. President, if the Chair is through with the Calendar I would like to call from the table at this time a resolution that I presented to the Senate yesterday, aiming at a study of government, for the purpose of locating waste, inefficiency, disintegration and indolence, by creating a committee of three Senators and three members of the House for such purpose, the same committee to study government from this position and report at the 1943 regular session.

RESOLUTION CALLED UP FROM THE TABLE

Mr. REED. Mr. President, I now call up from the table and move that the Senate do now proceed to the consideration of the resolution, offered by myself yesterday, April 7, 1942.

Mr. HALUSKA. Mr. President, I second the motion.

The motion was agreed to.

The resolution was read as follows:

In the Senate, April 8, 1942.

Whereas, The United States is now engaged in what would appear to be a long and devastating world war; and

Whereas, To save the Republic is the solemn desire and sincere purpose of every true American; and

Whereas, The American people are being admonished daily to sacrifice and constantly urged by those in authority to return to the practice of strict economy; and

Whereas, Economy in government is vitally essential to its preservation and should at all times be practiced and particularly during periods of national stress and war; and

Whereas, Waste, inefficiency, indolence, and disintegration are in existence, in various forms and degrees, in almost every branch and department of our government; and

Whereas, To locate and eliminate these evils is the patriotic duty of every loyal citizen, especially those paid servants of the people employed as law makers in these legislative halls; Therefore, To that end, Be it

Resolved, That, if the House of Representative concurs, a Committee, consisting of three Senators, appointed by the President Pro Tempore of the Senate, and three members of the House of Representatives, appointed by the Speaker of the House of Representatives, be created, to investigate and explore, impartially and fearlessly, all departments, boards, and agencies of the Commonwealth, including, if advisable, Counties, Cities, Boroughs, Townships, and School Districts, for the purpose of ascertaining whether waste, inefficiency, indolence or disintegration are present, and if so, to study ways and means of eradicating and/or correcting the same, and to make report to the General Assembly of the Commonwealth at its regular meeting in January, 1943, with its recommendations.

Such committee shall have the power to compel the appearance of witnesses and the production of books, papers and records, and to issue proper subpoenas for the attendance of witnesses and the production of books, papers, records, and any and all other writings deemed necessary for the fulfillment of the duties prescribed by this resolution.

Mr. GELTZ. Mr. President, will my colleague from Washington be interrogated?

The PRESIDENT. Will the gentleman from Washington permit himself to be interrogated?

Mr. REED. Certainly, Mr. President.

Mr. GELTZ. Mr. President, does my colleague from Washington County realize that by this resolution he gives a committee power to subpoena and compel attendance of witnesses, without any provision for payment of the expenses involved?

Mr. REED. Mr. President, that can be taken care of at the time.

Mr. GELTZ. Mr. President, may I ask my colleague how it can be taken care of?

Mr. REED. Mr. President, such resolutions have been presented many times in the past, and the Governor can see to it that a fund is set aside for such purposes.

Mr. GELTZ. Mr. President, I think the purpose of this

resolution, without much question, is a good one, and I would be inclined to vote for the resolution, but I am at a loss to understand how the Governor could make expenditures or make an appropriation for the purposes set forth in this resolution without some authority so to do, and I think some of my colleagues on this side of the Senate feel the same way about the resolution, and we would like some knowledge of how it is going to be done.

Mr. REED. Mr. President, I have known many cases in the past where we have had committees appointed, with no appropriation, and later on the expenses were taken care of by a fund from which—I do not know where the funds came from—but nevertheless it was handled in that manner.

Mr. GELTZ. Mr. President, I would like to say, as I stated before, I am in favor of the purposes of this resolution, but I am afraid if we pass it in its present form it will lead to complications and many difficulties, by the compulsion of witnesses in attendance at hearings at different points, and then, after the hearings have been held and the expense incurred, find out there is not anybody who has authority to pay those expenses, and I am sure my colleague from Washington County would not want to have a resolution passed that would bring about those difficulties.

Mr. REED. Mr. President, I am on a committee at the present time to investigate conditions in the hard coal regions, where there was no provision made for the payment of witnesses or expenses, and yet I understood, at the time of the creation of that committee, that funds would be provided to take care of it—I do not know how—but, nevertheless, that was the understanding, and there was no question raised at that time.

The question raised at this time by the gentleman from Allegheny is altogether different from the question raised yesterday. He tried to set forth as a reason for not acting on the resolution at that time that we had a Joint State Government Commission, and I can answer him on that proposition today, that we passed a bill just recently to study another phase of government and nothing was said about the Joint State Government Commission. Now, today, another reason arises. I think the gentleman from Allegheny is trying to set the resolution aside, because it deals with a subject that will require fearless courage in order to get at the things that this resolution would cover. I know it is hard to investigate government, to find out where waste is, where inefficiency dwells. It is not work for politicians, it is work for statesmen, and I know it is difficult, but nevertheless in these times we ought to have the courage to get to the bottom of those things and sort them out, in order that the welfare of the people might be preserved.

Mr. GELTZ. Mr. President, I am afraid my colleague from Washington County is just the least bit unjust. He can corroborate the statement I am about to make, if he likes, but just before we started the Calendar, Senator Ealy and I were perusing the resolution of our colleague from Washington County, and we came to the conclusion that we were inclined to think it was a good resolution and had a good purpose, until we came to the end and saw that there was no appropriation, but that there was the power to compel the attendance of witnesses.

I think that just undoes any good there is in the resolution, notwithstanding the fact that my colleague from Washington County has the idea that I have some ulterior purpose or motive in mind in an endeavor to kill this resolution on the floor of the Senate, but I want to assure him that I have no such purpose and if he can answer the questions which I have asked as to how it can be done, I will assure him now that I will vote for the resolution.

Mr. REED. Mr. President, I would like to answer that if the gentleman from Allegheny were to ask some of his colleagues how it was done in other cases where the administration wanted an investigation made—I know you do not want this investigation, but the people do want it.

Mr. EALY. Mr. President, there is one serious difficulty, it seems to me, about passing a resolution for an investigation. As I understand, the courts have held that while the Legislature is in session a committee may have the right to enforce their subpoenas, but that they would not have that right after adjournment of the Legislature. I am in favor of this investigation, but I am just wondering whether it will accomplish what the Senator from Washington County desires.

Mr. REED. Mr. President, in answer to the gentleman from Somerset, if his administration is in favor of an investigation, it can start under this resolution, by calling in a department head or any person in that department, because they control those appointees and those that are under them, and you can get a start before the regular session of 1943 commences.

Mr. EALY. Would the Senator from Washington be willing to spend two or three months of his time during the remainder of this year to serve on this committee.

Mr. REED. I did not say it would take two or three months. I will state for the information of the gentleman from Somerset that in 1935, when a committee to investigate unemployment relief was created, I served on that committee for months without one cent of compensation, not even my traveling expenses, and under the resolution that was adopted at the 1941 session of this body to investigate conditions in the hard coal regions, I was appointed on that committee and I have never asked any compensation for those services.

Mr. EALY. I understand that committee has not made a report as yet, but I think the gentleman from Washington should be paid for those services.

Mr. REED. Mr. President, I will say further, if the gentleman from Somerset will bear me out, when he asked me if I would serve on that committee, he specifically stated there was no money appropriated, but there would be ways open to take care of the expenses, or words to that effect. Is that right?

Mr. EALY. The gentleman from Washington County has asked me a question which seems to require a reply. I feel this Legislature should provide funds for that committee which investigated the riot in the anthracite region. As I understand, the committee has never made a formal report to the Legislature, but when it does I think there should be some money provided by this Legislature to pay the committee. I think it did good work, as far as I know.

Mr. COLEMAN. Mr. President and members of the Senate, because I am heartily in sympathy with the spirit which impels the gentleman from Washington to introduce such a resolution, I hesitate to rise to oppose his resolution for the creation of a new commission, but

there are already in existence several commissions assigned to the very function called for in this particular resolution.

I oppose it, first of all, because the Local Government Commission, of which I happen to be a member, is opposed to overlapping of functions, the very thing that will happen in the event this resolution is enacted into law.

No member of the Senate shares a greater portion of my admiration and respect than does the gentleman from Washington. I have a sympathetic understanding of the spirit which motivated him in the introduction of this resolution, not only in the introduction of the resolution but in his action on various bills before the General Assembly. It is most unfortunate, incidentally, that the gentleman has not seen fit to seek re-election to the Senate body.

For profundity of thought and brilliancy of legislative ideas, I think the gentleman from Washington has had few equals during my tenure as a member of the General Assembly.

One summer afternoon in the year 1787 a fellow by the name of James Watts was strolling across a scottish golf field thinking, and suddenly he broke out into a mysterious smile; the result of that smile, my friends, was the invention of the steam engine. Sweating horses and spinning looms gave way to thundering locomotives, the radio, television and the telephone; agricultural centers were supplanted by metropolitan areas with teeming population.

We have come to a change in the necessity for local government structures, we have come to a demand for new and modern ideas in local government, and your Local Government Commission created by an act of the Legislature in 1935 has for its chief function the closing of the gap between old and modern ideas in local government.

I know of no commission which has taken their work so seriously, so energetically, as have the members of the Local Government Commission.

Two weeks ago at a meeting over which I presided, having as our guest the Honorable Leo Achterman, Majority Floor Leader of the House, I said this and I think I can repeat it here today, that just as soon as you step into a meeting of the Local Government Commission, instinctively you shelve your party identity and immediately become a member of that commission. I have never yet heard partisan politics injected into any discussions of the commission. It is hard for me to believe that Senator Stevenson and Senator Mallery, both members of the commission, are Republicans. I have never seen any commission handle so diligently the assignments given to them by the General Assembly. I think any commission, and particularly these governmental agencies created to study local government, to effect economies in the operation of local government, can weld the General Assembly into an instrument attuned not to a legislative funeral march marking the burial of the people's hopes, but rather to an anthem of legislative achievement attuned to their needs and in response to their will, and to that high ideal the members of the Local Government Commission have dedicated themselves.

Mr. President, let me read from the act which originally created the commission, language strangely familiar, because the very same proposals in this bill are contained in the bill introduced by the gentleman from Washington County. I quote from the act of 1935:

> "Whereas, The support of local government has become a financial problem, and ways and means should be devised to lessen the existing and ever-increasing cost of local government which is now mainly a burden on real property, and of creating a more scientific and simplified system."

Continuing, it reads:

> "It shall be the duty of the commission to study and investigate (a) the functions of local government, their proper allocation, and the possibility of eliminating unnecessary functions, and the duplication and overlapping of functions, (b) the cost of local government, and ways and means of reducing this cost and lessening the burden on local taxpayers, (c) the advisability and feasibiliay of increasing the areas or changing the boundaries of local governments; of establishing larger units for administration by consolidation of units by cooperative arrangements between them for the performance of certain functions, or by other means; and generally ways and means of organizing a simple system of local government, and to exercise such other functions as may be deemed necessary to carry into effect the spirit and intent of this act."

Mr. President, in the General Session of 1941 the Local Government Commission introduced twenty-two bills, seven of which were passed by the House and Senate and are now laws of the Commonwealth of Pennsylvania. We are proud to say that of the seventeen subjects included in the Special Session, four of them were included by Governor James at the request of the Local Government Commission.

We not only invite Senator Reed or any other member of the Senate to attend our meetings, but to give us their ideas on what ought to be done. I am delighted to say that at a meeting held last night we decided that there ought to be something done about the post war period and the inevitable depression which will certainly follow the close of the war, and we propose to start out with the idea of sponsoring legislation, having in mind what may happen after the cessation of hostilities. One of the things mentioned, for example, was the creation of surplus funds in the local governments and a statutory act to prevent local government units from interference with that fund, so that when the war is over there will be a fund in every local government in this Commonwealth to cushion the depression and the unemployment which will necessarily follow.

Again, I am in deep sympathy with the idea of the gentleman from Washington, Senator Reed. Very frankly I have tremendous admiration for him. I often think, when I observe his earnest robust personality, of the saying of the Greeks, that those whom the people love they place in charge of their state. I believe he is conscientious, I believe he is sincere, but I doubt very much whether he is cognizant of the great work done by these commissions. I can not speak for the Joint State Government Commission, although I am more or less familiar with what they have done and what they are attempting to do, but I can and have been directed to speak for the Local Government Commission, which has been in existence since 1935, and which operates every month of the year, during sessions and between the periods of sessions.

Again my admiration for the gentleman from Washington and his sincere convictions make me hesitate to oppose his resolution in the creation of this commission, but I honestly and sincerely feel that what he is attempting to do, what he wants to do, is now being done not only by the Local Government Commission but by the Joint State Government Commission, and for those reasons I shall oppose the creation of a new commission.

Mr. REED. Mr. President, in answer to the gentleman from Lackawanna, if I were seeking local government economy I would not go to his committee; if I had my way I would vote to abolish the same and all other groups that are trying to tell the Legislature what they should do.

I am concerned with economy in government; that is the purpose of the resolution. I can remember before the creation of his committee that the local governments were run by the old-timers back home, and I would leave the regulation of my township or of my school district to some of the property holders back home; let them determine what laws are to be passed in connection with their own local problems rather than some high powered committee sitting here at Harrisburg. I have seen representatives of that committee buzzing around here on the taxpayers' money. They are not interested in what goes on back home; they are interested in themselves.

I am interested in the economy that flows out of this Legislature. I believe there are men in this Legislature who can investigate these various departments of the state and determine where waste lies. where inefficiency exists, where there is disintegration and where there is laziness or indolence. Those are the things I am after, and I believe a committee of this Senate and a committee of the House would be the proper way to bring before this body legislation that will eliminate those evils, and if we can do that, then I say we are helping to win this war, because at this time there ought to be sacrifice in every home, there ought to be sacrifice in every department of government.

My resolution, Mr. President, is aimed in order to bring about such a solution.

The gentleman from Lackawanna says that he is against this type of legislation because there is already a commission appointed. I notice a bill that just passed the Senate, Senate Bill No. 87, creating a Joint Legislative Committee, and he voted for that bill, as did every other member in this Senate. I say to you, Mr. President, that the reason why they do not want this resolution has not yet been given. There are many who do not want such an investigation, but the people want such an investigation in order that we may have economy in government. They are crying for it back home, they are crying for it here, they are crying for it in all parts of the state, and I am willing to be tested on the vote, by the vote on this resolution, and that is the way that we can determine really who are in favor of economy in government and who are against it.

Mr. MALLERY. Mr. President, I believe that the best test as to whether or not a man is sincerely interested in economy in government and whether or not he is interested in home rule is not so much what he states but how he in fact votes. I have listened with a great deal of interest and with admiration to what I have heard my colleague from Washington County state with reference to economy in government, with reference to home rule, and then be dumfounded in hearing his vote in opposition to those very matters.

Mr. REED. Will the gentleman from Blair state them?

Mr. MALLERY. At this session of the Legislature the Local Government Commission proposed, believing that, as the Senator has just now stated, the people at home should be enabled to govern themselves, firmly believing in that principle, that the people back home should have the duty of imposing the taxes, should have the right to determine the expenditures of the money so levied. In furtherance of that idea the Local Government Commission proposed a resolution which would affect an amendment to the Constitution which would prohibit the Legislature from fixing salaries of local government employes except those employes on salaries of which the state, at least in part, contributes the money to pay those salaries. I might be mistaken, but my recollection is that when that measure came to a vote in the Senate, the Senator from Washington County voted "no." If I am incorrect, I then humbly apologize.

Mr. REED. Mr. President, I will leave it to the members of this Senate whether my general voting here during the time I have been present has been against the people, has been against home rule and against matters that have to do with real local government in the hands of the people at home, or whether it has been on the other side.

I introduced a bill here, and fought it through a committee, to abolish tax collectors, I fought for certain principles relating to the lessening the pay of assessors, and I can enumerate many other instances, and I will leave that question to the record, and also to the memory of those who have here served with me.

Mr. FARRELL. Mr. President, may we have the resolution re-read?

(The resolution was again read by the Clerk.)

The PRESIDENT. The Chair understands the present status of the resolution is that the sponsor has only called the resolution from the table. There is really nothing before the Senate. In order to dispose of the resolution one way or the other a motion must first be made.

Mr. REED. That is correct, Mr. President.

MOTION TO ADOPT RESOLUTION

Mr. REED. Mr. President, I move that the resolution be adopted.

Mr. HALUSKA. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

POINT OF INFORMATION

Mr. COLEMAN. Mr. President, I rise to a point of information.

The PRESIDENT. The gentleman from Lackawanna will proceed.

Mr. COLEMAN. Mr. President, I may be just a trifle confused, but I thought the gentleman from Washington made a motion to have the resolution lifted from the table. I am wondering whether that motion passed.

The PRESIDENT. It did, the way the Chair under-

stands it. The question now is on the motion of the gentleman from Washington, on the adoption of the resolution.

On the question,

Will the Senate agree to the motion?

(After the calling of the roll the following occurred.)

Mr. HALUSKA. Mr. President, I ask for a verification of the roll.

The PRESIDENT. The roll will be verified.

The Clerk called the names of those voting in the affrmative as follows:

Barr,	Geltz,	Lanius,	Miller,
Dent,	Haluska,	Letzler,	Reed,
Ealy,	Heyburn,	McGinnis,	Ruth,
Edmonds,	Jaspan,	McQuiddy,	Stiefel,
Farrell,			

The PRESIDENT. Are there any corrections? The Chair hears none. The affirmative vote will stand as verified.

The Clerk called the names of those voting in the negative as follows:

Bartlett,	Homsher,	Scarlett,	Wade,
Carr,	James,	Stevenson,	Walker,
Chapman,	Kephart,	Tallman,	Wilson, H. I.,
Coleman,	Mallery,	Thomas,	Ziesenheim,
Crowe,			

The PRESIDENT. Are there any corrections? The Chair hears none.

Mr. HEYBURN. Mr. President, has the Chair voted?

SENATE AT EASE

The PRESIDENT. The Senate will be at ease.

POINT OF INFORMATION

Mr. WALKER. Mr. President, I rise to a point of information.

The PRESIDENT. The gentleman from Allegheny will state his point of information.

Mr. WALKER. Mr. President, I would like to ask whether or not at this point the roll has or has not been verified.

The PRESIDENT. The roll has been verified.

Mr. WALKER. Mr. President, I desire further information: has the result been announced?

The PRESIDENT. It has not.

Mr. WALKER. Mr. President, I desire to ask whether or not the gentleman from Lycoming, Senator Snowden, is recorded as having voted.

The PRESIDENT. The Chair is informed by the Clerk that the gentleman from Lycoming is not recorded as having voted.

Mr. DENT. Mr. President, my humble opinion is, according to rules and regulations of parliamentary law, in all places where parliamentary procedure is in order, that if there is a tie vote—of course the Chair and the Senate are the masters of their own doings and do as they please—however, the Presiding Officer votes in the Senate of Pennsylvania and the United States Senate, according to Robert's Rules of Order on Parliamentary Law—the President, or the Presiding Officer, votes in all ties except on final passage of an act of the Legislature.

The PRESIDENT. That is correct.

Mr. DENT. Mr. President, if the Chair knows that, let the Chair vote.

The PRESIDENT. The gentleman from Allegheny has the floor.

Mr. WALKER. Mr. President, at the time the Senate went at ease, I was inquiring whether or not a Senator who was in the room, but outside the rail at the time the roll was being called, but who is now inside the rail, and the vote yet not having been announced, whether or not that member of the Senate is entitled to cast a ballot on the question now before the Senate.

RULING BY THE CHAIR

The PRESIDENT. The Chair ruled, during the regular session of 1941, that after a verification of the roll but before announcement of the vote, any Senator who had not voted, but came into the room or was in the Chamber and desired to vote, could vote. If there is present any Senator who wishes to vote he is privileged to do so.

Mr. SNOWDEN. Mr. President, under the circumstances I desire to be recorded as voting "present."

The PRESIDENT. The vote of the gentleman from Lycoming will be so recorded.

When I was Auditor General, I think, I made the statement that a great game on the Hill was to pass the buck, and now the buck has been passed to the Chair.

In order that the record may be clear, the vote as recorded by the Clerk is:

Yeas—17. Nays—17. Present—1.

as follows:

YEAS—17

Barr,	Geltz,	Lanius,	Miller,
Dent,	Haluska,	Letzler,	Reed,
Ealy,	Heyburn,	McGinnis,	Ruth,
Edmonds,	Jaspan,	McQuiddy,	Stiefel,
Farrell,			

NAYS—17

Bartlett,	Homsher,	Scarlett,	Wade,
Carr,	James,	Stevenson,	Walker,
Chapman,	Kephart,	Tallman,	Wilson, H. I.,
Coleman,	Mallery,	Thomas,	Ziesenheim,
Crowe,			

PRESENT—1

Snowden.

VOTE BY CHAIR

The PRESIDENT. Under the Constitution, in case of a tie vote, the Chair is required to cast the deciding vote and therefore votes "aye".

Lewis, President—aye

Yeas—18. Nays—17. Present—1.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

REPORT FROM COMMITTEE

Mr. STIEFEL. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. STIEFEL, from the Committee on Appropriations reported as amended, Senate Bill No. 96, (House Bill No. 113), entitled:

An Act creating a joint legislative committee to study partial unemployment as related to unemployment compensation defining its powers and duties authorizing the employment of counsel and employes and making an appropriation.

DOCTOR ROBERT L. JOHNSON, PRESIDENT, TEMPLE UNIVERSITY, INTRODUCED TO THE SENATE

The PRESIDENT. The Chair has the pleasure of presenting to the Senate a gentleman who is known to the Chair, and, perhaps, to some of the members of the Senate, Doctor Robert L. Johnson, the new President of Temple University.

Mr. JOHNSON. Mr. President and gentlemen of the Senate, this is indeed a very unexpected pleasure and privilege. I just thought I would drop in, because I love this old place and used to come in often, and then I have quite a few friends here. Now I find myself given an opportunity to say good afternoon and to say to you that Temple University, my new boss, in my judgment is one of the greatest institutions of learning I know anything about. It is a great privilege to work with those ten or eleven thousand young people, and I think they are going to make fine citizens; they are fine young Americans.

We have been very appreciative, those of us down at Temple University who are trying to guide its destinies and build it up so that it will be one of the greatest institutions in America, of the interest, sympathy and encouragement we have had from our friends in Harrisburg. You have been very generous in the past but we have lots of problems ahead, as do all businesses and all concerns, so we do hope you will keep your eyes on us, that you will be proud of us, and that you will go along with us and help us meet some of the problems that lie ahead.

While I am here I should like to tell you how much I appreciate the very great honor that has been conferred upon me recently by your committee in appointing me Chairman of the celebration that is to be held a year from this summer in honor of the two hundredth anniversary of Thomas Jefferson. I shall be very happy indeed to serve as Chairman and will try to do the best job I know how. I understand I will have a very distinguished Committee, and I trust I will handle the matter in a manner which will be a credit to you and to those of you who wanted me to have this very singular honor, the first year I came back to Pennsylvania, the state I really feel is my state, because my ancestors, many of them, came from here. I love Pennsylvania and I am delighted to return.

I am particularly pleased to be here today and meet with you and see some of my old friends here in Harrisburg.

I thank you very much.

RECESS

Mr. GELTZ. Mr. President, I move that the Senate do now take a recess until 5.30 o'clock, p. m.

Mr. MILLER. Mr. President, I second the motion.

The motion was agreed to.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed the Senate will be in order.

HOUSE MESSAGES

HOUSE CONCURS IN AMENDMENTS TO HOUSE BILL No. 24

The Clerk of the House of Representatives being introduced, presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 24, entitled:

An Act relating to air raid precautions including blackouts conferring certain powers and duties upon the State Council of Defense local and district Councils of Defense political subdivisions members of certain municipal and volunteer agencies and civilians necessary for the safety defense and protection of civilians and property in the Commonwealth providing for the mobilization coordination and use of certain municipal agencies and volunteer agencies including their personnel and equipment providing for immunity from liability for injury or death to persons or damage to property under certain circumstances and providing penalties

HOUSE CONCURS IN AMENDMENTS TO HOUSE BILL No. 78

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 78, entitled:

An Act to amend section six of the act approved the twenty-fourth day of June one thousand eight hundred ninety-five (P. L. 212), entitled "An act to establish an intermediate court of appeal regulating its constitution officers jurisdiction powers practice and its relation to the Supreme Court and other courts providing for the reports of its decisions the compensation of the judges and other officers and the practice and costs on appeals from its judgments" by making further provision as to the preparation custody and disposition of plates used in the printing of Superior Court Reports.

HOUSE CONCURS IN SENATE BILL No. 26

He also returned to the Senate, Senate Bill No. 26, entitled:

A Joint Resolution proposing an amendment to article eight, section eleven, of the Constitution of the Commonwealth of Pennsylvania.

with the information that the House has passed the same without amendments.

HOUSE CONCURS IN SENATE BILL No. 42

He also returned to the Senate, Senate Bill No. 42, entitled:

An Act to suspend and modify existing law providing for and requiring the use of plates or tags as evidence of (1) the payment of any license or registration fee or (2) in compliance with any other legal requirement insofar as such laws require the use of plates or tags manufactured of metal and by authorizing the use of other material in whole or in part

with the information that the House has passed the same without amendments.

HOUSE INSISTS UPON ITS AMENDMENTS NON-CONCURRED IN BY THE SENATE TO SENATE BILL No. 19

He also presented communication from the House of Representatives informing the Senate that the House insists upon its amendments non-concurred in by the Senate to Senate Bill No. 19, entitled:

An Act to protect property and prevent sabotage by prohibiting, for a limited period of time, certain intentional injuries to, and interferences with, real and personal property; prohibiting certain intentional defects in workmanship; limiting the privileges of certain witnesses, and providing penalties.

SENATE INSISTS UPON ITS NON-CONCURRENCE IN AMENDMENTS BY THE HOUSE TO SENATE BILL No. 19 AND APPOINTS COMMITTEE OF CONFERENCE

Mr. EALY. Mr. President, I move that the Senate insist upon its non-concurrence in amendments made by the House to Senate Bill No. 19 and that a Committee of Conference be appointed to confer with a similar committee of the House of Representatives (if the House shall appoint such a committee) to consider the differences existing between the two houses in relation to said bill.

Mr. GELTZ. Mr. President, I second the motion.

The motion was agreed to.

The PRESIDENT. The President Pro Tempore appoints Messrs. STEVENSON, CROWE and RUTH to be said committee on the part of the Senate, and directs that the Clerk inform the House of Representatives accordingly.

HOUSE INSISTS UPON ITS AMENDMENTS NON-CONCURRED IN BY THE SENATE TO SENATE BILL No. 46

He also presented communication from the House of Representatives informing the Senate that the House insists upon its amendments non-concurred in by the Senate to Senate Bill No. 46, entitled:

An Act to suspend for a limited time the operation of laws regulating or relating to the movement loading lightering docking and anchorage of vessels carrying or having on board certain explosives insofar as the same relate to the handling or stowing of small arms ammunition or ammunition which contains the projectile and the explosive in one container or shell to from or in such vessels docking or anchoring in the Delaware River and its navigable tributaries.

SENATE INSISTS UPON ITS NON-CONCURRENCE IN AMENDMENTS BY THE HOUSE TO SENATE BILL No. 46 AND APPOINTS A COMMITTEE OF CONFERENCE

Mr. GELTZ. Mr. President, I move that the Senate insist upon its non-concurrence in amendments made by the House to Senate Bill No. 46, and that a Committee of Conference be appointed to confer with a similar committee of the House of Representatives (if the House shall appoint such a committee) to consider the differences existing between the two houses in relation to said bill.

Mr. MILLER. Mr. President, I second the motion.

The motion was agreed to.

The PRESIDENT. The President Pro Tempore appoints Messrs. EDMONDS, FARRELL and STIEFEL to be said committee on the part of the Senate, and that the Clerk inform the House of Representatives accordingly.

SENATE BILL No. 65 RETURNED WITH AMENDMENTS

He also returned to the Senate, Senate Bill No. 65, entitled:

An Act to amend section twenty-one as amended of the act approved the seventh day of June one thousand nine hundred and fifteen (P. L. 900) entitled "An act to provide for the immediate registration of all births and deaths throughout the Commonwealth of Pennsylvania by means of certificates of births and deaths and burial or removal permits requiring prompt returns to the Central Bureau of Vital Statistics as required to be established by the State Department of Health and in order to secure prompt and faithful registration of births marriages deaths and diseases of practitioners of medicine and surgery or midwives nurses and undertakers and of all persons whose occupation is deemed to be of importance in obtaining complete registration of births deaths marriages and diseases throughout the State as provdied in section ten of an act entitled 'An act creating the Department of Health and defining its powers and duties' approved the twenty-seventh day of April nineteen hundred and five and providing penalties for violation of this act" by further regulating the giving of certified copies of birth certificates to soldiers sailors and marines and war nurses.

with the information that the House has passed the same with amendments, in which the concurrence of the Senate is requested.

Mr MILLER. Mr. President, I move that Rule 21, which requires amended bills to be noted on the calendar, be in this case dispensed with, and that the Senate proceed to the consideration of the amendments made by the House of Representatives to the foregoing bill.

Mr. EDMONDS. Mr. President, I second the motion.

The motion was agreed to.

MOTION THAT SENATE NON-CONCUR IN THE AMENDMENTS MADE BY THE HOUSE TO SENATE BILL No. 65

Mr. MILLER. Mr. President, I move that the Senate non-concur in the amendments made by the House to Senate Bill No. 65.

Mr. EDMONDS. Mr. President, I second the motion.

The motion was agreed to.

Ordered, That the Clerk inform the House of Representatives accordingly.

SENATE BILL No. 41 RETURNED WITH AMENDMENTS

He also returned to the Senate, Senate Bill No. 41, entitled:

An Act to further amend the act approved the fifth day of December, one thousand nine hundred and thirty-six (P. L. 2897, 1937). entitled, "An act establishing a system of unemployment compensation to be administered by

the Department of Labor and Industry and its existing and newly created agencies, with personnel (with certain exceptions) selected on a civil service basis, requiring employers to keep records and make reports and certain employers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons, providing procedure and administrative details for the determination, payment and collection of such contributions and the payment of such compensation, providing for cooperation with the Federal Government and its agencies, creating certain special funds in the custody of the State Treasurer and prescribing penalties," changing the provisions thereof and the rights, obligations and procedure thereunder.

with the information that the House has passed the same with amendments, in which the concurrence of the Senate is requested.

Mr. EALY. Mr. President, I move that Rule 21, which requires amended bills to be noted on the calendar, be in this case dispensed with, and that the Senate proceed to the consideration of the amendments made by the House of Representatives to the foregoing bill.

Mr. FARRELL. Mr. President, I second the motion.

The motion was agreed to.

MOTION THAT SENATE NON-CONCUR IN THE AMENDMENTS MADE BY THE HOUSE TO SENATE BILL No. 41

Mr. EALY. Mr. President, I move that the Senate non-concur in the amendments made by the House to Senate Bill No. 41.

Mr. FARRELL. Mr. President, I second the motion.

The motion was agreed to.

Ordered, That the Clerk inform the House of Representatives accordingly.

REPORT FROM COMMITTEE

Mr. REED. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. REED, from the Committee on State Government reported as committed, Senate Bill No 97, (House Bill No. 112), entitled:

An Act to amend subsection (a) and to further amend subsection (b) of section nine of the act approved the first day of June one thousand nine hundred thirty-seven (P. L. 1168) entitled "An act to protect the right of employes to organize and bargain collectively creating the Pennsylvania Labor Relations Board conferring powers and imposing duties upon the Pennsylvania Labor Relations Board officers of the State government and courts providing for the right of employes to organize and bargain collectively declaring certain labor practices by employers to be unfair further providing that representatives of a majority of the employes be the exclusive representatives of all the employes authorizing the board to conduct hearings and elections and certify as to representatives of employes for purposes of collective bargaining empowering the board to prevent any person from engaging in any unfair labor practice and providing a procedure for such cases including the issuance of a complaint the conducting of a hearing and the making of an order empowering the board to petition a court of common pleas for the enforcement of its order and providing a procedure for such cases providing for the review of an order of the board by a court of common pleas on petition of any person aggrieved by such order and establishing a procedure for such cases providing for an appeal from the common pleas court to the Supreme Court providing the board with investigatory powers including the power to issue subpoenas and the compelling of obedience to them through application to the proper court providing for service of papers and process of the board prescribing certain penalties" fixing the rights and standing of the Pennsylvania Labor Relations Board as a party and as appellant in the courts in matters originating before the board and defining the jurisdiction of the Supreme Court on appeal.

MOTION TO READ BILLS THE FIRST TIME

Mr. GELTZ. Mr. President, I move that the Senate do now proceed to the first reading of all bills reported from committees for the first time at today's session.

Mr. JAMES. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 96, (House Bill No. 113), entitled:

An Act creating a joint legislative committee to study partial unemployment as related to unemployment compensation defining its powers and duties authorizing the employment of counsel and employes and making an appropriation.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 97, (House Bill No. 112), entitled:

An Act to amend subsection (a) and to further amend subsection (b) of section nine of the act approved the first day of June one thousand nine hundred thirty-seven (P. L. 1168) entitled "An act to protect the right of employes to organize and bargain collectively creating the Pennsylvania Labor Relations Board conferring powers and imposing duties upon the Pennsylvania Labor Relations Board officers of the State government and courts providing for the right of employes to organize and bargain collectively declaring certain labor practices by employers to be unfair further providing that representatives of a majority of the employes be the exclusive representatives of all the employes authorizing the board to conduct hearings and elections and certify as to representatives of employes for purposes of collective bargaining empowering the board to prevent any person from engaging in any unfair labor practice and providing a procedure for such cases including the issuance of a complaint the conducting of a hearing and the making of an order empowering the board to petition a court of common pleas for the enforcement of its order and providing a procedure for such cases providing for the review of an order of the board by a court of common pleas on petition of any person aggrieved by such order and establishing a procedure for such cases providing for an appeal from the common pleas court to the Supreme Court providing the board with investigatory powers including the power to issue subpoenas and the compelling of obedience to them through application to the proper court providing for service of papers and process of the board prescribing certain penalties" fixing the rights and standing of the Pennsylvania Labor Relations Board as a party and as appellant in the courts in matters originating before the board and defining the jurisdiction of the Supreme Court on appeal.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

ADJOURNMENT

Mr. GELTZ. Mr. President, I move that the Senate do now adjourn until Thursday, April 9, 1942, at 2:00 o'clock p. m., Eastern War Time.

Mr. MILLER. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 6:16 o'clock, p. m., Eastern War Time until Thursday, April 9, 1942, at 2:00 o'clock, p. m., Eastern War Time.

HOUSE OF REPRESENTATIVES

WEDNESDAY, April 8, 1942

The House met at 2 p. m.
The SPEAKER (Elmer Kilroy) in the Chair.

PRAYER

The Chaplain, Rev. Donald McFall offered the following prayer:

Dear God, Thou hast again let us see the light of a new day. As we shall be provided with many good and perfect gifts from Thee, may we remember to acknowledge them with grateful hearts, for we know that many times we have been unworthy children. We ask Thee for the gift of understanding Thy ways and the ability to relate Thy benefits toward us to the affairs of our every-day life. Help us to so live and labor that we shall be a credit to the cause of our Master and friend, Jesus, the Christ, whose name we bear and in whose name we pray. Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of yesterday.

The Clerk proceeded to read the Journal of yesterday, when, on motion of Mr. ELY, unanimously agreed to, the further reading was dispensed with and the Journal approved.

RESOLUTIONS INTRODUCED AND REFERRED

By Mr. BAUGHER. RESOLUTION No. 47.

In the House of Representatives, April 7, 1942.

Whereas, One of the vitally important governmental functions of the Commonwealth of Pennsylvania is the examination, registration and licensure of persons seeking to engage in certain professions and occupations; and

Whereas, The respective boards and commissions, charged by Acts of Assembly with the duty of conducting and supervising such examination, registration and licensure, occupy a position of the highest responsibility and trust in protecting both the members of the general public and also those persons engaged in the professions and occupations concerned; and

Whereas, In certain instances, bribes have been solicited and accepted by employes of such boards, for the purpose of registering or licensing persons who had taken examinations and were waiting qualification under the law to engage in the profession or occupation involved; and

Whereas, Any such corrupt and illegal evasion of the legal safeguards and restrictions governing the practice of certain professions and occupations, seriously endangers the general public health, safety and welfare, as well as destroys the public confidence in the ability of those engaging in these professions and occupations; now therefore be it

Resolved, That the Speaker of this House of Representatives appoint a committee, composed of seven members thereof, whose duty it shall be to make a careful, thorough and impartial investigation of the activities of the respective boards and commissions charged by law with the duty of examining, registering and licensing persons desiring to engage in certain professions and occupations, for the purpose of discovering and eliminating any bribery or other illegality in such examination, registration and licensure. It shall be the duty of such committee to make its report to this House of Representatives as soon as possible, and to take any other proper action which it may deem advisable in view of its findings. The investigations and deliberations of such committee may be continued after the end of the present Extraordinary Session of the General Assembly; and be it further

Resolved, That the said committee shall have power to issue subpoenas under the hand and seal of its chairman, requesting and commanding any person or persons to appear before them and to answer such questions touching matters properly being inquired into by the committee, and to produce such books, papers, records and documents as the committee may deem necessary. Such subpoenas may be served upon any person, and shall have the force and effect of subpoenas issued out of the courts of this Commonwealth. Each member of said committee shall have power to administer oaths and affirmations to witnesses appearing before the committee. Any person who shall wilfully neglect or refuse to testify before said committee or to produce any books, papers, records or documents shall be subject to the penalties provided by the laws of the Commonwealth in such cases.

Referred to the Select Committee on Special Session Legislation.

By Mr. SARRAF. RESOLUTION No. 48.

In the House of Representatives, April 7, 1942.

Whereas, It is a matter of common medical knowledge, that the innoculation of children for the prevention of contagious diseases has greatly reduced the spread of such diseases, and minimized the probability of epidemics; and

Whereas, It is not generally known that such innoculations become ineffective after varying periods of time, depending upon the type of innoculation; and

Whereas, Shortages and the consequent rationing of vital food and materials needed for the better protection of the health and safety of the children and the residents of this Commonwealth, during the present emergency, may occasion a lowering of the necessary standards required for adequate health protection, and the consequent epidemics of children's diseases created thereby; and

Whereas, In the prosecution of the present war, any attack suffered in the defense of our country may damage and destroy public utility systems which are vital to the health and sanitation of the residents of this Commonwealth, such damage or destruction having proved to be the forerunner of epidemics of contagious diseases; and

Whereas, Innoculation against such contagious diseases and re-innoculation after certain periods of time would aid in preventing the probability and the spread of such epidemics; therefore be it

Resolved, That the House of Representatives does hereby request the Department of Public Instruction in cooperation with the Department of Health of this Commonwealth, to educate and make known to the school children of this Commonwealth and their parents, the need for the innoculation and re-innoculation of such children for the purpose of preventing the probability and the spread of epidemics of contagious diseases, particularly in view of the possible curtailment of vital health facilities because of the present emergency, and be it further

Resolved, That a copy of this resolution be transmitted to the Superintendent of Public Instruction and the Secretary of Health.

Referred to the Select Committee on Special Session Legislation.

MARTINSBURG HIGH SCHOOL CLASS WELCOMED

The SPEAKER. The Chair welcomes to the House this afternoon the Senior Class of Martinsburg High School, Blair County, who are the guests of the gentlemen from Blair, Mr. Sollenberger and Mr. George E. Jones.

LEAVE OF ABSENCE

By unanimous consent leave of absence was granted as follows:

Mr. Goodwin for Mr. YESTER for today's session.

Mr. VOLDOW for himself for tomorrow's session.

Mr. WALTER E. ROSE for himself for tomorrow if necessary.

REPORTS FROM COMMITTEES

Mr. FINNERTY from the Select Committee on Special Session Legislation reported as committed House Bill No. 106, (Senate Bill No. 72), entitled:

An Act to further amend section nine of the act, approved the thirty-first day of May, one thousand nine hundred and thirty-three (P. L. 1108), entitled "An act providing for the appointment, promotion, reduction, removal and reinstatement of paid officers, firemen and employes of fire departments and of fire alarm operators and fire box inspectors in the bureaus of electricity in cities of the second and third class; defining the powers and duties of civil service commissions for such purposes; and fixing penalties," by permitting applications to be made for such positions by persons forty-five years of age or under.

Mr. NAGEL from the Select Committee on Special Session Legislation reported as committed House Bill No. 94, (Senate Bill No. 49), entitled:

An Act suspending for a limited time all laws of the Commonwealth requiring the registration of trailers insofar as they require the registration of certain wagons or agricultural machinery drawn by a motor driven vehicle for certain purposes.

Mr. STANK from the Select Committee on Special Session Legislation reported as amended House Bill No. 44, (Senate Bill No. 21), entitled:

An Act authorizing certain political subdivisions to make appropriations for the payment of expenses of local or district councils of defense within said political subdivisions and for the protection or preparation for the protection of the health welfare and safety of the civilian population of said political subdivision during emergencies resulting from air raids blackouts or sabotage regulating the manner of payment of expenses of local and district councils of defense authorizing such political subdivisions to borrow money under certain conditions for such purposes providing for the repayment thereof and ratifying confirming and validating appropriations heretofore made for said purposes.

Mr. SHAFFER from the Select Committee on Special Session Legislation reported as committed House Resolution No. 23.

BILLS ON FIRST READING

Mr. ACHTERMAN. Mr. Speaker, I move that all bills reported today from Committee as committed, be read for the first time.

The motion was unanimously agreed to.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 106, (Senate Bill No. 72), entitled:

An Act to further amend section nine of the act, approved the thirty-first day of May, one thousand nine hundred and thirty-three (P. L. 1108), entitled "An act providing for the appointment, promotion, reduction, removal and reinstatement of paid officers, firemen and employes of fire departments and of fire alarm operators and fire box inspectors in the bureaus of electricity in cities of the second and third class; defining the powers and duties of civil service commissions for such purposes; and fixing penalties," by permitting applications to be made for such positions by persons forty-five years of age or under.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 94, (Senate Bill No. 49), entitled:

An Act suspending for a limited time all laws of the Commonwealth requiring the registration of trailers insofar as they require the registration of certain wagons or agricultural machinery drawn by a motor driven vehicle for certain purposes.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 44, (Senate Bill No. 21), entitled:

An Act authorizing certain political subdivisions to make appropriations for the payment of expenses of local or district councils of defense within said political subdivisions and for the protection or preparation for the protection of the health, welfare and safety of the civilian population of said political subdivision during emergencies resulting from air raids, blackouts or sabotage; regulating the manner of payment of expenses of local and district councils of defense; authorizing such political subdivisions to borrow money under certain conditions for such purposes providing for the repayment thereof and ratifying confirming and validating appropriations heretofore made for said purposes.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

BILL ON FINAL PASSAGE

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 109, entitled:

An Act to prohibit during a limited period certain workers for State local and district councils of defense or for certain Federal boards agencies or instrumentalities engaged in defense and war activities from engaging in political activity and providing penalties

On the question,

Shall the bill pass finally?

Mr. SHEPARD. Mr. Speaker, I rise to make a motion in connection with this bill. In doing so I want to say that the bill's purpose is quite clear to everybody. It was designed to correct certain abuses and evils in our all out efforts for the war.

It has come to my attention that in some of our counties, and particularly in Philadelphia, by design or perhaps by accident, the members of the boards, rationing boards, tire rationing boards and other rationing boards are all Republican, and a number of the air raid wardens —any number of them, an overwhelming number of them are Republican, and some of these air raid stations are set up in Republican ward headquarters.

I don't know, it may have been by accident or it may have been they were the best possible people for the job, but it doesn't look right and it has a very demoralizing effect on the war effort because rumors are going around that unless you are in right with certain political leaders you can't get tires, you can't get this or you can't get that. These things ought not to be. This is not a Republican war or a Democratic war, it is an all out war in behalf of certain decencies without which life would not be worth while, and I am calling to the attention of this House, that they may carry it back to their communities, that this House is opposed to any person, whether he be Democrat or Republican, making political capital out of our war efforts.

I regret, Mr. Speaker, that the bill was hastily drawn, and perhaps in its present shape will work a hardship on some of these communities that are really doing a good job and making impartial efforts to forward the war aims of this country, and I do not want to hurt anybody who is doing a good job in any respect, nor reflect upon those who are sincerely trying to do the fair and square thing in this war effort.

BILL RECOMMITTED

Mr. SHEPARD. Mr. Speaker, I move that this bill be recommitted for further study and possible amendment.

The motion was agreed to.

BILLS ON THIRD READING

BILLS PASSED OVER

There being no objection House Bill No. 37, (Senate Bill No. 35), Printer's No. 62, was passed over at the request of the SPEAKER.

There being no objection House Bill No. 112, Printer's No. 57, was passed over at the request of the SPEAKER.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 113, as follows:

An Act creating a joint legislative committee to study partial unemployment as related to unemployment compensation defining its powers and duties authorizing the employment of counsel and employes and making an appropriation

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 A joint legislative committee of six members of the General Assembly is hereby created to study the subject of partial unemployment as affecting unemployment compensation and the provisions that should be made therefor in the Unemployment Compensation Law The committee shall be composed of three members of the House (one of whom shall be a member of the minority party) to be appointed by the Speaker of the House and three members of the Senate (one of whom shall be a member of the minority party) to be appointed by the President pro tempore of the Senate The members of the committee shall serve without compensation but shall be allowed their necessary expenses in connection with their duties as such members.

Section 2 The committee may employ and fix the compensation of such counsel experts clerks and assistants as may be deemed necessary for the proper conduct of the work of the committee

Section 3 The committee shall have power to issue subpoenas under the hand and seal of its chairman requesting and commanding any person or persons to appear before them and to answer such questions touching matters properly being inquired into by the committee and to produce such books papers records and documents as the committee may deem necessary Such subpoena may be served upon any person and shall have the force and effect of subpoenas issued out of the courts of this Commonwealth Each member of said committee shall have power to administer oaths and affirmations to witnesses appearing before the committee Any person who shall wilfully neglect or refuse to testify before said committee or to produce any books papers records or documents shall be subject to the penalties provided by the laws of the Commonwealth in such cases

Section 4 The committee shall have power to act during the interim between legislative sessions It shall submit its report to both houses of the General Assembly at its regular session in one thousand nine hundred forty-three The report of the committee shall embody its findings and conclusions together with its recommendations and such drafts of legislation as it shall deem necessary

Section 5 The sum of ten thousand dollars ($10,000) or as much thereof as shall be necessary is hereby appropriated to the committee for the payment of the expenses of the members and for the payment of the compensation and expenses of counsel experts clerks and assistants of the committee for postage telephone and telegraph charges for the use of automobiles for witness fees allowed by the committee for supplies and printing and for all other expenses, deemed necessary and proper by the committee

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—195

Achterman,	Flynn,	Malloy,	Rose, W. E.,

Auker,	Foor,	Marks,	Rosenfeld,
Baker,	French,	Maxwell,	Royer,
Balthaser,	Gallagher,	McClanaghan,	Rush,
Baugher,	Gates,	McClester,	Sarge,
Bentley,	Gerard,	McDermott,	Sarraf,
Bentzel,	Goodwin,	McDowell,	Scanlon,
Boles,	Gross,	McFall,	Schwab,
Boney,	Gryskewicz,	McGrath,	Serrill,
Boorse,	Gyger,	McIntosh,	Shaffer,
Bower,	Haberlen,	McKinney,	Shaw,
Bradley,	Haines,	McLanahan,	Shepard,
Breth,	Hall,	McLane,	Skale,
Bretherick,	Hamilton,	McMillen,	Snyder,
Brown,	Hare,	McSurdy,	Sollenberger,
Brunner, C. H.,	Harmuth,	Melchiorre,	Sorg,
Brunner, P. A.,	Harris,	Mihm,	Stambaugh,
Burns,	Heatherington,	Modell,	Stank,
Burris,	Helm,	Monks,	Stine,
Cadwalader,	Hering,	Mooney,	Stockham,
Chervenak,	Herman,	Moran,	Tarr,
Chudoff,	Hersch,	Muir,	Tate,
Cochran,	Hewitt,	Munley,	Taylor,
Cohen, M. M.,	Hirsch,	Nagel,	Thompson, E. F.,
Cohen, R. E.,	Holland,	Nunemacher,	Thompson, R. L.,
Cook,	Huntley,	O'Brien,	Trout,
Cooper,	Imbrie,	O'Connor,	Turner,
Cordier,	James,	O'Dare,	Van Allsburg,
Corrigan,	Jefferson,	O'Mullen,	Verona,
Croop,	Jones, G. E.,	O'Neill,	Vincent,
Cullen,	Jones, P. N.,	Owens,	Vogt,
Dalrymple,	Keenan,	Petrosky,	Voldow,
Dennison,	Kenehan,	Pettit,	Wagner,
DiGenova,	Kline,	Polaski,	Watkins,
Dix,	Knoble,	Polen,	Weingartner,
Dolon,	Kolankiewicz,	Powers,	Weiss,
D'Ortona,	Komorofski,	Prosen,	Welsh, E. B.,
Duffy,	Krise,	Rank,	Welsh, M. J.,
Eckels,	Lee, E. A.,	Rausch,	Wilkinson,
Elder,	Lee, T. H.,	Readinger,	Williams,
Elliott,	Leisey,	Reagan,	Winner,
Ely,	Leonard,	Reese, D. P.,	Wolf,
Falkenstein,	Lesko,	Reese, R. E.,	Wood, L. H.,
Finestone,	Levy,	Regan,	Wood, N.,
Finnerty,	Leydic,	Reynolds,	Wright,
Fisher,	Lichtenwalter,	Rhea,	Yeakel,
Fiss,	Longo,	Riley,	Young,
Fleming,	Lovett,	Rooney,	Kilroy,
Fletcher,	Lyons,	Rose, S.,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 34, (Senate Bill No. 26), as follows:

A Joint Resolution proposing an amendment to article eight section eleven of the Constitution of the Commonwealth of Pennsylvania

The General Assembly of the Commonwealth of Pennsylvania hereby resolves as follows

Section 1 The following amendment to the Constitution of the Commonwealth of Pennsylvania be and the same is hereby proposed in accordance with the eighteenth article thereof

Article eight section eleven of the Constitution of Pennsylvania is hereby amended to read as follows

Section 11 Townships and wards of cities and boroughs shall form or be divided into election districts of compact and contiguous territory and their boundaries fixed and changed in such manner as may be provided by law

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—195

Achterman,	French,	Maxwell,	Rosenfeld,
Auker,	Gallagher,	McClanaghan,	Royer,
Baker,	Gates,	McClester,	Rush,
Balthaser,	Gerard,	McDermott,	Sarge,
Bentley,	Goodwin,	McDowell,	Sarraf,
Bentzel,	Gross,	McFall,	Scanlon,
Boles,	Gryskewicz,	McGrath,	Schwab,
Boney,	Gyger,	McIntosh,	Serrill,
Bower,	Haberlen,	McKinney,	Shaffer,
Bradley,	Haines,	McLanahan,	Shaw,
Breth,	Hall,	McLane,	Shepard,
Bretherick,	Hamilton,	McMillen,	Skale,
Brown,	Hare,	McSurdy,	Snyder,
Brunner, C. H.,	Harmuth,	Melchiorre,	Sollenberger,
Brunner, P. A.,	Harris,	Mihm,	Sorg,
Burns,	Heatherington,	Modell,	Stambaugh,
Burris,	Helm,	Monks,	Stank,
Cadwalader,	Herman,	Mooney,	Stine,
Chervenak,	Hersch,	Moran,	Stockham,
Chudoff,	Hewitt,	Muir,	Tarr,
Cochran,	Hirsch,	Munley,	Tate,
Cohen, M. M.,	Holland,	Nagel,	Taylor,
Cohen, R. E.,	Huntley,	Nunemacher,	Thompson, E. F.,
Cook,	Imbrie,	O'Brien,	Thompson, R. L.,
Cooper,	James,	O'Connor,	Trout,
Cordier,	Jefferson,	O'Dare,	Turner,
Corrigan,	Jones, G. E.,	O'Mullen,	VanAllsburg,
Croop,	Jones, P. N.,	O'Neill,	Verona,
Cullen,	Keenan,	Owens,	Vincent,
Dalrymple,	Kenehan,	Petrosky,	Vogt,
Dennison,	Kline,	Pettit,	Voldow,
DiGenova,	Knoble,	Polaski,	Wagner,
Dolon,	Kolankiewicz,	Polen,	Watkins,
D'Ortona,	Komorofski,	Powers,	Weingartner,
Duffy,	Krise,	Prosen,	Weiss,
Eckels,	Lee, E. A.,	Rank,	Welsh, E. B.,
Elder,	Lee, T. H.,	Rausch,	Welsh, M. J.,
Elliott,	Leisey,	Readinger,	Wilkinson,
Ely,	Leonard,	Reagan,	Williams,
Falkenstein,	Lesko,	Reese, D. P.,	Winner,
Finestone,	Levy,	Reese, R. E.,	Wolf,
Finnerty,	Leydic,	Regan,	Wood, L. H.,
Fisher,	Lichtenwalter,	Reynolds,	Wood, N.,
Fiss,	Longo,	Rhea,	Wright,
Fleming,	Lovett,	Riley,	Yeakel,
Fletcher,	Lyons,	Rooney,	Young,
Flynn,	Malloy,	Rose, S.,	Kilroy,
Foor,	Marks,	Rose, W. E.,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 99, (Senate Bill No. 65), as follows:

An Act to amend section twenty-one as amended of the act approved the seventh day of June one thousand nine hundred and fifteen (P. L. 900) entitled "An act to provide for the immediate registration of all births and deaths throughout the Commonwealth of Pennsylvania by means of certificates of births and deaths and burial or removal permits requiring prompt returns to the Central Bureau of Vital Statistics as required to be established by the State Department of Health and in order to secure prompt and faithful registration of births marriages deaths and diseases of practitioners of medicine and surgery or midwives nurses and undertakers and of all persons whose occupation is deemed to be of importance in obtaining complete registration of births deaths marriages and diseases throughout the State as provided in section ten of an

act entitled 'An act creating the Department of Health and defining its powers and duties' approved the twenty-seventh day of April nineteen hundred and five and providing penalties for violations of this act" by further regulating the giving of certified copies of birth certificates to soldiers sailors and marines and war nurses

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section twenty-one of the act approved the seventh day of June one thousand nine hundred and fifteen (P. L. 900) entitled "An act to provide for the immediate registration of all births and deaths throughout the Commonwealth of Pennsylvania by means of certificates of births and deaths and burial or removal permits requiring prompt returns to the Central Bureau of Vital Statistics as required to be established by the State Department of Health and in order to secure prompt and faithful registration of births marriages deaths and diseases of practitioners of medicine and surgery of midwives nurses and undertakers and of all persons whose occupation is deemed to be of importance in obtaining complete registration of births deaths marriages and diseases throughout the State as provided in section ten of an act entitled 'An act creating the Department of Health and defining its powers and duties' approved the twenty-seventh day of April nineteen hundred and five and providing penalties for violations of this act" as last amended by the act approved the twenty-second day of April one thousand nine hundred and thirty-seven (P. L. 309) is hereby further amended to read as follows

Section 21 The Department of Health shall upon request and the payment of the fee as hereinafter provided furnish any applicant a certified copy of the record of any birth death or marriage registered under provisions of this act Provided however That no certified copy of an illegitimate birth record nor any information relative thereto except as herein otherwise provided shall be furnished to any person other than the illegitimate child or the mother of the child or upon an order of a court of competent jurisdiction When a certified copy is furnished of a birth certificate which was not filed within ten days from the birth there shall be furnished with such copy a true copy of any affidavit or affidavits or other papers filed with such birth certificate When a request is made for a birth certificate of any person who has been adopted by any other person pursuant to the provisions of any law and there is filed with such request a certified copy of the decree of the court in such adoption proceedings the department shall upon special request therefor issue in lieu of a certified copy of the original record a certificate showing only (a) the name of the adopted person as changed by the decree of adoption if changed (b) the date and place of birth (c) the names of the adopting parent or parents and (d) the permanent file number of the original birth certificate Such special certificate shall be accepted by all school authorities as evidence of the child's age for all purposes connected with employment or school attendance For the making and certification of each certified copy of the record of any birth death or marriage or of any special birth certificate the department shall be entitled to a fee of one dollar to be paid by the applicant and any such copy of the record of a birth or death or marriage when properly certified by the Department of Health to be a true copy thereof shall be prima facie evidence in all courts and places of the facts therein stated Provided That certified copies of the record of any birth death or marriage shall be furnished to honorably discharged soldiers sailors marines war nurses and their dependents and to soldiers sailors marines and war nurses in the service of the United States during any war in which the United States is engaged without the payment of any fee from a special file maintained by the Department of Health for such persons for any search of the files and records when no certified copy is made the Department of Health shall be entitled to a fee of fifty cents for each hour or fractional hour of time of search to be paid by the applicant And the Department of Health shall keep a true and correct account of all fees by it received under these provisions and pay the same into the State Treasury through the Department of Revenue

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—195

Achterman,	Flynn,	Malloy,	Rose, W. E.,
Auker,	Foor,	Marks,	Rosenfeld,
Baker,	French,	Maxwell,	Royer,
Balthaser,	Gallagher,	McClanaghan,	Rush,
Baugher,	Gates,	McClester,	Sarge,
Bentley,	Gerard,	McDermott,	Sarraf,
Bentzel,	Goodwin,	McDowell,	Scanlon,
Boles,	Gross,	McFall,	Schwab,
Boney,	Gryskewicz,	McGrath,	Serrill,
Boorse,	Gyger,	McIntosh,	Shaffer,
Bower,	Haberlen,	McKinney,	Shaw,
Bradley,	Haines,	McLanahan,	Shepard,
Breth,	Hall,	McLane,	Skale,
Bretherick,	Hamilton,	McMillen,	Snyder,
Brown,	Hare,	McSurdy,	Sollenberger,
Brunner, C. H.,	Harmuth,	Melchiorre,	Sorg,
Brunner, P. A.,	Harris,	Mihm,	Stambaugh,
Burns,	Heatherington,	Modell,	Stank,
Burris,	Helm,	Monks,	Stine,
Cadwalader,	Hering,	Mooney,	Stockham,
Chervenak,	Herman,	Moran,	Tarr,
Chudoff,	Hersch,	Muir,	Tate,
Cochran,	Hewitt,	Munley,	Taylor,
Cohen, M. M.,	Hirsch,	Nagel,	Thompson, E. F.,
Cohen, R. E.,	Holland,	Nunemacher,	Thompson, R. L.,
Cook,	Huntley,	O'Brien,	Trout,
Cooper,	Imbrie,	O'Connor,	Turner,
Cordier,	James,	O'Dare,	Van Allsburg,
Corrigan,	Jefferson,	O'Mullen,	Verona,
Croop,	Jones, G. E.,	O'Neill,	Vincent,
Cullen,	Jones, P. N.,	Owens,	Vogt,
Dalrymple,	Keenan,	Petrosky,	Voldow,
Dennison,	Kenehan,	Pettit,	Wagner,
DiGenova,	Kline,	Polaski,	Watkins,
Dix,	Knoble,	Polen,	Weingartner,
Dolon,	Kolankiewicz,	Powers,	Weiss,
D'Ortona,	Komorofski,	Prosen,	Welsh, E. B.,
Duffy,	Krise,	Rank,	Welsh, M. J.,
Eckels,	Lee, E. A.,	Rausch,	Wilkinson,
Elder,	Lee, T. H.,	Readinger,	Williams,
Elliott,	Leisey,	Reagan,	Winner,
Ely,	Leonard,	Reese, D. P.,	Wolf,
Falkenstein,	Lesko,	Reese, R. E.,	Wood, L. H.,
Finestone,	Levy,	Regan,	Wood, N.,
Finnerty,	Leydic,	Reynolds,	Wright,
Fisher,	Lichtenwalter,	Rhea,	Yeakel,
Fiss,	Longo,	Riley,	Young,
Fleming,	Lovett,	Rooney,	Kilroy,
Fletcher,	Lyons,	Rose, S.,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 83, (Senate Bill No. 41), as follows:

An Act to further amend the act approved the fifth day of December one thousand nine hundred and thirty-six (P. L. 2897 1937) entitled "An act establishing a system of unemployment compensation to be administered by

the Department of Labor and Industry and its existing and newly created agencies with personnel (with certain exceptions) selected on a civil service basis requiring employers to keep records and make reports and certain employers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons providing procedure and administrative details for the determination payment and collection of such contributions and the payment of such compensation providing for cooperation with the Federal Government and its agencies creating certain special funds in the custody of the State Treasurer and prescribing penalties" changing the provisions thereof and the rights obligations and procedure thereunder

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section four of the act approved the fifth day of December one thousand nine hundred and thirty-six (P. L. 2897 1937) entitled "An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry and its existing and newly created agencies with personnel (with certain exceptions) selected on a civil service basis requiring employers to keep records and make reports and certain employers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons providing procedure and administrative details for the determination payment and collection of such contributions and the payment of such compensation providing for cooperation with the Federal Government and its agencies creating certain special funds in the custody of the State Treasurer and prescribing penalties" as amended in part by section one of the act approved the eighteenth day of May one thousand nine hundred and thirty-seven (P. L. 658) by section one of the act approved the twentieth day of June one thousand nine hundred and thirty-nine (P. L. 458) and by the act approved the sixteenth day of May one thousand nine hundred and forty (Act Number 9) is hereby further amended to read as follows

Section 4 Definitions The following words and phrases as used in this act shall have the following meanings unless the context clearly requires otherwise

(a) "Base year" means the first four of the last five completed calendar quarters immediately preceding the first day of an individual's benefit year

(a.1) "Base period" means the first eight of the last nine completed calendar quarters immediately preceding the first day of an individual's benefit year

(b) "Benefit year" with respect to any individual (i) who has filed a first compensable claim for any week of total unemployment which began subsequent to the first day of July one thousand nine hundred forty-one and which ends prior to the first day of July one thousand nine hundred forty-two means the fifty-two consecutive weeks beginning with the [week occurring after January one one thousand nine hundred and thirty-eight with respect to which compensation is payable to him and thereafter the fifty-two consecutive weeks beginning with the first week with respect to which compensation is next payable to him] first day of the week for which such first compensable claim was filed (ii) who files a "Valid Application for Benefits" subsequent to the thirtieth day of June one thousand nine hundred forty-two means the one year period beginning with the day for which such "Valid Application for Benefits" was filed and (iii) who has established a benefit year as provided in clauses (i) and (ii) of this subsection means thereafter the one year period beginning with the day for which any such individual next files a "Valid Application for Benefits" after the termination of his last preceding benefit year.

(b.1) A "Valid Application for Benefits" means a statement which is filed by any individual as of a day not included in a benefit year previously established by such individual (i) who has been separated from work (ii) who has earned sufficient wages in his base year as provided in Section 401 (a) and (iii) who is not disqualified by reason of Section 401 (d) or Section 402 (a) or (b) A "Valid Application for Benefits" which was filed subsequent to the first day of July one thousand nine hundred forty-one and prior to the first day of July one thousand nine hundred forty-two by an individual who has not filed a first compensable claim during such period shall be deemed to be filed for the first day of the first week of total unemployment subsequent to the thirtieth day of June one thousand nine hundred forty-two for which such individual first claims compensation or credit against the waiting period requirements

(b.2) A "First Compensable Claim" means a claim for the first week of total unemployment for which compensation is payable in a benefit year claim

(c) "Board" means the Unemployment Compensation Board of Review established by this act

(d) "Calendar quarter" means the period of three consecutive calendar months ending March thirty-first June thirtieth September thirtieth or December thirty-first or the equivalent thereof as determined in accordance with general rules of the department

(e) "Compensation" means money payments payable to individuals with respect to their unemployment as provided in this act

(f) "Contributions" means the money payments required to be paid into the Unemployment Compensation Fund by employers with respect to employment which payments shall be used for the creation of financial reserves for the payment of compensation as provided in this act

(g) "Department" means the Department of Labor and Industry of the Commonwealth of Pennsylvania

(h) "Employe" means every individual whether male female citizen alien or minor who is performing or subsequent to January first one thousand nine hundred thirty-six has performed services for an employer in an employment subject to this act

(i) "Employer" means every (1) individual (2) copartnership (3) association (4) corporation (domestic or foreign) (5) the legal representative trustee in bankruptcy receiver or trustee of any individual copartnership association or corporation or (6) the legal representative of a deceased person (I) who or which employed or employs any employe (whether or not the same employe) in employment subject to this act for some portion of each of some [twenty (20)] two (2) days during the calendar year one thousand nine hundred thirty-six or any calendar year thereafter each day being in a different week in covered employment or (II) who or which has elected to become fully subject to this act and whose election remains in force

Whenever any employer contracts with or has under him any contractor or subcontractor for any work which is part of his usual trade occupation profession or business unless such employer as well as each such contractor or subcontractor is an employer (as defined in the first paragraph of this subsection) the employer shall for all the purposes of this act be deemed to employ each individual in the employ of each such contractor or subcontractor for each day during which said individual is engaged in performing such work except that each such contractor or subcontractor who is an employer (as defined in the first paragraph of this subsection) shall alone be liable for the employer's contributions measured by the wages payable to individuals in his employ and except that any employer who shall become liable for and pay contributions with respect to individuals in the employ of any such contractor or subcontractor who is not an employer (as defined in the first paragraph of this subsection) may recover the same from such contractor or subcontractor Each individual employed to perform or to assist in performing work of any agent or employe of an employer shall be deemed to be employed by such employer for all the purposes of this act whether such individual was hired or paid directly by such employer or by such agent or employe provided the employer had actual or constructive knowledge of the work

Wherever a change of ownership of the assets or substantially all the assets of an organization trade or business occurs within a calendar year the successor in interest is deemed to be an employer within the meaning of this section if and when (1) the predecessor and successor in interest within the same calendar year have together employed one or more employes (whether or not the same employe for some part of two (2) different weeks in employment subject to this act or (2) the predecessor was an employer under this act

Where an employer maintains more than one place of employment within this Commonwealth all of the employes at the several places of employment shall be treated for the purposes of this act as if employed by a single employer

Any individual copartnership association or corporation who or which is not subject to this act may elect to become subject thereto by filing with the department his or its written application and if such application is approved by the department the election shall become binding for not less than two calendar years

An employer subject to this act may elect to include within the term "employment" subject to this act services performed by his or its employes [entirely without this Commonwealth] with respect to which no contributions are required and paid under an unemployment compensation law of any other state (1) if the employe or employes included in such election maintain a domicile within this Commonwealth and the services of such employe or employes are performed entirely without this Commonwealth or (2) if the employe or employes included in the election maintains no domicile within this Commonwealth but the services of such employe or employes are (A) performed without this Commonwealth and (B) are directed from this Commonwealth

Such election shall be subject to the approval of the department and if such election is approved by the department the election shall become binding for not less than two calendar years or until the department on its own motion cancels the election

An employer subject to this act may elect to include within the term "employment" subject to this act services performed by his or its employes which are exempt under the provisions of subsection (j) of section four of this act Such election shall be subject to the approval of the department and if such election is approved by the department the election shall become binding for not less than two calendar years

Any services performed for an employer covered by an election pursuant to this subsection shall during the effective period of such election be deemed to be employment for all the purposes of this act Any election approved by the department pursuant to this subsection shall cease to be effective only as of January first of any calendar year subsequent to the initial two calendar years thereof and only if at least thirty (30) days prior to such first day of January the employer has filed with the department a notice of termination of his election

(j) (1) "Employment" means all service performed prior to the first day of January one thousand nine hundred forty-two which was employment as defined in this section prior to such date and subject to the provisions of this subsection as amended all service performed after the thirty-first day of December one thousand nine hundred forty-one including service in interstate commerce and service as an officer of a corporation performed for remuneration or under any contract of hire express or implied written or oral

(2) The term "Employment" shall include an individual's entire service performed within or both within and without this Commonwealth if

(A) [(1) which] The service is localized within this Commonwealth or

(B) [(2) which] The service is not localized in any state but some of the service is performed within this Commonwealth and (a) the base for operations or place from which such service is directed or controlled is in this Commonwealth or (b) the base for operations or place from which such service is directed or controlled is not in any state in which some part of the service is performed but the individual's residence is in this Commonwealth Service shall be deemed to be localized within this Commonwealth if (a) the service is performed entirely within this Commonwealth or (b) the service is performed both within and without this Commonwealth but the service performed without this Commonwealth is incidental to the individual's service within this Commonwealth as for example where it is temporary or transitory in nature or consists of isolated transactions Services performed without this Commonwealth shall not be included within the term "Employment" if contributions are required and paid with respect to such services under an unemployment compensation law of any other state

An individual performing services for remuneration in an employment subject to this act shall be deemed to be performing such services for wages unless and until it is shown to the satisfaction of the department that (a) such individual has been and will continue to be free from control or direction over the performance of such services both under his contract of service and in fact and (b) that such service is either outside the usual course of the business for which such service is performed or that such service is performed outside of all the places of business of the enterprise for which such service is performed and (c) that such individual is customarily engaged in an independently established trade occupation profession or business

(3) Employment shall include

(A) Services covered by an election pursuant to section 4 (i) of this act and

(B) Services covered by an arrangement pursuant to section 312 of this act between the department and the agency of any other state or Federal Unemployment Compensation Law pursuant to which all services performed by an individual for an employing unit are deemed to be performed entirely within this State shall be deemed to be employment if the department has approved an election of an employing entity for whom such services are performed pursuant to which the entire service of such individual during the period covered by such election is deemed to be employment

(4) The word "employment" shall not include

(1) Agricultural labor which shall include all services performed

(a) On a farm in the employ of any person in connection with cultivating the soil or in connection with raising or harvesting any agricultural or horticultural commodity including the raising shearing feeding caring for training and management of livestock bees poultry and fur-bearing animals and wildlife

(b) In the employ of the owner or tenant or other operator of a farm in connection with the operation management conservation improvement or maintenance of such farm and its tools and equipment or in salvaging timber or clearing land of brush and other debris left by a hurricane if the major part of such service is performed on a farm

(c) In connection with the production or harvesting of maple sirup or maple sugar or any agricultural commodity or in connection with the raising or harvesting of mushrooms or in connection with the hatching of poultry or in connection with the ginning of cotton or in connection with the operation or maintenance of ditches canals reservoirs or waterways used exclusively for supplying and storing water for farming purposes

(d) In handling planting drying packing packaging processing freezing grading storing or delivering to storage or to market or to a carrier for transportation to market any agricultural or horticultural commodity but only if such service is performed as an incident to ordinary farming operations or in the case of fruits and vegetables as an incident to the preparation of such fruits or vegetables for market The provisions of this paragraph shall not be deemed to be applicable with respect to service

performed in connection with commercial canning or commercial freezing or in connection with any agricultural or horticultural commodity after its delivery to a terminal market for distribution for consumption

As used in this subsection the term "farm" includes stock dairy poultry fruit fur-bearing animal and truck farms plantations ranches nurseries ranges greenhouses or other similar structures used primarily for the raising of agricultural or horticultural commodities and orchards

(2) Domestic service in a private home local college club or local chapter of a college fraternity or sorority

(2.1) Casual labor not in course of employer's trade or business

(3) Service performed as an officer or member of the crew of a vessel on the navigable waters of the United States

(4) Service performed by an individual in the employ of his son daughter or spouse and service performed by a child under the age of twenty-one (21) in the employ of his father or mother

(5) Service performed in the employ of the United States Government or of an instrumentality of the United States exempt under the Constitution of the United States from the contributions imposed by this act except that to the extent that the Congress of the United States shall permit states to require any instrumentalities of the United States to make payments into an unemployment fund under a state unemployment compensation law all of the provisions of this act shall be applicable to such instrumentalities in the same manner to the same extent and on the same terms as to all other employers In the event that this State shall not be certified for any year by the Social Security Board under section one thousand six hundred three (c) of the Federal Internal Revenue Code the payments required of such instrumentalities with respect to such year shall be refunded by the department from the fund in the same manner and within the same period as is provided in section three hundred eleven of this act with respect to contributions erroneously collected

(6) Service performed in the employ of a state a political subdivision thereof or an instrumentality of one or more states or political subdivisions

(7) Service performed in the employ of a corporation community chest fund or foundation organized and operated exclusively for religious charitable scientific literary or educational purposes or for the prevention of cruelty to children or animals no part of the net earnings of which inures to the benefit of any private shareholder or individual and no substantial part of the activities of which is carrying on propaganda or otherwise attempting to influence legislation

(8) Service performed after June thirtieth one thousand nine hundred thirty-nine either as an employe representative or service performed in the employ of an employer when such employe representative or employer is determined to be subject to the Act of Congress known as the Railroad Unemployment Insurance Act (52 U. S. Stat 1094) or to an Act of Congress establishing an unemployment compensation system for maritime employes by the agency or agencies empowered to make such determinations

(9) Service performed in any calendar quarter in the employ of an organization exempt from income tax under Section 101 of the Federal Internal Revenue Code as amended if (i) the remuneration for such service does not exceed forty-five dollars or (ii) such service is in connection with the collection of dues or premiums for a fraternal beneficiary society order or association and is performed away from the home office or is ritualistic service in connection with any such society order or association or (iii) such service is performed by a student who is enrolled and is regularly attending classes at a school college or university

(10) Service performed in the employ of an agricultural or horticultural organization exempt from income tax under Section 101(1) of the Federal Internal Revenue Code as amended

(11) Service performed in the employ of a voluntary employes' beneficiary association providing for the payment of life sick accident or other benefits to the members of such association or their dependents or their designated beneficiaries if (i) no part of its net earnings inures (other than through such payments) to the benefit of any private shareholder or individual and (ii) eighty-five per centum or more of the income consists of amounts collected from members for the sole purpose of making such payments and meeting expenses.

(12) Service performed in the employ of a voluntary employes' beneficiary association providing for the payment of life sick accident or other benefits to the members of such association or their dependents or their designated beneficiaries if (i) admission to membership in such association is limited to individuals who are officers or employes of the United States Government and (ii) no part of the net earnings of such association inures (other than through such payments) to the benefit of any private shareholder or individual

(13) Service performed in any calendar quarter in the employ of a school college or university not exempt from income tax under Section 101 of the Internal Revenue Code as amended if such service is performed by a student who is enrolled and is regularly attending classes at such school college or university and the remuneration for such service does not exceed forty-five dollars (exclusive of room board and tuition)

(14) Service performed in the employ of a foreign government (including service as a consular or other office or employe or a nondiplomatic representative)

(15) Service performed in the employ of an instrumentality wholly owned by a foreign government (i) if the service is of a character similar to that performed in foreign countries by employes of the United States Government or of an instrumentality thereof and (ii) if the Secretary of State of the United States shall certify to the Secretary of the Treasury of the United States that the foreign government with respect to whose instrumentality exemption is claimed grants an equivalent exemption with respect to similar service performed in the foreign country by employes of the United States Government and of instrumentalities thereof

(16) Service performed as a student nurse in the employ of a hospital or a nurses' training school by an individual who is enrolled and is regularly attending classes in a nurses' training school chartered or approved pursuant to the laws of this Commonwealth and services performed as an interne in the employ of a hospital by an individual who has completed a four years' course in a medical school chartered or approved pursuant to the laws of this Commonwealth

(17) Service performed by an individual for an employer as an insurance agent or as an insurance solicitor if all such service performed by such individual for such employer is performed for remuneration solely by way of commission

(18) Service performed by an individual under the age of eighteen in the delivery or distribution of newspapers or shopping news not including delivery or distribution to any point for subsequent delivery or distribution

If the services performed during one-half or more of any pay period by an employe for the person employing him constitute employment all the services of such employe for such period shall be deemed to be employment but if the services performed during more than one-half of any such pay period by an employe for the person employing him do not constitute employment then none of the services of such employe for such period shall be deemed to be employment As used in this paragraph the term "pay period" means a period (of not more than thirty-one consecutive days) for which a payment of remuneration is ordinarily made to the employe by the person employing him This subsection shall not be applicable with respect to services performed in a pay period by an employe for the person employing him where any of such service is excepted by paragraph (8) hereof

(19) Service covered by an arrangement between the department and the agency charged with the administration of any other state or Federal Unemployment Compensation Law pursuant to which all services performed by an individual for an employing entity during the period covered by such employing unit's duly approved election are deemed to be performed entirely within such agency's state or under such Federal law.

(k) "Employment Office" means a public employment office or branch thereof operated by the department or by any other State or by the Federal Government under agreement with the department

(l) "Full-time Weekly Wage" means the weekly wages that any individual would receive if he were employed at his most recent wage rate from employers during his base year and for the customary scheduled full-time week prevailing for his occupation in the enterprise in which he last earned wages from employers during his base year

[If the department finds that the full-time weekly wage as above defined would be unreasonable or arbitrary or not readily determinable with respect to any individual the full-time weekly wage of such individual shall be deemed to be one-thirteenth of his total wages from employers in that quarter in which such total wages from employers were highest during the first eight out of the last nine completed calendar quarters (excluding however any completed calendar quarter which occurs prior to January first one thousand nine hundred thirty-seven) immediately preceding the first day of his benefit year]

(m) "Referee" means a referee appointed by the Governor to hear appeals under this act

(n) "Secretary" means the Secretary of Labor and Industry of this Commonwealth or his duly authorized representative

(o) "Social Security Act" means the act enacted by the Congress of the United States approved the fourteenth day of August one thousand nine hundred thirty-five entitled "An act to provide for the general welfare by establishing a system of Federal old-age benefits and by enabling the several States to make more adequate provision for aged persons blind persons dependent and crippled children maternal and child welfare public health and the administration of their unemployment compensation laws to establish a Social Security Board to raise revenue and for other purposes" as amended

(p) "Social Security Board" means the Social Security Board established by the Social Security Act

(q) "State" includes Alaska Hawaii and the District of Columbia

(r) "Suitable Work" means all work which the employe is capable of performing except work in which (1) the position offered is vacant due directly to a strike lockout or other labor dispute or (2) the remuneration hours or other conditions of the work offered are substantially less favorable to the employe than those prevailing for similar work in the locality or (3) as a condition of being employed the employe would be required to join a company union or to resign from or refrain from joining any bona fide labor organization

(s) "Total Unemployment" [means that an employe during a particular week has had no work for which wages are payable to him] An individual shall be deemed totally unemployed with respect (1) to any week during which he performs no services for which no remuneration is paid or payable to him or (2) to any week of less than full-time work if the remuneration paid or payable to him does not exceed three dollars ($3.00)

(t) "Unemployment Trust Fund" means the Unemployment Trust Fund established by the Social Security Act

(u) "Wages" means all remuneration for employment including the cash value of all remuneration paid or payable in any medium other than cash except that the term "wages" [as used in sections three hundred one and three hundred two of this act] shall not include

(1) That part of the remuneration which after remuneration equal to three thousand dollars ($3,000) has been paid or becomes payable to an individual by an employer with respect to employment during or for any calendar year is paid or becomes payable to such individual by such employer with respect to employment during the calendar year one thousand nine hundred forty and during each calendar year thereafter

(2) The amount of any payment made to or on behalf of an employe under a plan or system established by an employer which makes provision for his employes generally or for a class or classes of his employes (including any amount paid by an employer for insurance or annuities or into a fund to provide for any such payment) on account of (A) retirement or (B) sickness or accident disability or (C) medical and hospitalization expenses in connection with sickness or accident disability or (D) death provided the employe (I) has not the option to receive instead of provision for such death benefit any part of such payment or if such death benefit is insured any part of the premiums (or contributions to premiums) paid by his employer and (II) has not the right under the provisions of the plan or system or policy of insurance providing for such death benefit to assign such benefit or to receive a cash consideration in lieu of such benefit either upon his withdrawal from the plan or system providing for such benefit or upon termination of such plan or system or policy of insurance or if his employment with such employer

(3) The payment by an employer (without deduction from remuneration of the employe) of the tax imposed upon an employe under section one thousand four hundred (1400) of the Federal Internal Revenue Code

(4) Dismissal payments which the employer is not legally required to make

(5) Payments made by an employer to employes while in the military or naval service of the United States and performing no services for the employer

(v) "Week" means any calendar week ending at midnight Saturday or the equivalent thereof as determined in accordance with general rules adopted by the department

Section 2 Sections two hundred four and two hundred seven of said act are hereby amended to read as follows

Section 204 Advisory Councils [The department shall have power to create and appoint members of State-wide and local advisory councils composed in each case of an equal number of employer and employe representatives who may fairly be regarded as representative because of their vocation employment or affiliations On each such council there shall also be members representing the general public

Such councils shall aid the department in formulating policies in discussing problems related to the administration of this act in assuring impartiality and freedom from political influence in the administration of this act in taking steps to reduce and prevent unemployment and in making studies relating to partial and seasonal unemployment

The members of such advisory councils shall serve without compensation but shall be entitled to be reimbursed out of the Administration Fund for all necessary expenses incurred in the discharge of their duties] There is hereby created a State Advisory Council to be composed of an equal number of employer employe and public representatives who may fairly be representative because of their vocation employment or affiliations The members of such council shall be appointed by the Governor within thirty days of the passage of these amendments Such council shall consider and advise the department upon all matters related to the administration of this act including the formulation of policies assuring impartiality and freedom from political influence in its administration taking steps to reduce and prevent unemployment and making studies relating to unemployment

and unemployment compensation payments Such council may recommend to the Governor upon its own initiative such changes in the administration of this act as it deems necessary and shall make periodic reports to the Governor regarding the performance of its duties and functions Such councils shall have full access to information relating to the purpose of this act.

The Governor shall have the power to create such local advisory councils as the State Advisory Council may deem necessary for the efficient performance of its functions Such councils shall be composed of an equal number of members representing employers employes and the public and shall be appointed by the Governor

The members of such advisory councils shall serve without compensation but shall be entitled to be reimbursed out of the Administration Fund for all necessary expenses incurred in the discharge of their duties

The State Advisory Council may appoint an executive secretary and a research assistant to aid the council in the performance of its functions They may be appointed in the exempt class of the civil service and may be removed and replaced at the discretion of the council Such employes shall receive such compensation as may be fixed by the council and approved by the executive board and shall be allowed actual and necessary traveling and other incidental expenses incurred while engaged in the performance of their duties The compensation of such employes and the amounts allowed them for traveling and other incidental expenses shall be deemed part of the expenses incurred in connection with the administration of this section and shall be disbursed from the Unemployment Administration Fund

The department in cooperation with the advisory council may and at the request of the advisory council shall make a study of the effect of experience rating on employers in Pennsylvania and shall first report its findings and recommendations in writing to the Governor and thereafter to the General Assembly at its regular session in one thousand nine hundred and forty-three or at the first session thereafter if the study has not been completed in time for submission to the regular session of 1943

Section 207 Cooperation with Social Security Board and Other Agencies (a) In the administration of this act the department shall cooperate to the fullest extent consistent with the provisions of this act with the Social Security Board It shall make such reports in such form and containing such information as the Social Security Board may from time to time require and shall comply with such provisions as the Social Security Board may from time to time find necessary to assure the correctness and verification of such reports

(b) Upon request therefor the department shall furnish to any agency of the United States charged with the administration of public works or assistance through public employment the name address ordinary occupation and employment status of each recipient of compensation and such recipient's rights as to further compensation under this act

[(c) The department is hereby authorized to enter into reciprocal arrangements and compacts with the proper authorities of other states and the Federal Government for the purpose of carrying out the objectives of the unemployment compensation acts of this and other states or adopted by the Congress of the United States Pursuant to this subsection the department may enter into arrangements with the appropriate agencies of other states or of the Federal Government (1) whereby wages or services upon the basis of which an individual may become entitled to unemployment compensation benefits under the unemployment compensation law of another state or of the Federal Government shall be deemed to be wages for employment by employers for the purposes of sections four (1) four hundred one and four hundred four, of this act provided such other state agency or agency of the Federal Government has agreed to reimburse the unemployment compensation fund for such portion of compensation paid under this act upon the basis of such wages or services as the department finds will be fair and reasonable as to all affected interests and (2) whereby the department will reimburse other state or Federal agencies charged with the administration of unemployment compensation laws with such reasonable portion of unemployment benefits paid under the law of any such other states or of the Federal Government upon the basis of employment or wages for employment by employers as the department finds will be fair and reasonable as to all affected interests Reimbursements so payable shall be deemed to be compensation for the purposes of sections four hundred four and six hundred one of this act The department is hereby authorized to make to other state or Federal agencies and receive from such other state or Federal agencies reimbursements from or to the Unemployment Compensation Fund in accordance with arrangements pursuant to this paragraph]

[(d)] (c) The department may make the state's records relating to the administration of this act available to the Railroad Retirement Board, and may furnish the Railroad Retirement Board at the expense of such board such copies thereof as the Railroad Retirement Board deems necessary for its purposes

[(e)] (d) The department may afford reasonable cooperation with every agency of the United States charged with the administration of any unemployment insurance law

Section 3 Article two of said act is hereby amended by adding at the end thereof a new section to read as follows

Section 209 Obsolete Files Records etc The provisions of section five hundred twenty-four of the Administrative Code of 1929 amended to the contrary notwithstanding the department may with the approval of the Executive Board discard such files of correspondence reports records or other papers compiled or accumulated in the administration of this act as it shall deem to be obsolete provided that contribution reports of employers shall be retained for a period of two years from the date of filing

Section 4 Articles three and four of said act section three hundred and nine of which was amended by section three of the act approved the eighteenth day of May one thousand nine hundred and thirty-seven (Pamphlet Laws 658) and section four hundred and two of which was amended by section two of the act approved the twentieth day of June one thousand nine hundred and thirty-nine (Pamphlet Laws 458) are hereby further amended to read as follows

Article III

Contributions By Employers

Section 301 Contributions by Employers [of Eight or More Employes Each employer who has employed eight or more employes (whether or not the same employes) in employment for some portion of each of some twenty days (whether or not at the same moment of time) during a calendar year each day being in a different week shall pay for each such calendar year beginning with the calendar year one thousand nine hundred thirty-six contributions into the Unemployment Compensation Fund which shall be equal to but not more than the amount of the maximum credit allowable to such employer for such calendar year by section nine hundred two of the Social Security Act against the Federal excise tax imposed by section nine hundred one of the Social Security Act with respect to employment Such payments shall be made at such times and in such manner as the department shall prescribe Such contributions in order to be no more and no less than the maximum credit allowable under the Social Security Act against such Federal excise tax shall be equal to the following percentages of total wages paid or payable by the employer for such calendar year]

[(1) Nine-tenths of one per centum for the calendar year one thousand nine hundred thirty-six

(2) One and eight-tenths per centum for the calendar year one thousand nine hundred thirty-seven and

(3) Two and seven-tenths per centum for the calendar year one thousand nine hundred thirty-eight and each calendar year thereafter

Section 302 Contributions by Employers not Subject to Section 301 Each employer (as defined in this act) other than employers subject to section three hundred one of this act shall pay for each calendar year beginning with the calendar year one thousand nine hundred thirty-six contributions into the Unemployment Compensation Fund which shall be equal to but not more than the following percentages of total wages paid or payable by the employer for such calendar year

(1) Nine-tenths of one per centum for the calendar year one thousand nine hundred thirty-six

(2) One and eight-tenths per centum for the calendar year one thousand nine hundred thirty-seven and

(3) Two and seven-tenths per centum for the calendar year one thousand nine hundred thirty-eight and each calendar year thereafter

In the event that Title IX of the Social Security Act shall be amended or repealed by the Congress or held unconstitutional by the Supreme Court of the United States and for such reason the provisions of Section 301 of this act cannot be administered and the contributions imposed by said section cannot be collected from employers under said section then such employers shall become subject to the payment of contributions under the provisions of this section at the rates herein specified]

(1) Each employer shall pay contributions equal to the following percentages of wages paid or payable by him or it with respect to employment

(a) Nine-tenths per centum with respect to employment occurring during the calendar year 1936

(b) One and eight-tenths per centum with respect to employment occurring during the calendar year 1937

(c) Two and seven-tenths per centum with respect to employment occurring during the calendar years 1938 1939 1940 and 1941

(2) Each employer shall pay contributions equal to two and seven-tenths per centum of wages paid by him during the calendar year 1942 and during each calendar year thereafter with respect to employment occurring after December 31 1941

Section 303 Period and Termination of Contributions (a) Any employer who or which becomes subject to this act during any calendar year shall be subject to and shall pay the contributions required by this act during the whole of such calendar year

(b) Any employer subject to this act shall cease to be so subject [and shall be relieved of the payment of contributions] only upon written application to the department and finding by the department that he has not during the previous calendar year employed any employe (whether or not the same employe) in employment subject to this act for some portion of each of some [twenty] two (2) days each day being in a different week [during the previous or current calendar year] whether or not such weeks are consecutive and that he has not during the part of the current calendar year preceding the filing of his application employed any employe (whether or not the same employe) in employment subject to this act for some portion of each of some two (2) days each day being in a different week whether or not such weeks are consecutive An employer shall be relieved of the payment of contributions for any calendar year in which the department upon application by such employer or upon its own motion shall find that such employer has failed to employ any employe (whether or not the same employe) in employment subject to this act for some portion of each of some two (2) days each day being in a different week whether or not such weeks are consecutive

Section 304 Reports by Employers Assessments Each employer shall file with the department such reports at such times and containing such information as the department shall require for the purpose of ascertaining and paying the contributions required by this act

(a) If any employer fails within the time prescribed by the department to file any report necessary to enable the department to determine the amount of any contribution owing by such employer the department may make an assessment of contributions against such employer of such amount of contributions for which the department believes such employer to be liable together with interest thereon as provided in this act

Within fifteen days after making such assessment the department shall give notice thereof by registered mail to such employer If such employer is dissatisfied with the assessment so made he may petition the department for a reassessment in the manner hereinafter prescribed

(b) Any employer against whom an assessment is made may within fifteen days after receipt of notice thereof petition the department for a re-assessment which petition shall be under oath and shall set forth therein specifically and in detail the grounds and reasons upon which it is claimed that the assessment is erroneous Hearing or hearings on said petition shall be held by the department at such places and at such times as may be determined by rules and regulations of the department and due notice of the time and place of such hearing given by registered mail to such petitioner

(c) Any petitioner dissatisfied with the action of the department on his petition for re-assessment may appeal therefrom to the Court of Common Pleas of Dauphin County within thirty days after being notified of the action of the department Such appeal to the court shall be by petition verified by oath and shall specify all the objections to such assessment or re-assessment and any objections not specified in the petition shall not be considered by the Court

(d) As to any employer who fails to petition for re assessment or having petitioned after due notice of hearing fails to appear and be heard or in case of a re-assessment to appeal to the Court of Common Pleas of Dauphin County within the time and in the manner herein provided such assessment or re-assessment of the department shall then become final and the contributions and interest assessed or re-assessed by the department become forthwith due and payable and no defense which might have been determined by the department or in the event of appeal from re-assessment by the court shall be available to any employer in any suit or proceeding brought by the Commonwealth in the name of the fund for the recovery of such contribution based on such assessment or re assessment

(e) In any hearings held by the department in pursuance of the provisions of this section the department is hereby authorized and empowered to examine any person or persons under oath concerning any matters pertaining to the determination of the liability of the employer for contributions under the provisions of this act and to this end may compel the production of books papers and records and compel the attendance of all persons whether as parties or witnesses whom and which the department believes to have or contain knowledge or information material to such determination The conduct of hearings and appeals before the department shall be in accordance with rules of procedure prescribed by the department whether or not such rules conform to common law or rules of evidence or other technical rules of procedure but shall be under supervision of the Attorney General of the Commonwealth

(f) Witness fees and expenses of proceedings involving such assessments or re-assessments and the determination thereof shall be deemed part of the expenses of administering this act and shall be paid from the administration fund Testimony at any hearing before the department held in pursuance of the provisions of this section shall be taken by a reporter but need not be transcribed unless an appeal be taken from a re-assessment made thereon

Section 305 Payment of Contributions Concurrently with each report the employer shall pay to the department the amount of contributions imposed by this act for the period covered by the report but the department may in proper cases upon request made permit an extension of time for the payment of contributions due The amount of the contribution in respect of which an extension is granted shall be paid (with interest at the rate of one-half of one per centum per month) on or before the expiration of the period of extension

Section 306 Fractions of a Cent In the payment of any contributions a fractional part of a cent shall be disregarded unless it amounts to one-half cent or more in which case it shall be increased to one cent

Section 307 Interstate Commerce No employer required by this act to pay contributions shall be relieved from compliance therewith on the ground that he is engaged in interstate commerce or that this act does not distinguish between employes engaged in interstate commerce and those engaged in intrastate commerce

Section 308 Interest on Past Due Contributions Contributions unpaid on the date on which they are due and payable as prescribed by the department shall bear interest at the rate of one per centum per month or fraction of a month from the date they become due until paid

Section 308.1 Contributions to be Liens Entry Thereof All contributions and the interest and penalties thereon due and payable by an employer under the provisions of this act shall be a lien upon the franchises and property both real and personal of the employer liable therefor from the date a lien for such contributions interest and penalties is entered of record in the manner hereinafter provided whenever the franchises or property of an employer is sold at a judicial sale all contributions and the interest and penalties thereon thus entered of record shall first be allowed and paid out of the proceeds of such sale in the same manner and to the same extent that State taxes are paid subject nevertheless to the order of distribution prescribed in Section 310 hereof Provided That the lien hereby created shall not be prior to preexisting duly recorded real estate mortgages The department may at any time transmit to the prothonotaries of the respective counties of the Commonwealth to be by them entered of record certified copies of all liens for unpaid contributions interest and penalties which may now exist or hereafter arise upon which record it shall be lawful for writs of scire facias to issue and be prosecuted to judgment and execution in the same manner as such writs are ordinarily employed

Section 309 Collection of Contributions and Interest If after notice by the department any employer fails neglects or refuses to pay any contributions due or the interest or penalties due thereon the amount due [shall] may be collected by civil action in the name of the Commonwealth Civil actions brought under this section to collect contributions or interest thereon from any employer shall be heard by the court at the earliest possible date and shall be entitled to preference upon the calendar of the court over all other actions except petitions for judicial review under this act and cases arising under The Workmen's Compensation Act of one thousand nine hundred fifteen and its amendments and supplements No court costs shall be imposed on the Commonwealth in any such civil actions Judgments obtained in such civil actions to collect any of the contributions aforesaid shall include interest and penalties as provided in this act

Section 309.1 Compromises Where the department is satisfied (1) that the employer is unable to make payment in full of contributions interest and penalties imposed upon him by the law and (2) that the employer has acted in good faith the secretary is hereby authorized with the approval of the Attorney General and under rules and regulations adopted therefor to compromise any delinquent contribution and delinquent interest and penalties due on any contribution

Section 310 Priorities Under Legal Dissolutions and Distributions In the event of any distribution of an employer's assets pursuant to an order of any court under the laws of this Commonwealth including any receivership assignment for benefit of creditors adjudicated insolvency composition or similar proceeding contributions or installments thereof or interest thereon then or thereafter due shall be paid in full prior to all other claims except taxes claims arising under The Workmen's Compensation Act of one thousand nine hundred fifteen and its amendments and supplements and claims for wages of not more than two hundred and fifty dollars to each claimant earned within six months of the commencement of the proceeding In the event of an employer's adjudication in bankruptcy judicially confirmed extension proposal or composition under the Federal Bankruptcy Act of one thousand eight hundred ninety-eight as amended contributions and interest then or thereafter due shall be entitled to such priority as [is provided in section sixty-four (b) of that act (United States Code Annotated Title XI Section one hundred four (b) as amended)] are now or may hereafter be granted to taxes due a state under the said Federal Bankruptcy Act or its amendments

Section 311 Refunds and Adjustments If not later than [one year] four years from the payment of any contribution or interest thereon an employer shall make application for an adjustment thereof in connection with subsequent contribution payments or if such adjustment cannot be made for a refund thereof and the department shall determine that such contribution or interest or any portion thereof was erroneously collected for any reason whatever [including the failure to employ one or more employes (whether or not the same employe or employes) for some portion of each of some twenty days during the calendar year each day being in a different week for which the contributions were made] the department shall allow such employer to make an adjustment thereof without interest in connection with subsequent contribution payments by him or if such adjustment cannot be made the department shall refund said amount without interest out of moneys to the credit of the Employers' Contribution Account in the Unemployment Compensation Fund for like cause and within the same period an adjustment or refund may be so made on the initiative of the department

Section 312. Reciprocal Agreements The department is hereby authorized to enter into reciprocal arrangements with appropriate and duly authorized agencies of other states or of the Federal Government or both whereby

(a) Services performed by an individual for a single employer for which services are customarily performed in more than one state shall be deemed to be services performed entirely within any one of the states (i) in which any part of such individual's service is performed or (ii) in which such individual has his residence or (iii) in which the employer maintains a place of business provided there is in effect as to such services on election approved by the agency charged with the administration of such state's unemployment compensation law pursuant to which all the services performed by such individual for such employer are deemed to be performed entirely within such state

(b) Potential rights to benefits accumulated under the unemployment compensation laws of one or more states or under one or more such laws of the Federal Government or both may constitute the basis for the payment of benefits through a single appropriate agency under terms which the department finds will be fair and reasonable as to all affected interests and will not result in any substantial loss to the fund

(c) Wages or services upon the basis of which an individual may become entitled to benefits under an unemployment compensation law of another state or of the Federal Government shall be deemed to be wages for employment for the purpose of determining his rights to benefits under this act and wages for employment as defined in this act on the basis of which an individual

may become entitled to benefits under this act shall be deemed to be wages or services on the basis of which unemployment compensation under such law of another state or of the Federal Government is payable but no such arrangement shall be entered into unless it contains provisions for reimbursements from the fund for such of the compensation paid under such other law upon the basis of wages for employment as defined in this act as the department finds will be fair and reasonable as to all affected interests and

(d) Contributions due under this act with respect to wages for employment shall for the purpose of section three hundred one of this act be deemed to have been paid to the fund as of the date payment was made as contributions therefor under another state or federal unemployment compensation law but no such arrangement shall be entered into unless it contains provisions for such reimbursement to the fund of such contributions and the actual earnings thereon as the department finds will be fair and reasonable as to all affected interests

Reimbursements paid from the fund pursuant to paragraph (c) of this section shall be deemed to be benefits for all the purposes of this act The department is authorized to make to other state or Federal agencies and to receive from such other state or Federal agencies reimbursements from or to the fund in accordance with arrangements entered into pursuant to this section

The administration of this act and of other state and Federal unemployment compensation and public employment service laws be promoted by cooperation between this State and such other states and the appropriate Federal agencies in exchanging services and making available facilities and information The department is therefore authorized to make such investigations secure and transmit such information make available such services and facilities and exercise such of the other powers provided herein with respect to the administration of this act as he deems necessary or appropriate to facilitate the administration of any such unemployment compensation or public employment service law and in like manner to accept and utilize information services and facilities made available to this State by the agency charged with the administration of any such other unemployment compensation or public employment service law

To the extent permissible under the laws and Constitution of the United States the department is authorized to enter into or cooperate in arrangements whereby facilities and services provided under this act and facilities and services provided under the unemployment compensation law of any foreign government may be utilized for the taking of claims and the payment of benefits under the employment security law of this State or under a similar law of such government

Article IV

Compensation

Section 401 Qualifications Required to Secure Compensation Compensation shall be payable to any employe who is or becomes totally unemployed on or after January first one thousand nine hundred thirty-eight and who

(a) Has within his base year earned wages in employment as defined in this act from employers of not less than [thirteen times his weekly compensation amount] one hundred dollars ($100) except for casual labor

(b) Has registered for work at a designated employment office at such times and in such manner as the department may prescribe

(c) Has made a valid application for benefits with respect to the benefit year for which compensation is claimed and has made a claim for compensation in the proper manner prescribed by the department

(d) Is able to work and available for work and (e) Has been totally unemployed for a waiting period of at least [three weeks (except as otherwise hereinafter provided in this clause) prior to any week for which he claims compensation provided that such three weeks of total unemployment shall occur after compensation first becomes payable under this act Such three weeks shall not include any week in which the employe was ineligible for compensation under section four hundred two of this act or was ineligible for compensation under any provision of this section excepting however paragraphs (a) and (c) of this section The three weeks of total unemployment need not be consecutive but may be accumulated over the period of fifty-two consecutive weeks preceding any week for which he claims compensation Provided That this requirement shall not interrupt the payment of compensation for consecutive weeks of unemployment If the employe's total unemployment is due to a voluntary suspension of work resulting from an industrial dispute then he shall be ineligible for compensation for a further waiting period of three weeks in addition to the waiting period hereinbefore prescribed in this clause] two weeks prior to the week for which the first compensable claim is filed The two weeks of total unemployment need not be consecutive

(f) In claiming benefits hereunder an employe shall correctly report any days of employment including employment not subject to this act and the days on which he was totally unemployed and shall make such reports in accordance with such regulations as the department shall prescribe

No week shall be counted as a week of total unemployment for the purposes of this subsection (1) unless it occurs within the benefit year which includes the week with respect to which such employe claims compensation Provided That the two weeks immediately preceding a benefit year shall be deemed (for the purpose of this subsection only) to be within such benefit year And provided further That any approved waiting week which is prior to the first day of July one thousand nine hundred forty-two and is within a period of fifty-two weeks immediately preceding the week subsequent to the thirtieth day of June one thousand nine hundred forty-two for which a first compensable claim is filed shall be deemed to be a waiting week with respect to the benefit year in which such first compensable claim is filed or (2) if compensation is payable with respect thereto or (3) unless the individual was eligible for compensation with respect thereto under all other provisions of this section and was not disqualified with respect thereto under section 402 (a) (b) and (d)

Section 402 Ineligibility for Compensation An employe shall be ineligible for compensation or waiting period credit for any week

(a) In which his unemployment is due to failure without good cause either to apply for suitable work [when so directed by the employment office or to accept suitable work when offered to him by the employment office at such time and in such manner as the department may prescribe or by his previous employer In determining whether or not any work is suitable for an individual the department shall consider the degree of risk involved to his health safety and morals his physical fitness and prior training and experience and the distance of the available work from his residence

(b) In which his unemployment is due to voluntarily leaving work except where as a condition of continuing in employment the employe would be required to join or remain a member of a company union or to resign from or refrain from joining any bona fide labor organization or to accept wages hours or conditions of employment not desired by a majority of the employes in the establishment or the occupation or would be denied the right of collective bargaining under generally prevailing conditions or without other good cause

(c) With respect to which or a part of which he has received or is seeking unemployment benefits under an unemployment compensation law of any other state or of the United States Provided That if the appropriate agency of such other state or of the United States finally determines that he is not entitled to such unemployment benefits the disqualification shall not apply

(d) In which the employe's total unemployment is due to a voluntary suspension of work resulting from an industrial dispute but this disqualification shall apply only to the week in which the suspension occurred and for the three consecutive weeks of total unemployment which immediately follow such week

Section 403 Rate and Payment of Weekly Compensation shall be payable at the rate of [fifty] sixty per centum of the employe's full-time weekly wage but the amount shall not be more than [fifteen] eighteen dollars nor less than [seven dollars and fifty cents] eight dollars a week An employe's weekly compensation amount as determined for the first week of his benefit year shall constitute his weekly compensation amount throughout such benefit year Compensation shall be computed to the nearest multiple of [five] fifty cents Compensation shall be paid through employment offices at such times and in such manner as the department may prescribe All accrued benefits due any deceased employe may in the discretion of the department be paid to the surviving spouse children or parents of the deceased without letters testameneary or of administraeion

Section 404 Amount of Compensation The maximum total amount of compensation payable to any eligible employe during any benefit year shall not exceed [one-eighth] one-seventh of his total wages from employers during the first eight out of the last nine completed calendar quarters immediately preceding each week with respect to which compensation is payable (excluding however any completed calendar quarter which occurs prior to January first one thousand nine hundred thirty-seven) or [thirteen] sixteen times his weekly compensation amount whichever is the lesser The department may maintain a separate account for each employe and in such event shall credit his account with all wages earned by him from employers subsequent to January first one thousand nine hundred thirty-seven Compensation paid to an eligible employe shall be charged against amounts credited to such account in the chronological order in which the wages of such individual were earned from employers

Section 405 Duties of Employers Each employer shall post in a conspicuous place or places in his establishment or establishments any printed statement or notice required by the rules and regulations of the department

Section 406 Non-liability of Commonwealth Compensation shall be deemed to be due and payable under this act only to the extent provided in this act and to the extent that moneys are available therefor to the credit of the Unemployment Compensation Fund and neither the Commonwealth the department nor the secretary shall be liable for any amount in excess of such moneys

Section 407 Status Preserved During and After Military or Naval Service Notwithstanding any provision of this act to the contrary the compensation rights of any employe who enters the military or naval service of the United States during any period of war or preparation for defense and is honorably discharged from such service shall become fixed as of the time he enters such service and shall remain in status quo for and during the period of such service and upon being honorably discharged from such service such employe shall be entitled to the same benefit rights under the act to which this is an amendment as he was at the time he entered the service In calculating the base year the base period the benefit year or any period of time under said act all time so spent in the military or naval service of the United States shall be excluded from computation therein

The legislature hereby declares the intent of this section to be that the benefit rights of an employe entering the military or naval service herein described and subsequently receiving an honorable discharge therefrom shall during the period of such service be and remain as they were at the time of entry into service and that upon the termination of such service by honorable discharge the benefit rights of such employe shall be and continue as though uninterrupted by the period of such service

Section 5 Sections five hundred and one five hundred and two five hundred and four five hundred and nine eight hundred and four and five hundred and five of said act are hereby amended to read as follows

Section 501 Initial Determination of Compensation Appeals The department shall promptly examine any application for benefits or claim filed and on the basis of the facts found by it shall determine whether or not the application for benefits or claim [for compensation] is valid [and if valid the week with respect to which compensation shall commence the weekly compensation payable and the maximum duration thereof] The determination of any application for benefits shall include the determination of the first day of the benefit year the weekly benefit rate and the number of benefit weeks payable The claimant and other affected parties shall be promptly notified of the decision and the reasons therefor in writing except that no notification shall be necessary when the department shall approve a claim for a week of total unemployment Unless the claimant or other affected parties files an appeal from such decision with the board within ten calendar days after such notification was delivered to him personally or was mailed to his last known post office address and applies for a hearing such decision of the department shall be final and compensation shall be paid or denied in accordance therewith In the event that an appeal is filed with the board the payment of [compensation shall be withheld pending determination of the claim but when a referee or the board affirms a decision of the department allowing compensation such compensation shall be paid notwithstanding any further appeal which may thereafter be taken] any contested amount of compensation shall be withheld pending determination of the claim but any uncontested amount of compensation allowed in any decision shall be paid notwithstanding any appeal which may thereafter be taken Provided That when a referee or the board affirms a decision of the department allowing compensation such compensation shall be paid notwithstanding any further appeal

Section 502 Decision of Referee Further Appeals and Reviews Where an appeal from the [decision] determination or revised determination as the case may be of the department is taken a referee shall after affording the parties reasonable opportunity for a fair hearing affirm modify or reverse such findings of fact and the [decision] determination or revised determination as the case may be of the department as to him shall appear just and proper The parties shall be duly notified of the referee's decision and the reasons therefor which shall be deemed the final decision of the board unless within ten days after the date of such decision the board acts on its own motion or upon application permits any of the parties to institute a further appeal before the board A memorandum of testimony of any hearing before any referee shall be made and be preserved for a period of two years

Section 504 Powers of Board Over Claims The board shall have power on its own motion or on appeal to remove transfer or review any claim pending before or decided by a referee and in any such case and in cases where a further appeal is allowed by the board from the decision of a referee may affirm modify or reverse the [decision] determination or revised determination as the case may be of the department or referee on the basis of the evidence previously submitted in the case or direct the taking of additional evidence When any claim pending before a referee is removed or transferred to the board the board shall afford the parties reasonable opportunity for a fair hearing The parties shall be duly notified of the board's final decision and the reasons therefor A complete record shall be kept of each case heard before the board All testimony at any hearing before the board whether on appeal or otherwise shall be taken by a reporter but need not be transcribed unless the disputed claim is further appealed

Section 505 Rules of Procedure The manner in which appeals shall be taken the reports thereon required from the department the claimant and employers and the conduct of hearings and appeals shall be in accordance with rules of procedure prescribed by the board whether or not such rules conform to common law or statutory rules of evidence and other technical rules of procedure

When the same or substantially similar evidence is relevant and material to the matter in issue in applications and claims filed by more than one individual or in multiple applications and claims filed by a single individual the same time and place for considering each such application and claim may be fixed hearings thereon jointly conducted a single record of the proceedings made and evidence introduced with respect to any application or claim considered as introduced with respect to all of such applications or claims Provided That in the judgment of the board or referee having jurisdiction of the proceeding such consideration will not be prejudicial to any party

Section 509 Finality of Decisions Any decisions made by the department or any referee or the board shall become final ten days after the date thereof unless appealed from as hereinbefore provided [by] but any decision of the board or of a referee where an appeal has been disallowed by the board shall nevertheless be subject to appeal to the Superior Court after the same has become final

Subject to appeal proceedings and judicial review as provided in this act any right fact or matter in issue which was directly passed upon or necessarily involved in any decision of a referee or the board or the Superior Court and which has become final shall be conclusive for all purposes of this act and shall not be subject to collateral attack as among all affected parties who had notice of such decision Provided however That whenever an appeal involves a question as to whether services were performed by a claimant in employment or for an employer or whether remuneration paid constituted wages a decision thereon shall not be conclusive as to an employing entity's liability for contributions unless the employing entity was given special notice of such issue and of the pendency of the appeal and was afforded a reasonable opportunity by the referee or the board to adduce evidence bearing on such question

Section 804 [Liability to Repay Compensation Unlawfully Received Any person who by reason of the nondisclosure or misrepresentation by him or by another of a material fact (irrespective of whether such nondisclosure or misrepresentation was known or fraudulent) has received any sum as compensation under this act while any conditions for the receipt of compensation imposed by this act were not fulfilled in his case or while he was disqualified from receiving compensation] Recovery and Recoupment of Compensation Any Person who by reason of his fraud has received any sum as compensation under this act to which he was not entitled shall be liable to repay to the Unemployment Compensation Fund to the credit of the Employers' Contribution Account a sum equal to the amount so received by him [and such] Such sum shall be collectible (a) in the manner provided in this act for the collection of past due contributions or (b) by deduction from any future compensation payable to the claimant under this act

Any person who other than by reason of his fraud has received any sum as compensation under this act to which he was not entitled shall not be liable to repay such sum but shall be liable to have such sum deducted from any future compensation payable to him with respect to the benefit year current to or next succeeding the receipt thereof Provided however That no recoupment from future compensation shall be had if such sum was received by such person without fault on his part and such recoupment would be inequitable and unconscionable

The claimant and other affected parties shall be notified in writing of the department's determination to deduct any sum from future compensation under this section and such determination shall be subject to appeal in the manner provided in this act for appeals from determinations of compensation

Section 6 Article VIII of the said Act is hereby amended so as to include therein a new Section to be known as Section 805 and to read as follows

Section 805 For the enforcement of this Act or any rule and regulation issued under the authority thereof the Department is hereby empowered and it shall be its duty to conduct such periodic spot checks and investigations as will disclose with reasonable certainty whether or not compensation benefits have been paid to persons not legally entitled thereto or as will disclose violations of this Act and to take such steps and adopt such means as may reasonably be necessary to enforce the provisions of this Act The conduct of such spot checks and investigations and all legal proceedings arising therefrom shall be under the supervision and direction of the Attorney General of the Commonwealth and the expenses thereof and in connection therewith are hereby declared to be administrative expenses to be paid from the Administrative Fund

Section 7 The provisions of this act shall become effective on the first day of July one thousand nine hundred and forty-two except as otherwise provided herein Provided nevertheless that nothing herein contained shall be taken or construed to relieve any employer from the payment of any contribution penalties and interest imposed by the provisions of the Act or parts of Act to which this Act is an amendment or the rules and regulations issued thereunder in force at the time this Act becomes effective or to affect or terminate any petitions investigations prosecutions legal or otherwise or other proceedings pending under the provisions of any Act or parts of Act in force at the time this Act becomes effective or for the collection or recovery of contributions penalties and interest due or owing under the provisions of any Act or part of Acts or rules and regulations issued thereunder in force at the time this Act becomes effective

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—195

Achterman,	Flynn,	Malloy,	Rose, W. E.,
Auker,	Foor,	Marks,	Rosenfeld,
Baker,	French,	Maxwell,	Royer,
Balthaser,	Gallagher,	McClanaghan,	Rush,
Baugher,	Gates,	McClester,	Sarge,
Bentley,	Gerard,	McDermott,	Sarraf,
Bentzel,	Goodwin,	McDowell,	Scanlon,
Boies,	Gross,	McFall,	Schwab,
Boney,	Gryskewicz,	McGrath,	Serrill,
Boorse,	Gyger,	McIntosh,	Shaffer,
Bower,	Haberlen,	McKinney,	Shaw,
Bradley,	Haines,	McLanahan,	Shepard,
Breth,	Hall,	McLane,	Skale,
Bretherick,	Hamilton,	McMillen,	Snyder,
Brown,	Hare,	McSurdy,	Sollenberger,
Brunner, C. H.,	Harmuth,	Melchiorre,	Sorg,
Brunner, P. A.,	Harris,	Mihm,	Stambaugh,
Burns,	Heatherington,	Modell,	Stank,
Burris,	Helm,	Monks,	Stine,
Cadwalader,	Hering,	Mooney,	Stockham,
Chervenak,	Herman,	Moran,	Tarr,
Chudoff,	Hersch,	Muir,	Tate,
Cochran,	Hewitt,	Munley,	Taylor,
Cohen, M. M.,	Hirsch,	Nagel,	Thompson, E. F.,
Cohen, R. E.,	Holland,	Nunemacher,	Thompson, R. L.,
Cook,	Huntley,	O'Brien,	Trout,
Cooper,	Imbrie,	O'Connor,	Turner,
Cordier,	James,	O'Dare,	Van Allsburg,
Corrigan,	Jefferson,	O'Mullen,	Verona,
Croop,	Jones, G. E.,	O'Neill,	Vincent,
	Jones, P. N.,	Owens,	Vogt,

Cullen,	Keenan,	Petrosky,	Voldow,
Dalrymple,	Kenehan,	Pettit,	Wagner,
Dennison,	Kline,	Polaski,	Watkins,
DiGenova,	Knoble,	Polen,	Weingartner,
Dix,	Kolankiewicz,	Powers,	Weiss,
Dolon,	Komorofski,	Prosen,	Welsh, E. B.,
D'Ortona,	Krise,	Rank,	Welsh, M. J.,
Duffy,	Lee, E. A.,	Rausch,	Wilkinson,
Eckels,	Lee, T. H.,	Readinger,	Williams,
Elder,	Leisey,	Reagan,	Winner,
Elliott,	Leonard,	Reese, D. P.,	Wolf,
Ely,	Lesko,	Reese, R. E.,	Wood, L. H.,
Falkenstein,	Levy,	Regan,	Wood, N.,
Finestone,	Leydic,	Reynolds,	Wright,
Finnerty,	Lichtenwalter,	Rhea,	Yeakel,
Fisher,	Longo,	Riley,	Young,
Fiss,	Lovett,	Rooney,	Kilroy,
Fleming,	Lyons,	Rose, S.,	Speaker.
Fletcher			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILLS ON SECOND READING

BILL PASSED OVER

There being no objection House Bill No. 98, (Senate Bill No. 64), Printer's No. 48, was passed over at the request of Mr. ACHTERMAN.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 117, entitled:

An Act to amend an act approved the seventh day of June one thousand nine hundred seventeen (P. L. 600) entitled "An act providing that appointive officers and employes employed by the Commonwealth of Pennsylvania in its civil service or by any department bureau commission or office thereof or by any county municipality township or school district shall not be deemed or held to have resigned or abandoned their offices or employments by reason of enlistment enrollment or draft in the military or naval service of the United States or any branch or unit thereof in time of war or contemplated war prohibiting the removal from their offices or employments of such officers and employes during the period of their service in the Army or Navy directing that one-half of the salaries or wages of such officers or employes as have dependent wives children or parents and not exceeding two thousand dollars per annum be paid during the term of their service in the Army or Navy to such dependents authorizing the employment during said term of substitutes to perform the duties theretofore performed by such officers or employes respectively and providing for the compensation of such substitutes" by more fully defining amounts payable providing for the payment by the Commonwealth of the salary deductions to the State Employes' Retirement Fund or the Pennsylvania Motor Police Retirement Fund where there are no dependents limiting the time such amounts are payable and limiting the conditions of resumption of office or employment

The first section was read.

On the question,

Will the House agree to the section?

BILL DROPPED FROM CALENDAR

Mr. TURNER. Mr. Speaker, in considering this matter with the gentleman from Berks and some others, while we are of the opinion that there is a necessity to remedy this defect in the law, we are also of the opinion that it does not come within the call, and as the time is such that it can hardly be passed, it will have to go as an amendment to the bill offered by the gentleman from Berks, Mr. Readinger, which I believe is going to conference between the House and the Senate.

I therefore move, Mr. Speaker, that this bill be dropped from the calendar.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 116, entitled:

An Act to promote interstate cooperation for the use conservation protection and equitable diversion of the water resources in the Delaware River Basin between and among the States of Pennsylvania New York and New Jersey for the purpose of meeting prospective needs for domestic and municipal water supply regulating and limiting the use of the waters of the Delaware River and its tributaries and prescribing rules and standards requiring permits from and providing for hearings by the Water and Power Resources Board and for appeals from its decision vesting power in the Water and Power Resources Board to vary or modify the rules and standards under certain conditions and to adopt rules and regulations and further defining its powers and duties requiring notice to the States of New York and New Jersey of all applications for water diversion providing for the filing of stipulations by the Attorney General with the United States Supreme Court and obtaining its approval of water diversions

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 105, (Senate Bill No. 60), entitled:

An Act to modify existing law of the Commonwealth regulating the operation of motor driven vehicles which limit the gross weight or length of such vehicles as are permitted to be operated upon the highways of the Commonwealth by authorizing the Secretary of the Department of Highways to issue permits for the use of overweight and over-length vehicles in certain cases.

The first section was read.

On the question,

Will the House agree to the section?

Amendments were offered by Messrs. HOLLAND, BROWN, MIHM and AUKER.

The SPEAKER. The Clerk will read the amendments offered by Messrs. BROWN and MIHM.

The amendments were read by the Clerk as follows:

Amend Sec. 1, page 2, lines 6, 7 and 8, by striking out the following: "without" in line 6, all of line 7, and the words "or oversize permit" in line 8.

Amend Sec. 1, page 2, line 13, by inserting after the word "defense" the following: "Provided, however, That no such permit shall be issued for any vehicle or combination of vehicles that are not actually engaged in the movement of materials necessary for the prosecution of the war".

They were agreed to.

The SPEAKER. The Clerk will read the amendment offered by Mr. HOLLAND.

The amendment was read by the Clerk as follows:

Amend Sec. 1, page 2, line 13, by inserting after the word "defense" the following: "Provided, That overweight or oversize permits issued hereunder shall be limited to highways maintained by the Commonwealth, and shall not operate to authorize the use or operation of overweight or oversize vehicles or combinations of vehicles on any street or road maintained in whole or in part by any political subdivision".

On the question,

Will the House agree to the amendment?

Mr. ACHTERMAN. Mr. Speaker, if the amendments submitted by the gentleman from Allegheny, Mr. Holland, were accepted they would undoubtedly to a large measure defeat what we are endeavoring to do, because it would mean that overweight trucks would not be permitted to operate on anything but state highways.

Many of these trucks of course have to traverse city streets and in many instances possibly township and county roads, and the net result would be that there would only be certain highways upon which these war materials could be transported. It would necessarily mean a delay and perhaps in many instances an impossibility of moving war products, that is materials essential in the war effort.

I, therefore, ask the membership to defeat this particular amendment.

Mr. HOLLAND. Mr. Speaker, I would like to support this bill because I realize that in defense we must give up a lot, but at the same time we do not want to confuse and use the word "defense" for a profit motive.

As the bill now reads I must oppose it; I must oppose it from the experience that I have gained in two years as Superintendent of Highways and Sewers in the city of Pittsburgh. The city of Pittsburgh will have to spend millions of dollars of home owners' taxes to permit the trucks to use the streets of Pittsburgh.

I want to point out to you that this does not only apply to streets or the surface of streets but also applies to sewers. In the last six months the city of Pittsburgh had to spend three hundred fifty thousand dollars to rebuild sewers whose collapse was due entirely to the heavy traffic of heavy trucks.

These three hundred fifty thousand dollars will come out of the pockets of every little home owner in the city of Pittsburgh, and if this bill is permitted to pass in its present form it means that the city of Pittsburgh will have to spend many more items of three hundred fifty thousand dollars of real estate taxes to keep their sewers in operation.

Now, there is another problem that I do not think the Trucking Association has taken into consideration. The responsibility for curbs and pavements is the responsibility of the home owner. If a truck,—and it is done every day,—destroys a curb by continuously going over it,—and we in Pittsburgh have narrow streets, that home owner is given a notice by the city of Pittsburgh and is compelled to replace and repair that curb.

Then again, if a truck happens to go over the pavement and causes damage to the pavement, that home owner if an accident occurs immediately after this truck does the harm, is sued for damages if an accident is caused through the fault of the hole in the pavement or damage to the pavement, and the city of Pittsburgh if they have not given sufficient notice to the home owner to repair that pavement, becomes a co-defendant in the suit.

Now, in the city of Pittsburgh,—and when I say the city of Pittsburgh it applies to Philadelphia also, it applies to any other city, the block stone pavements were built with a certain type of base in the older days. This base cannot withstand the present day trucks and if you increase these trucks to fifty thousand pounds, it means that any city must go to the home owner and say to the home owner "Here, we want you to donate for the good of the truck industry in the State of Pennsylvania."

Now, it is unfair to say to the Secretary of Highways that he has the right to give permission for these heavily loaded box car trucks to pass over our street, when the Secretary of Highways and the Motor Vehicle Fund do not give one cent to the city to repair their streets.

My friends, we do not want to go out too far under the word "defense." All of us here are willing to do our part, but we must not confuse defense with the profit motive, and after all, you and I know that the bigger the trucks, the bigger the load, the more profits,—not for the man driving the truck, but for the man who owns the truck. I say to you it is unfair to pass this bill, and if you do pass the other bill that is on the calendar in which you are going to place the cost of civilian defense on the home owner, this session is going down as establishing a record of placing on the backs of every little home owner in the State of Pennsylvania a burden which he or she will be unable to bear.

I ask the Members of the House to go along with me on these amendments because I think they are fair. I have no objection to the roads that are maintained through the Motor Vehicle Fund to permit the use of the large car. None of us have objection, because after all we know that income is coming from the motor vehicle traffic, but I do not think it is fair to expect all the home owners to have three or four or five mills added to their taxes. No city, regardless of its size, and especially in the industrial districts, will be able to go into next year's budget without increasing taxes from three to five mills to maintain roads.

Mr. Speaker, I ask for a roll call.

On the question recurring,

Will the House agree to the amendments?

The yeas and nays were required by Mr. Holland and Mr. Bentley and were as follows

YEAS—11

Bentley,	Goodwin,	Moran,	Reese, R. E.,
Burns,	Hamilton,	Nunemacher,	Shaffer,
Dix,	Holland,	O'Connor,	

NAYS—112

Achterman,	Fiss,	Maxwell,	Serrill,
Auker,	French,	McClanaghan,	Shepard,
Baker,	Gross,	McClester,	Sollenberger,
Balthaser,	Haines,	McDermott,	Stambaugh,
Bentzel,	Hall,	McIntosh,	Stank,
Boney,	Hare,	McKinney,	Stine,
Bower,	Harmuth,	McLane,	Taylor,
Bradley,	Harris,	McMillen,	Thompson, E. F.,
Breth,	Helm,	Melchiorre,	Thompson, R. L.,
Bretherick,	Hersch,	Modell,	Trout,
Brown,	Hewitt,	Monks,	Turner,
Brunner, C. H.,	Huntley,	Mooney,	Van Alisburg

Brunner,	Imbrie,	Muir,	Vincent,
P. A.,	James,	O'Brien,	Voldow,
Chudoff,	Kline,	O'Dare,	Wagner,
Cochran,	Knoble,	O'Mullen,	Watkins,
Cohen, M. M.,	Kolankiewicz,	Petrosky,	Weingartner,
Cooper,	Komorofski,	Rank,	Weiss,
Cordier,	Krise,	Readinger,	Wilkinson,
Croop,	Lee, E. A.,	Reagan,	Winner,
Cullen,	Lee, T. H.,	Reynolds,	Wolf,
DiGenova,	Leonard,	Rhea,	Wood, L. H.,
Dolon,	Lesko,	Riley,	Wood, N.,
D'Ortona,	Levy,	Rooney,	Wright,
Elder,	Leydic,	Rose, S.,	Yeakel,
Ely,	Lovett,	Rose, W. E.,	Young,
Finestone,	Malloy,	Royer,	Kilroy,
Finnerty,	Marks,	Rush,	Speaker.
Fisher,			

So the question was determined in the negative and the amendments were not agreed to.

The SPEAKER. The Clerk will read the amendments offered by Mr. Auker.

The Clerk read the amendments as follows:

Amend Sec. 1, page 2, line 11, by inserting after the words "Highways" the following: "of the Commonwealth".

Amend Sec. 1, page 2, lines 11 and 12, by striking out the words "of the Commonwealth".

On the question,

Will the House agree to the amendments?

Mr. TURNER. Mr. Speaker, I would like to interrogate the gentleman from Blair, Mr. Auker.

The SPEAKER. Will the gentleman from Blair permit himself to be interrogated?

Mr. AUKER. I shall, Mr. Speaker.

Mr. TURNER. Mr. Speaker, the insertion of the words "of the Commonwealth" is after the words "over the highways" on line 11 on page 2, is that right?

Mr. AUKER. That is right, Mr. Speaker.

Mr. TURNER. Is not the affect of this amendment the same as the amendment offered by the gentleman from Allegheny, Mr. Holland?

Mr. AUKER. No, Mr. Speaker, not as I understand it. This merely cures typographical errors.

Mr. TURNER. Mr. Speaker, the error apparently is in lines number eleven and twelve, and where you strike out the words "of the Commonwealth". But by inserting the words "of the Commonwealth" after the words "highways" on line eleven, might not the interpretation there be that that only applies to highways which are maintained by and built by the Commonwealth, as distinguished from municipal roads?

Mr. AUKER. Mr. Speaker, I believe that interpretation could be put on it. I noticed in reading the language of the bill before us, it was the apparent intention of the Members on the other side of the House, and they had the amendments drawn and allowed me the privilege of introducing the amendment.

Mr. TURNER. Mr. Speaker, may I interrogate the gentleman from Monroe, Mr. Achterman?

The SPEAKER. Will the gentleman from Monroe permit himself to be interrogated?

Mr. ACHTERMAN. I shall, Mr. Speaker.

Mr. TURNER. Mr. Speaker, has the gentleman from Monroe, Mr. Achterman, this bill before him, Senate Bill 60?

Mr. ACHTERMAN. I do, Mr. Speaker.

Mr. TURNER. And does the gentleman have the amendment before him, Mr. Speaker?

Mr. READINGER IN THE CHAIR

Mr. ACHTERMAN. I do have the amendment, Mr. Speaker.

Mr. TURNER. Mr. Speaker, it is very simple, if the gentleman will turn to page 2, line 11. The first word is "highways" and after that is to be inserted "of the Commonwealth", so that it would read "upon presentation of an application showing that the movement of such over weight or over size vehicles or combination of vehicles on and over the highways of the Commonwealth as the Secretary may designate."

The SPEAKER pro tempore. The amendment will read "as the Secretary of Highways of the Commonwealth may designate." For the information of the gentleman from Delaware, with the amendment, it will read on line eleven, page two, "as the Secretary of Highways of the Commonwealth may designate is necessary."

Mr. TURNER. No, Mr. Speaker, that is not where it comes in. It comes in after the word "highways" on line eleven. Which "highway" is intended?

The SPEAKER (Elmer Kilroy) IN THE CHAIR.

Mr. TURNER. Mr. Speaker, I would ask the gentleman from Monroe to yield, and I would like to interrogate the gentleman from Blair, Mr. Auker.

The SPEAKER. Will the gentleman from Blair permit himself to be interrogated?

Mr. AUKER. I shall, Mr. Speaker.

Mr. TURNER. May I ask the gentleman, Mr. Speaker, which word "highways" is to be followed by the words "of the Commonwealth"?

Mr. AUKER. Mr. Speaker, on line eleven, page two of the bill, the first word "highways" is small letters. The second word "highways" is capitalized, that is, it begins with a capital letter. The amendments show the word "Highways" beginning with a capital "H", and I believe that would sufficiently correct the matter.

Mr. TURNER. Well then, Mr. Speaker, the amendment, it seems to me should say "after the word 'Highways' and before the word "may" then there would be no doubt about it.

The SPEAKER. The Chair is of the opinion that the point is well taken. The Chair would suggest that an amendment be offered to the amendment.

Mr. TURNER. Mr. Speaker, I think we can clear up two or three things at one time here.

The SPEAKER. The Chair will ask the gentleman to clear up one thing at a time.

Mr. TURNER. Mr. Speaker, if you will just allow me to point out one thing, the term "the Secretary of Highways" does not seem to me to be the proper designation. He is Secretary of the Department of Highways, and if it is necessary to say "Secretary of Highways of the Commonwealth" then you ought to say "Secretary of the Department of Highways."

The title of the bill designates "the Secretary of the Department of Highways," and the reason I raise the question as to which "highways" this amendment refers to is, if you will refer to the title it says, "upon the high-

ways of the Commonwealth", and if you add "of the Commonwealth" in the bill in the place where this amendment would seem to place it, then it would look as though, following the title it should come after the first "highways", because in designating the Secretary in the title, they designate him properly "Secretary of the Department of Highways", which does not need the words "of the Commonwealth" after it.

Further I would point out,—this may not be exactly in order in the business that is before the House on this amendment,—that the title, it would seem to me, is subject to the same objection I raised on this amendment, because it says, "as are permitted to be operated upon the highways of the Commonwealth".

When we talk about the "highways of the Commonwealth" we talk about what are commonly termed state highways. When we talk about municipalities we talk about streets, roads or highways, so therefore it would appear to me Mr. Speaker, that the gentleman from Monroe, Mr. Achterman, should pass this bill over and straighten out the amendments.

BILL AND AMENDMENTS LAID ON TABLE

Mr. ACHTERMAN. Mr. Speaker, I move that Senate Bill No. 60, (House Bill No. 105), Printer's No. 52, together with the amendments be laid on the table.

The motion was agreed to.

BILL ON THIRD READING

Mr. BROWN. Mr. Speaker, I desire to call up House Bill No. 112, on page 3 of today's calendar, bill on third reading.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 112, as follows:

An Act to amend subsection (a) and to further amend subsection (b) of section nine of the act approved the first day of June one thousand nine hundred thirty-seven (P. L. 1168) entitled "An act to protect the right of employes to organize and bargain collectively creating the Pennsylvania Labor Relations Board conferring powers and imposing duties upon the Pennsylvania Labor Relations Board officers of the State government and courts providing for the right of employes to organize and bargain collectively declaring certain labor practices by employers to be unfair further providing that representatives of a majority of the employes be the exclusive representatives of all the employes authorizing the board to conduct hearings and elections and certify as to representatives of employes for purposes of collective bargaining empowering the board to prevent any person from engaging in any unfair labor practice and providing a procedure for such cases including the issuance of a complaint the conducting of a hearing and the making of an order empowering the board to petition a court of common pleas for the enforcement of its order and providing a procedure for such cases providing for the review of an order of the board by a court of common pleas on petition of any persons aggrieved by such order and establishing a procedure for such cases providing for an appeal from the common pleas court to the Supreme Court providing the board with investigatory powers including the power to issue subpoenas and the compelling of obedience to them through application to the proper court providing for service of papers and process of the board prescribing certain penalties" fixing the rights and standing of the Pennsylvania Labor Relations Board as a party and as appellant in the courts in matters originating before the board and defining the jurisdiction of the Supreme Court on appeal

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Subsection (a) of section nine of the act approved the first day of June one thousand nine hundred thirty-seven (P. L. 1168) entitled "An act to protect the right of employes to organize and bargain collectively creating the Pennsylvania Labor Relations Board conferring powers and imposing duties upon the Pennsylvania Labor Relations Board officers of the State government and courts providing for the right of employes to organize and bargain collectively declaring certain labor practices by employers to be unfair further providing that representatives of a majority of the employes be the exclusive representatives of all the employes authorizing the board to conduct hearings and elections and certify as to representatives of employes for purposes of collective bargaining empowering the board to prevent any person from engaging in any unfair labor practice and providing a procedure for such cases including the issuance of a complaint the conducting of a hearing and the making of an order empowering the board to petition a court of common pleas for the enforcement of its order and providing a procedure for such cases providing for the review of an order of the board by a court of common pleas on petition of any person aggrieved by such order and establishing a procedure for such cases providing for an appeal from the common pleas court to the Supreme Court providing the board with investigatory powers including the power to issue subpoenas and the compelling of obedience to them through application to the proper court providing for service of papers and process of the board prescribing certain penalties" and subsection (b) thereof as amended by the act approved the ninth day of June one thousand nine hundred thirty-nine (P. L. 293) are hereby further amended to read as follows

Section 9 Judicial Review (a) The board shall have power to petition the court of common pleas of any county wherein the unfair labor practice in question occurred or wherein any person charged with the commission of any unfair labor practice resides or transacts business for the enforcement of such order and for appropriate temporary relief or restraining order and shall certify and file in the court a transcript of the entire record in the proceeding including the pleadings and testimony upon which such order was entered and the findings and order of the board Upon such filing the court shall cause notice thereof to be served upon such person and thereupon shall have jurisdicton of the proceeding and of the question determined thereon and shall have power to grant such temporary relief or restraining order as it deems just and proper and to make and enter upon the pleadings testimony and proceedings set forth in such transcript a decre enforcing modifying the enforcing as so modified or setting aside in whole or in part the order of the board The parties before the court shall be the board and the person charged with the commission of any unfair labor practice No objection that has not been urged before the board its members or agent shall be considered by the court unless the failure or neglect to urge such objection shall be excused because of extraordinary circumstances The findings of the board as to the facts if supported by evidence shall be conclusive If [either] any party shall apply to the court for leave to adduce additional evidence and shall show to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence at the hearing before the board its members or agent the court may order such additional evidence to be taken before the board its members or agent and to be made a part of the transcript The board may modify its findings as to the facts or make new findings by reason of additional evidence so taken and filed and it shall file such modified or new findings which if supported by evidence shall be conclusive and shall file its recommendations if any for the modification or setting aside of its

original order The jurisdiction of the court of common pleas shall be exclusive and its judgment and decree shall be final except that the same shall be subject to review by the Supreme Court on appeal by [either party] the board or the person charged with the commission of any unfair labor practice irrespective of the nature of the decree or judgment or the amount involved Such appeal shall be taken and prosecuted in the same manner and form and with the same effect as is provided in other cases of appeal to the Supreme Court and shall not be restricted to questions of jurisdiction and those relating to the regularity of the proceedings and the record so certified shall contain all that was before the court of common pleas

(b) Any person aggrieved by a final order of the board granting or denying in whole or in part the relief sought may obtain a review of such order in the court of common pleas of any county where the unfair labor practice in question was alleged to have been engaged in or wherein such person resides or transacts business by filing in such court a written petition praying that the order of the board be modified or set aside A copy of such petition shall be forthwith served upon the board and the board shall file in the court a transcript of the entire record in the proceeding certified by the board including the pleadings and testimony and order of the board Upon such filing the court shall proceed in the same manner as in the case of an application by the board under subsection (a) and shall have the same exclusive jurisdiction to grant to the board such temporary relief or restraining order as it deems just and proper and in like manner to make and enter a decree enforcing modifying and enforcing as so modified or setting aside in whole or in part the order of the board and the findings of the board as to the facts if supported by substantial and legally credible evidence shall in like manner be conclusive The parties before the court shall be any person aggrieved by a final order of the board as aforesaid and the board In all cases of review to the Supreme Court of Pennsylvania by any person aggrieved or by the board under this act the appellant may print a transcript containing an abridgement of the record in narrative form as far as necessary to present the questions for decisions Such printed transcript shall refer to the page of the original transcript and record certified by the board which original transcript shall be filed with the Supreme Court

On the question,

Will the House agree to the bill on third reading?

Mr. BROWN. Mr. Speaker, with the permission of the House I would like to make a brief statement concerning the importance of this bill.

QUESTION OF PARLIAMENTARY INQUIRY

Mr. TURNER. Mr. Speaker, I rise to a question of parliamentary inquiry.

The SPEAKER. The gentleman from Delaware will state his question of parliamentary inquiry.

Mr. TURNER. Mr. Speaker, must the constitutional question as to whether the bill comes within the call of the Governor be raised before agreement to the bill on third reading, or may it be raised afterwards?

The SPEAKER. The bill should not be agreed to on third reading until the question of constitutionality has been decided. The bill has not yet been agreed to on third reading.

Mr. TURNER. Mr. Speaker, I rise for the purpose of interrogating the gentleman from Allegheny, Mr. Brown.

The SPEAKER. Will the gentleman from Allegheny permit himself to be interrogated?

Mr. BROWN. I shall, Mr. Speaker.

Mr. TURNER. Mr. Speaker, will the gentleman from Allegheny, Mr. Brown, state to us the reason why he believes this bill to be within the call?

Mr. BROWN. Mr. Speaker, in the brief statement that I wanted to put on record I have prepared a paragraph or two on the question as to whether or not the bill is within the call. If the gentleman from Delaware wishes me to answer his question directly, I will do so, but if he will allow me to make this brief statement it will be apparent that we have had that question in mind.

However, Mr. Speaker, I have also incorporated in my statement on the question of whether this bill comes within the call of the Governor several paragraphs as to the importance of this bill, and I am wondering whether the gentleman from Delaware, Mr. Turner, will allow me to make the statement concerning the bill in its entirety. It is very short.

Mr. TURNER. I will agree to do so, Mr. Speaker, providing I do not lose my opportunity to raise the constitutional question, if I desire.

Mr. BROWN. Mr. Speaker, I will assure the gentleman that I shall not object to the question of the constitutionality being raised, if he is not satisfied with my statement.

The SPEAKER. The gentleman from Allegheny will proceed.

Mr. BROWN. Mr. Speaker, the Supreme Court of Pennsylvania on the 23d day of March, 1942, in the case of Pennsylvania Labor Relations Board, Appellant, vs. Heinel Motors Inc., unanimously held that the Board is not a party to proceedings instituted under the Act and therefore had no right to appeal. House Bill No. 112 has been introduced in order to give the Pennsylvania Labor Relations Board the right of appeal to the Supreme Court of Pennsylvania.

The first question that presents itself is whether or not the subject matter of House Bill No. 112 is proper legislation for this Special Session or does it violate Article 3, Section 25 of our State Constitution, relative to legislation that properly may come before a Special Session of Legislature.

Apart of the Supplemental Proclamation of the Governor convening this Special Session of Legislature reads as follows: "Legislation authorizing the suspension or modification of existing laws that interfere with the prosecution of any war in which this Nation is, or may become, engaged."

It is our contention that the subject matter of House Bill No. 112 is within the call for the following reasons: 1st. We are dealing with existing law, namely the Act of June 1, 1937 (P. L. 1168). 2nd. It cannot be doubted that labor, and its relationship to the war has a definite bearing upon the prosecution of the war and that the exclusive jurisdiction over labor disputes given to the Pennsylvania Labor Relations Board if not properly exercised could interfere with the prosecution of the war. 3rd. The Legislature has the right to establish its own procedure for carrying out proposed legislation coming within the Governor's call. (See Commonwealth ex rel Schnader vs. Liveright et al, 308, Pennsylvania 35: In Re Pittsburgh Petition 217 Pennsylvania 227; Anneberg vs. Roberts 333 Pennsylvania 203.

Believing, therefore, that the subject matter of House Bill No. 112 is within the Governor's call, the next question that presents itself is whether or not House Bill No. 112 is necessary and proper. The Legislature of Pennsylvania in enacting the law setting up the Pennsylvania Labor Relations Board conferred upon it a dual function (a) to sit in judgment as a quasi-judicial board and (b) to exercise exclusive authority as a public administrative agency for the enforcement of the provisions of the act and to institute its own proceedings necessary and appropriate to enforce its orders. This power confers upon the Board a public duty as distinguished from a private undertaking. Under Section 8, Sub-section (a) of the Act. The Board is empowered to prevent any person from engaging in any unfair labor practices as defined under the Act. This power is exclusive and cannot be utilized by any other means or body under Section 8, Sub-section (b). The Board is given exclusive jurisdiction to prevent unfair labor practices. The Board conducts hearings and on its own complaint can make orders granting appropriate relief. Non-compliance with the Board's order may as the Board sees fit be the cause for appeal by the Board to the Court of Common Pleas for the enforcement of its order. See Section 9, Paragraph (a).

It is our contention that if the decision in the Heinel case is allowed to stand the purpose of the Act giving the Board exclusive power to prevent unfair labor practices will be completely nullified and the Board cannot carry out the mandate declaring the admittedly public policy of the act, to wit: "to encourage the practice and procedure of collective bargaining and to protect the exercise by workers of full freedom of association, self-organization, and designation of representation of their own choosing."

It is not our intention to pass upon whether or not the Court was correct in reaching its decision in the Heinel case neither is it our intention to attempt in any manner to criticize our distinguished justices of the Supreme Court. This is a matter solely for the legislature and we quote from the learned decision of the Chief Justice in the instance case "Had the legislature desired to grant the right of appeal to the Board, it could readily have done so. The Language used in our opinion confers no such right."

It, therefore, follows that what the legislature could readily do in 1937, it can readily do today. And we state again that the subject matter of House Bill No. 112 is of such vital importance that the legislature should act favorably in this connection at this Special Session.

On the question recurring,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—195

Achterman,	Flynn,	Malloy,	Rose, W. E.,
Auker,	Foor,	Marks,	Rosenfeld,
Baker,	French,	Maxwell,	Royer,
Balthaser,	Gallagher,	McClanaghan,	Rush,
Baugher,	Gates,	McClester,	Sarge,
Bentley,	Gerard,	McDermott,	Sarraf,
Bentzel,	Goodwin,	McDowell,	Scanlon,
Boles,	Gross,	McFall,	Schwab,
Boney,	Gryskewicz,	McGrath,	Serrill,
Boorse,	Gyger,	McIntosh,	Shaffer,
Bower,	Haberlen,	McKinney,	Shaw,
Bradley,	Haines,	McLanahan,	Shepard,
Breth,	Hall,	McLane,	Skale,
Bretherick,	Hamilton,	McMillen,	Snyder,
Brown,	Hare,	McSurdy,	Sollenberger
Brunner, C. H.,	Harmuth,	Melchiorre,	Sorg,
Brunner, P. A.,	Harris,	Mihm,	Stambaugh,
Burns,	Heatherington,	Modell,	Stank,
Burris,	Helm,	Monks,	Stine,
Cadwalader,	Hering,	Mooney,	Stockham,
Chervenak,	Herman,	Moran,	Tarr,
Chudoff,	Hersch,	Muir,	Tate,
Cochran,	Hewitt,	Munley,	Taylor,
Cohen, M. M.,	Hirsch,	Nagel,	Thompson, E. F.,
Cohen, R. E.,	Holland,	Nunemacher,	Thompson, R. L.,
Cook,	Huntley,	O'Brien,	Trout,
Cooper,	Imbrie,	O'Connor,	Turner,
Cordier,	James,	O'Dare,	Van Allsburg,
Corrigan,	Jefferson,	O'Mullen,	Verona,
Croop,	Jones, G. E.,	O'Neill,	Vincent,
Cullen,	Jones, P. N.,	Owens,	Vogt,
Dalrymple,	Keenan,	Petrosky,	Voldow,
Dennison,	Kenehan,	Pettit,	Wagner,
DiGenova,	Kline,	Polaski,	Watkins,
Dix,	Knoble,	Polen,	Weingartner,
Dolon,	Kolankiewicz,	Powers,	Weiss,
D'Ortona,	Komorofski,	Prosen,	Welsh, E. B.,
Duffy,	Krise,	Rank,	Welsh, M. J.,
Eckels,	Lee, E. A.,	Rausch,	Wilkinson,
Elder,	Lee, T. H.,	Readinger,	Williams,
Elliott,	Leisey,	Reagan,	Winner,
Ely,	Leonard,	Reese, D. P.,	Wolf,
Falkenstein,	Lesko,	Reese, R. E.,	Wood, L. H.,
Finestone,	Levy,	Reynolds,	Wood, N.,
Finnerty,	Leydic,	Rhea,	Wright,
Fisher,	Lichtenwalter,	Riley,	Yeakel,
Fiss,	Longo,	Regan,	Young,
Fleming,	Lovett,	Rooney,	Kilroy,
Fletcher,	Lyons,	Rose, S.,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

SENATE MESSAGES

AMENDED RESOLUTION CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has concurred in the amendments to the resolution from the Senate as follows:

In the Senate, March 31, 1942.

Resolved (if the House of Representatives concur) That this Special Session of the General Assembly adjourn sine die on [Tuesday, April 7, 1942, at 12:00 o'clock noon] Friday, April 10, 1942, at 4:00 p. m.

APPOINTMENT OF CONFERENCE COMMITTEE ON HOUSE BILL No. 8

The Clerk of the Senate being introduced, informed that the Senate has insisted upon its amendments, non-concurred in by the House of Representatives, to House Bill No. 8, entitled:

An Act to further amend section two of and to add Sections four and five to the act approved the seventh day of June one thousand nine hundred seventeen (P. L. 600) entitled "An act providing that appointive officers and employes employed by the Commonwealth of Pennsylvania in its civil service or by any department bureau commission or office thereof or by any county municipality township or school district shall not be deemed or held to

have resigned or abandoned their offices or employments by reason of enlistment enrollment or draft in the military or naval service of the United States or any branch or unit thereof in time of war or contemplated war prohibiting the removal from their offices or employments of such officers and employes during the period of their service in the Army or Navy directing that one-half of the salaries or wages of such officers or employes as have dependent wives children or parents and not exceeding two thousand dollars per annum be paid during the term of their service in the Army or Navy to such dependents authorizing the employment during said term of substitutes to perform the duties theretofore performed by such officers or employes respectively and providing for the compensation of such substitutes" by more fully defining amounts payable limiting the time such amounts are payable and limiting the conditions of resumption of office or employment.

And has appointed Messrs. Tallman, Homsher and Reed, a committee of conference to confer with a similar committee of the House of Representaties (already appointed) on the subject of the differences existing between the two houses in relation to said bill.

APPOINTMENT OF CONFERENCE COMMITTEE ON HOUSE BILL No. 68

The Clerk of the Senate being introduced, informed that the Senate has insisted upon its amendments, nonconcurred in by the House of Representatives, to House Bill No. 68, entitled:

An Act to amend section two of the act approved the tenth day of July one thousand nine hundred thirty-five (P. L. 645) entitled "An act imposing certain requirements on certain hospitals receiving State aid authorizing the withholding of appropriations and imposing duties on the Department of Welfare" by providing that during the present war and six months thereafter funds shall not be withheld from hospitals for violation of such act if the Secretary of Welfare determines that the constant attendance of a licensed physician or resident interne cannot be secured by such hospitals because of the war emergency.

And has appointed Mesrs. Bartlett, Becker and Cox a committee of conference to confer with a similar committee of the House of Representatives (already appointed) on the subject of the differences existing between the two houses in relation to said bill.

BILL SIGNED BY SPEAKER

Bill numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the title was publicly read as follows:

SENATE BILL No. 31.

An Act making available the services of recipients of general assistance under certain conditions by permitting them to earn a limited amount of money in work essential to the prosecution of the existing war in which the United States of America is engaged without forfeiting their right to assistance or any part thereof.

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

RESOLUTIONS

HOME TEACHING PROJECT FOR BLIND

Mr. FINNERTY offered a resolution and asked and obtained unanimous consent for its immediate consideration.

The resolution was twice read, considered and adopted as follows:

In the House of Representatives, April 8, 1942.

Among the scourges inflicted upon an individual, the most dismaying and discouraging is blindness. Its depressing effect can, however, be almost wholly removed by special education of the afflicted, and making him competent to resume a position in the field of useful endeavor and resultant satisfaction and self respect.

The attainment of such an end is worthy of the expenditure of public funds even under the most extreme conditions of lack of funds or of the need of funds for emergency purposes.

In keeping with this principle, the Works Project Administration has maintained a home teaching project, which is the only educational opportunity for the adult blind in Pennsylvania, certainly the only one those dependent on pensions can afford.

But it is proposed to discontinue this project on April 30th, as a non-essential government expenditure in war time, thereby leaving hundreds of blind men and women without means of continuing courses that have served to change the whole aspect of their lives; therefore be it

Resolved, That the Pennsylvania House of Representatives hereby protests against any action by the Works Projects Administration looking towards the discontinuance or limitation of its home teaching project for the blind, and respectfully petitions the Works Projects Administration to continue this great humanitarian and practical service to these unfortunates, without curtailment or limitation, and be it further

Resolved, That copies of this resolution be transmitted by the Chief Clerk to Howard Hutton, Director of the Works Projects Administration, at Washington, and to Richard Irvin, its State Administrator for this Commonwealth.

PENNSYLVANIA'S INDUSTRIAL RESOURCES

Mr. GRYSKEWICZ offered a resolution and asked and obtained unanimous consent for its immediate consideration.

The resolution was twice read, considered and adopted as follows:

In the House of Representatives, April 8, 1942.

Whereas, On April 3rd, the Federal Anthracite Commission informed President Roosevelt that the government, in prosecuting the war, had failed to utilize sufficiently the industrial resources of the Pennsylvania hard coal area; and

Whereas, It recommended that the war agencies of the Federal Government give careful consideration to the suitability of this area for the location of the necessary war plants, particularly those for the production of aluminum, zinc, synthetic ammonia, explosives, castings, forgings, armor plate, machine parts, aircraft parts, tank parts and ammunition; and

Whereas, Such steps should be immediately taken in order to rehabilitate this area, as well as to speed up our war effort; be it therefore

Resolved, That the House of Representatives requests the President of the United States to take immediate action to effectuate all the recommendations possible which are made in the said Federal Anthracite Commission's report; and be it further

Resolved, That the Chief Clerk of the House forward a copy of this resolution to the President of the United States, so that this matter may receive his immediate consideration.

UNNATURALIZED RESIDENTS OF THE U. S. OF AMERICA

Messrs. MELCHIORRE and D'ORTONA offered a resolution and asked and obtained unanimous consent for its immediate consideration.

The resolution was twice read, considered and adopted as follows:

In the House of Representatives, April 8, 1942.

Whereas, Since our country was so treacherously attacked by blood-thirsty Japan, and its Axis partners declared war upon us, the immigrants from those countries who have not as yet become naturalized are often called "enemy aliens"; and

Whereas, This term with which such persons are branded is frequently both unfair and unfortunate, for, although among the unnaturalized residents in this country there may be dangerous enemies, saboteurs are found even among those whose ancestors came here several generations ago; and

Whereas, Among the Italian aliens in America, there are undoubtedly few enemies of this country, for the thousands of the first generation who have remained unnaturalized did so, not because of hatred for this country, but simply because of their inadequate knowledge of the American language, and their fear of an humiliating failure in appearing before the naturalization examiners for the test; and

Whereas, Large numbers of these Italian aliens were unable to acquaint themselves with the American language, because of their large families and lack of money which deprived them of the time and opportunity of going to school, which reason alone has prevented large numbers of these people from becoming citizens; and

Whereas, Thousands of these unnaturalized men and women have their sons in the Army, Navy, Marines and Air Force of the United States, and some of their boys have already sealed with their blood their loyalty to the United States, laying down their lives on the altar of this country; and

Whereas, It would be extremely presumptious to call the unnaturalized parents of such boys enemy aliens; and

Whereas, A new term is now being considered for designating such people, which is "aliens of our enemy nations"; now therefore be it

Resolved, That an even better and more appropriate designation should be given to such persons, namely "unnaturalized residents of the United States of America," which would take away the awful stigma of enemy; and be it further

Resolved, That the Chief Clerk of this House of Representatives forward a copy of this resolution to the President of the United States of America and to the Attorney General.

HOUSE RESOLUTION No. 25

Mr. HERMAN. Mr. Speaker, I desire to call up House Resolution No. 25, Printer's No. 65.

The resolution was read by the Clerk as follows:

In the House of Representatives, March 11, 1942.

Whereas, The Brotherhood of Railroad Shop Crafts of America, having thousands of members in this Commonwealth, adopted the following resolution:

"Whereas, On Sunday, December 7, 1941 there was perpetrated one of the most dastardly crimes ever recorded in history when during the period of supposed friendly and amiable negotiations in Washington, D. C., and even while those negotiations were in progress, the Japanese Government, sinking to the lowest depths among respecting nations of the world, stealthily and without warning, breaking all rules of honor and decency, did attack this Nation and by foul and despicable methods has already spilled American blood;

"And Whereas, Since that time the Japanese have been openly joined in their continued nefarious efforts by the gangster governments of Germany, Italy, and other aggressor nations;

"And Whereas, The Brotherhood of Railroad Shop Crafts of America recognizes that upon the outcome of this present death struggle in which the whole world is now engaged, depends the right of the American people to live as free human beings and in which right labor has a gigantic stake;

"And Whereas, The first thought of every American is now of his Country, the preservation and the maintenance of its ideals, exemplified in its Constitution and the first ten Amendments thereto, recognized as the Bill of Rights;

"And Whereas, The men of this Brotherhood realize that this catastrophe raises its ugly head and strikes directly at our families, our homes, our churches, our schools, our institutions, and that in their defense full offensive war must be waged, and that in waging that war many of our members taking up arms in defense of America will pay the supreme sacrifice, others will return broken in spirit and in body, and that still others who must remain at home will be asked to share, to give and to assume responsibilities growing out of the tragic effects of war;

"Now, Therefore, be it hereby Resolved, That the Brotherhood of Railroad Shop Crafts of America and every member thereof, in all solemnity and with calmness born of deep conviction in the might of America, and in its indestructible determination to fight through to absolute victory, doth hereby offer to the President of the United States, and to the Nation and the people thereof, the full and complete use of all of their combined resources, their facilities, their manpower, and their all so that the inevitable triumph may be attained; that this pledge is hereby given cheerfully without reservation and with full faith and confidence that victory must come to America and the civilized peoples of the world;" and

Whereas, Said resolution represents an ideal pledge of assistance, unity and cooperation that is so vital in our all-out efforts toward victory, and for that reason has been adopted by Congress and spread upon the Congressional Record; therefore be it

Resolved, That this House of Representatives commend the Brotherhood of Railroad Shop Crafts for the loyal and unselfish offer represented by its adoption of the above resolution; and be it further

Resolved, That a copy of this resolution be transcribed and transmitted to the Brotherhood of Railroad Shop Crafts.

On the question,

Will the House adopt the resolution?

Mr. AUKER. Mr. Speaker, I only wish to take a minute of the time of the House to speak in favor of this resolution. The Brotherhood of Railroad Shop Crafts of America makes up a large part of my district and I would feel remiss if I did not get up on my feet on an occasion like this and favor the resolution and ask the House Members to vote for it.

The Railroad Shop Crafts of America at the time we got into this war on December seventh were in negotiation for a wage increase. They were asking for more than they got, but being a loyal bunch of Americans, as they were, they immediately gave in on many of their demands, to which I might say, I believe they were entitled in a large measure inasmuch as they only got about eight or ten percent increase in wages when the cost of living had already gone up twenty to twenty-

five percent. I might add that I believe this bunch of loyal Americans has shown the way to all other labor unions in this country, inasmuch as they have from the beginning been working forty-eight hours a week without any premium or extra pay, time and a half for overtime and double pay for holidays and Sundays. They have been working that way continuously ever since we got into the war.

I noticed in today's Press that the C.I.O. union in Detroit passed a resolution to the effect that they are willing now to give up their premium for overtime work. I say to you, Mr. Speaker, that the Brotherhood of Railroad Shop Crafts of America is showing the way to all other labor unions in the country. I wish to take this opportunity publicly to express my appreciation and to compliment them for their loyalty, for their stand and for the manner in which they have acted and conducted themselves as a brotherhood and as individual members since we entered the war.

Recently one of the national trustees of this Craft stated in a public hearing here in Harrisburg that they would be very, very willing to have no increase in wages providing a ceiling would be put on the prices for all commodities. That is a very fine stand and I think it would be well for all other labor unions to follow that stand and give up their premiums and bonuses for overtime work, time and a half for overtime work and double time for work on holidays and Sundays. I thank you.

On the question recurring,

Will the House adopt the resolution?

It was adopted.

HOUSE RESOLUTION No. 3

Mr. MELCHIORRE. Mr. Speaker, I desire to call up House Resolution No. 3, Printer's No. 67.

The resolution was read by the Clerk as follows:

In the House of Representatives, February 18, 1942.

Whereas, Our Eastern coast is now menaced by enemy submarines who are taking a toll of our shipping in the Atlantic; and

Whereas, The bombing squadrons of the Army and Navy are now engaged in exacting payment from these raiders for their depradations; and

Whereas, An Army flier, Corporal John J. Duffy, of 3908 N. Darien Street, Philadelphia, was recently cited by the United States Army for distinguished service in bombing and probably sinking an enemy submarine during most difficult weather conditions; and

Whereas, The House of Representatives recognizes and honors the heroism and distinguished service of a fellow Pennsylvanian; therefore be it

Resolved, That the House of Representatives pauses in its deliberations to pay tribute to Corporal John J. Duffy; and be it further

Resolved, That a copy of this resolution be transmitted to his family conveying the respect and admiration of the House of Representatives for this distinguished citizen of our Commonwealth.

On the question,

Will the House adopt the resolution?

It was adopted.

SENATE MESSAGES

AMENDED SENATE BILL NONCONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has nonconcurred in the amendments made by the House of Representatives to Senate Bill numbered and entitled as follows:

SENATE BILL No. 19.

An Act to protect property and prevent sabotage by prohibiting for a limited period of time certain intentional injuries to and interferences with real and personal property prohibiting certain intentional defects in workmanship limiting the privileges of certain witnesses and providing penalties

Mr. ACHTERMAN. Mr. Speaker, I move that the House insist upon its amendments nonconcurred in by the Senate.

The motion was agreed to.

Ordered, That the Clerk inform the Senate accordingly.

AMENDED SENATE BILL NONCONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has nonconcurred in the amendments made by the House of Representatives to Senate Bill numbered and entitled as follows:

SENATE BILL No. 46.

An Act to suspend for a limited time the operation of laws regulating or relating to the movement loading lightering docking and anchorage of vessels carrying or having on board certain explosives insofar as the same relate to the the handling or stowing of small arms ammunition or ammunition which contains the projectile and the explosive in one container or shell to from or in such vessels docking or anchoring in the Delaware River and its navigable tributaries

Mr. ACHTERMAN. Mr. Speaker, I move that the House insist upon its amendments nonconcurred in by the Senate.

The motion was agreed to.

Ordered, That the Clerk inform the Senate accordingly.

HOUSE RESOLUTION No. 42

Mr. LONGO. Mr. Speaker, I desire to call up House Resolution No. 42, Printer's No. 66.

The resolution was read by the Clerk as follows:

In the House of Representatives, March 31, 1942.

Whereas The residents of the County of Northampton on March 26, 1942 experienced a horrible tragedy resulting from a dynamite explosion in Sandts Eddy in that county causing the death of 31 persons and

Whereas, The explosion was heard and its force felt for a distance of approximately 72 miles in which radius a schoolhouse was wrecked and thousands of windows broken and

Whereas The operation of quarries is a major industry in the County of Northampton and the continued use of explosives and dynamite is apparently important to the continued operation of said industries and

Whereas This House in noting with sorrow the tragic

death of these men and the untold suffering occasioned to their families cannot and will not permit this disastrous incident to pass without exerting every effort to prevent and forestall a recurrance thereof with its horrible consequence of loss of life destruction of property and constant threat to the safety and tranquility of persons employed in this industry and

Whereas For the future protection of these men and their families and for the well being and protection of all the residents of the County of Northampton and of the Commonwealth legislation may be necessary to prevent other incidents of a similar nature therefore be it

Resolved That the Speaker of this House appoint a committee of nine members whose duty it shall be to make a careful and thorough study of the laws of the Commonwealth and all regulations thereunder relating to the transportation storage handling and use of all types of explosives and be it further

Resolved That said committee shall have power to hold public hearings in order to become acquainted with the practices and usages in the matter of explosives in its investigation of this and other explosions and after due consideration to make its report together with recommendations to this House the Secretary of Labor and Industry and to the Chief of the Division of Mines and Quarries

On the question,

Will the House adopt the resolution?

Mr. TURNER. Mr. Speaker, I am in sympathy with the purpose of the resolution but the difficulty is that this resolution can have no power or effect because under the decision of the Supreme Court no committee or commission appointed by this legislative body to investigate would have any power after the adjournment of this special session. The subject matter is not within the call and I doubt, therefore, that there would be any effect to this resolution except to appoint a committee that would have no power and would have no money.

I suggested the other day and I had hoped the suggestion would have the approval of the gentlemen from Northampton, and that was that a resolution be presented asking the Joint State Government Commission to make the study. You then would have an organization that has the power, you would have an organization or commission that has funds and you would have an opportunity to get the job done. I do not want to oppose the resolution, but I do not like to see my friends from Northampton on a matter in which they are deeply interested pass a useless resolution on a subject of such importance.

Therefore, I would suggest to the gentlemen that they withdraw this resolution and prepare the resolution I suggested and introduce it tomorrow when it can be adopted.

RESOLUTION POSTPONED

Mr. LONGO. Mr. Speaker, I move that the resolution be placed on the postponed calendar.

The motion was agreed to.

HOUSE RESOLUTION No. 46

Mr. SHEPARD. Mr. Speaker, I desire to call up House Resolution No. 46, Printer's No. 68.

The resolution was read by the Clerk as follows:

In the House of Representatives, April 6, 1942.

Whereas The probability of serious damage to gas and water facilities in the City of Philadelphia because of sabotage and air raids creates a menace to the health morals and welfare of the residents thereof and

Whereas It is a matter of common knowledge that many of the gas and water mains and connections in said city are many years old and are even presently in defective and dangerous condition and

Whereas Failure to properly inspect and repair said mains and connections have resulted in main leaks breaks and explosions causing death to innocent residents and serious property damage and

Whereas Notwithstanding such occurrences no systematic effort has been made by the city officials or the lessees of its public works to investigate complaints immediately or to properly repair or replace such defects and

Whereas Constant and systematic inspection replacement and repair of said facilities will minimize the danger and the damage that may be caused particularly by reason of sabotage or as a result of air raids therefore be it

Resolved That by this resolution the House of Representatives in its considered judgment declares it to be for the public good and the general welfare of the residents of the City of Philadelphia to request the Department of Public Works of said city and the lessees of any of its public utilities to make immediate inspections repairs or replacements as may be required and to continue such work systematically to the end that any damage thereto will minimize the resulting danger to the residents of said city and be it further

Resolved That a copy of this resolution be transmitted to the Acting Mayor of the City of Philadelphia and to the Director of Public Works of said city

On the question,

Will the House adopt the resolution?

It was adopted.

BILL ON FINAL PASSAGE

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. MELCHIORRE.

The House resumed the consideration on final passage of House Bill No. 29, as follows:

An Act relating to air raid precautions and the prevention of sabotage in cities of the first class; creating a Board of Inspection in the Department of Public Works in such cities; imposing powers and duties on such boards and any lessee of water and gas mains owned by such cities, and repealing inconsistent legislation.

BILL DROPPED FROM CALENDAR

Mr. MELCHIORRE. Mr. Speaker, due to the fact that some of the Members of the House feel that House Bill No. 29, Printer's No. 10, is not within the Governor's call and is unconstitutional, and due to the fact that we have passed Resolution No. 46, Printer's No. 68, which satisfies our constitutional gentlemen of the House, I move that House Bill No. 29, be dropped from the calendar.

The motion was agreed to.

SENATE MESSAGE

AMENDED SENATE BILL RECALLED FROM THE GOVERNOR RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence bill numbered and entitled as follows:

SENATE BILL No. 42.

An Act to suspend and modify existing law providing for and requiring the use of plates or tags as evidence of (1) the payment of any license or registration fee or (2) in compliance with any other legal requirement insofar as such laws require the use of plates or tags manufactured of metal and by authorizing the use of other material in whole or in part

Said bill having been recalled from the Governor for amendment, the vote had on final passage and third reading reconsidered in the Senate and the bill amended, in which amendments the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend title, page 1, line 1, by striking out after the word "existing" the word "law" and inserting in lieu thereof the word "law"; also by striking out at the end of line 2, and beginning of line 3, the following: "(1) the" and inserting in lieu thereof the words "registration of any vehicle or"; also by striking out at the end of line 3 and beginning in line 4 the following: "(2) in"; also in line 6, by inserting after the word "metal" the words "or the display on plates or tags of the year number for which issued".

Amend Section 1, page 1, line 5, by striking out after the word "of" the word "the"; also in same line by striking out after the word "of" the figure "(1)"; also by striking out at the end of said line the word "the"; also in line 6, by striking out at the end of said line the figure "(2)"; also in line 7, by striking out at the beginning of said line the word "in"; also on page 2, line 7, by inserting after the word "metal" the following: "or that such plates or tags shall display thereon the year number for which issued"; also in line 14, by inserting after the word "substance" the words "or for a sticker or certificate not affixed to such plates or tags".

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—195

Achterman,	Foor	Malloy,	Rose, W. E.,
Auker,	French,	Marks,	Rosenfeld,
Baker,	Gallagher,	Maxwell,	Royer,
Balthaser,	Gates,	McClanaghan,	Rush,
Baugher,	Gerard,	McClester,	Sarge,
Bentley,	Gillan,	McDermott,	Sarraf,
Bentzel,	Goodwin,	McDowell,	Scanlon,
Boles,	Gross,	McFall,	Schwab,
Boney,	Gryskewicz,	McGrath,	Serrill,
Boorse,	Gyger,	McIntosh,	Shaffer,
Bower,	Haberlen,	McKinney,	Shaw,
Bradley,	Haines,	McLanahan,	Shepard,
Breth,	Hall,	McLane,	Skale,
Bretherick,	Hamilton,	McMillen,	Snyder,
Brown,	Hare,	McSurdy,	Sollenberger,
Brunner, C. H.,	Harmuth,	Melchiorre,	Sorg,
Brunner, P. A.,	Harris,	Mihm,	Stambaugh,
Burns,	Heatherington,	Modell,	Stank,
Burris,	Helm,	Monks,	Stine,
Cadwalader,	Hering,	Mooney,	Stockham,
Chervenak,	Herman,	Moran,	Tarr,
Chudoff,	Hersch,	Muir,	Tate,
Cochran,	Hewitt,	Munley,	Taylor,
Cohen, M. M.,	Hirsch,	Nagel,	Thompson, E. F.,
Cohen, R. E.,	Holland,	Nunemacher,	Thompson, R. L.,
Cook,	Huntley,	O'Brien,	Trout,
Cooper,	Imbrie,	O'Connor,	Turner,
Cordier,	James,	O'Dare,	Van Allsburg,
Corrigan,	Jefferson,	O'Mullen,	Verona,
Croop,	Jones, G. E.,	O'Neill,	Vincent,
Cullen,	Jones, P. N.,	Owens,	Vogt,
Dalrymple,	Keenan,	Petrosky,	Voldow,
Dennison,	Kenehan,	Pettit,	Wagner,
DiGenova,	Kline,	Polaski,	Watkins,
Dix,	Knoble,	Polen,	Weingartner,
Dolon,	Kolankiewicz,	Powers,	Weiss,
D'Ortona,	Komorofski,	Prosen,	Welsh, E. B.,
Duffy,	Krise,	Rank,	Welsh, M. J.,
Eckels,	Lee, E. A.,	Rausch,	Wilkinson,
Elder,	Lee, T. H.,	Readinger,	Williams,
Elliott,	Leisey,	Reagan,	Winner,
Ely,	Leonard,	Reese, D. P.,	Wolf,
Falkenstein,	Lesko,	Reese, R. E.,	Wood, L. H.,
Finestone,	Levy,	Regan,	Wood, N.,
Finnerty,	Leydic,	Reynolds,	Wright,
Fisher,	Lichtenwalter,	Rhea,	Yester,
Fiss,	Longo,	Riley,	Young,
Fleming,	Lovett,	Rooney,	Kilroy,
Fletcher,	Lyons,	Rose, S.,	Speaker.
Flynn,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative, and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. ACHTERMAN asked and obtained permission for the Select Committee on Special Session Legislation to meet during the session of the House.

SENATE MESSAGE

SENATE BILLS FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence the bills numbered and entitled as follows:

SENATE BILL No. 59. (HOUSE BILL No. 120).

A Joint Resolution proposing an amendment to Article nine of the constitution of the Commonwealth of Pennsylvania by adding thereto section eighteen.

Referred to the Select Committee on Special Session Legislation.

SENATE BILL No. 84. (HOUSE BILL No. 121).

An Act to conserve metal by suspending the provisions of article five of the act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," and its amendments, in so far as they require the issuance and use of more than one registration plate.

Referred to the Select Committee on Special Session Legislation.

SENATE BILL No. 87. (HOUSE BILL No. 122).

An Act creating a Joint Legislative Committee, for the purpose of investigating and studying plans, methods and systems for liberalization of the Pennsylvania Unemployment Compensation Law to provide benefits for partial unemployment; providing for its appointment; authorizing the employment of necessary assistance and making an appropriation.

Referred to the Select Committee on Special Session Legislation.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. ACHTERMAN asked and obtained permission for the Select Committee on Special Session Legislation to meet during the session of the House.

SENATE MESSAGES

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 24.

An Act relating to air raid precautions including blackouts conferring certain powers and duties upon the State Council of Defense local and district Councils of Defense political subdivisions members of certain municipal and volunteer agencies and civilians necessary for the safety defense and protection of civilians and property in the Commonwealth providing for the mobilization coordination and use of certain municipal agencies and volunteer agencies including their personnel and equipment providing for immunity from liability for injury or death to persons or damage to property under certain circumstances and providing penalties

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend Section 3, page 5, line 15, by inserting after the word "Defense" the following: "Each local and district council of defense shall have available for inspection at its offices all rules regulations and orders adopted by the State Council of Defense and by such local or district council of defense."

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—195

Achterman,	Flynn,	Lyons,	Rose, S.,
Auker,	Foor,	Malloy,	Rose, W. E.,
Baker,	French,	Marks,	Rosenfeld,
Balthaser,	Gallagher,	Maxwell,	Royer,
Baugher,	Gates,	McClanaghan,	Rush,
Bentley,	Gerard,	McClester,	Sarge,
Bentzel,	Gillan,	McDermott,	Sarraf,
Boles,	Goodwin,	McDowell,	Scanlon,
Boney,	Gross,	McFall,	Schwab,
Boorse,	Gryskewicz,	McGrath,	Serrill,
Bower,	Gyger,	McIntosh,	Shaffer,
Bradley,	Haberlen,	McKinney,	Shaw,
Breth,	Haines,	McLanahan,	Shepard,
Bretherick,	Hall,	McLane,	Skale,
Brown,	Hamilton,	McMillen,	Snyder,
Brunner, C. H.,	Hare,	McSurdy,	Sollenberger,
Brunner, P. A.,	Harmuth,	Melchiorre,	Sorg,
Burns,	Harris,	Mihm,	Stambaugh,
Burris,	Heatherington,	Modell,	Stank,
Cadwalader,	Helm,	Monks,	Stine,
Chervenak,	Hering,	Mooney,	Stockham,
Chudoff,	Herman,	Moran,	Tarr,
Cochran,	Hersch,	Muir,	Tate,
Cohen, M. M.,	Hewitt,	Munley,	Taylor,
Cohen, R. E.,	Hirsch,	Nagel,	Thompson, E. F.,
Cook,	Holland,	Nunemacher,	Thompson, R. L.,
Cooper,	Huntley,	O'Brien,	Trout,
Cordier,	Imbrie,	O Connor,	Turner,
Corrigan,	James,	O'Dare,	Van Allsburg,
Croop,	Jefferson,	O'Mullen,	Verona,
Cullen,	Jones, G. E.,	O'Neill,	Vincent,
Dalrymple,	Jones, P. N.,	Owens,	Vogt,
Dennison,	Keenan,	Petrosky,	Voldow,
DiGenova,	Kenehan,	Pettit,	Wagner,
Dix,	Kline,	Polaski,	Watkins,
Dolon,	Knoble,	Polen,	Weingartner,
D'Ortona,	Kolankiewicz,	Powers,	Weiss,
Duffy,	Komorofski,	Prosen,	Welsh, E. B.,
Eckels,	Krise,	Rank,	Welsh, M. J.,
Elder,	Lee, E. A.,	Rausch,	Wilkinson,
Elliott,	Lee, T. H.,	Readinger,	Williams,
Ely,	Leisey,	Reagan,	Winner,
Falkenstein,	Leonard,	Reese, D. P.,	Wolf,
Finestone,	Lesko,	Reese, R. E.,	Wood, L. H.,
Finnerty,	Levy,	Regan,	Wood, N.,
Fisher,	Leydic,	Reynolds,	Wright,
Fiss,	Lichtenwalter,	Rhea,	Yeakel,
Fleming,	Longo,	Riley,	Young,
Fletcher,	Lovett,	Rooney,	Kilroy, Speaker

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative, and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 78.

An Act to amend section six of the act approved the twenty-fourth day of June, one thousand eight hundred ninety-five (P. L. 212), entitled "An act to establish an intermediate court of appeal; regulating its constitution, officers, jurisdiction, powers, practice, and its relation to the Supreme Court and other courts providing for the reports of its decisions the compensation of the judges and other officers and the practice and costs on appeals from its judgments," by making further provision as to the preparation, custody and disposition of plates used in the printing of Superior Court Reports.

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend bill, page 4, by adding after the word "Commonwealth" in line 19, the following new section: "Section 2 This act shall not be deemed or construed to amend or repeal the act or any section of the act of May 6 1909 (Pamphlet Laws 433) entitled 'An act fixing the salary of the reporter of the decisions of the Supreme Court of Pennsylvania and of his assistant' ".

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—195

Achterman,	Flynn,	Malloy,	Rose, W. E.,
Auker,	Foor,	Marks,	Rosenfeld,
Baker,	French,	Maxwell,	Royer,
Balthaser,	Gallagher,	McClanaghan,	Rush,
Baugher,	Gates,	McClester,	Sarge,
Bentley,	Gerard,	McDermott,	Sarraf,
Bentzel,	Gillan,	McDowell,	Scanlon,
Boles,	Goodwin,	McFall,	Schwab,
Boney,	Gross,	McGrath,	Serrill,
Boorse,	Gryskewicz,	McIntosh,	Shaffer,
Bower,	Gyger,	McKinney,	Shaw,
Bradley,	Haberlen,	McLanahan,	Shepard,
Breth,	Haines,	McLane,	Skale,
Bretherick,	Hall,	McMillen,	Snyder,
Brown,	Hamilton,	McSurdy,	Sollenberger,
Brunner, C. H.,	Hare,	Melchiorre,	Sorg,
Brunner, P. A.,	Harmuth,	Mihm,	Stambaugh,
Burns,	Harris,	Modell,	Stank,
Burris,	Heatherington,	Monks,	Stine,
Cadwalader,	Helm,	Mooney,	Stockham,
Chervenak,	Hering,	Moran,	Tarr,
Chudoff,	Herman,	Muir,	Tate,
Cochran,	Hersch,	Munley,	Taylor,
Cohen, M. M.,	Hewitt,	Nagel,	Thompson, E. F.,
Cohen, R. E.,	Hirsch,	Nunemacher,	Thompson, R. L.,
Cook,	Holland,	O'Brien,	Trout,
Cooper,	Huntley,	O'Connor,	Turner,
Cordier,	Imbrie,	O'Dare,	Van Allsburg,
Corrigan,	James,	O'Mullen,	Verona,
Croop,	Jefferson,	O'Neill,	Vincent,
Cullen,	Jones, G. E.,	Owens,	Vogt,
Dalrymple,	Jones, P. N.,	Petrosky,	Voldow,
Dennison,	Keenan,	Pettit,	Wagner,
DiGenova,	Kenehan,	Polaski,	Watkins,
Dix,	Kline,	Polen,	Weingartner,
Dolon,	Knoble,	Powers,	Weiss,
D'Ortona,	Kolankiewicz,	Prosen,	Welsh, E. B.,
Duffy,	Komorofski,	Rank,	Welsh, M. J.,
Eckels,	Krise,	Rausch,	Wilkinson,
Elder,	Lee, E. A.,	Readinger,	Williams,
Elliott,	Lee, T. H.,	Reagan,	Winner,
Ely,	Leisey,	Reese, D. P.,	Wolf,
Falkenstein,	Leonard,	Reese, R. E.,	Wood, L. H.,
Finestone,	Lesko,	Regan,	Wood, N.,
Finnerty,	Levy,	Reynolds,	Wright,
Fisher,	Leydic,	Rhea,	Yester,
Fiss,	Lichtenwalter,	Riley,	Young,
Fleming,	Longo,	Rooney,	Kilroy,
Fletcher,	Lovett,	Rose, S.,	Speaker.
	Lyons,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative, and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

SENATE BILL No. 60 TAKEN FROM TABLE

Mr. BROWN. Mr. Speaker, I move that House Bill No. 105, (Senate Bill No. 60) together with the amendments be taken from the table.

The motion was agreed to.

On the question recurring,

Will the House agree to the amendments offered by the gentleman from Blair, Mr. Auker?

Mr. AUKER. Mr. Speaker, I desire to withdraw the amendments offered by me to Section 1.

RECONSIDERATION OF VOTE

Mr. BROWN. Mr. Speaker, I move that the vote by which amendments offered by Mr. Mihm and myself to Section 1 of the bill were agreed to, be reconsidered.

Mr. GERARD. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from Allegheny, Mr. Brown, vote on the question of agreeing to the amendments.

Mr. BROWN. Mr. Speaker, I voted in the majority.

The SPEAKER. How did the gentleman from Allegheny, Mr. Gerard, vote on the question of agreeing to the amendments?

Mr. GERARD. Mr. Speaker, I voted in the affirmative.

The motion was agreed to.

Mr. BROWN. Mr. Speaker I desire to withdraw the amendments offered by Mr. Mihm and myself to Section 1.

QUESTION OF PARLIAMENTARY INQUIRY

Mr. BROWN. Mr. Speaker, I rise to question a parliamentary inquiry.

The SPEAKER. The gentleman from Allegheny will state his question of parliamentary inquiry.

Mr. BROWN. Mr. Speaker, have all the amendments that were offered to Senate Bill 60, Printer's No. 52, been withdrawn?

The SPEAKER. All the amendments that have been offered have been withdrawn. One set of amendments was defeated.

On the question recurring,

Will the House agree to the section?

Mr. BROWN. Mr. Speaker, I desire to offer the following amendments:

Amend Sec. 1, page 1, line 2, by striking out the word "of" and inserting in lieu thereof: "roads and streets within".

Amend Sec. 1, page 2, lines 1 to 13, both inclusive, by striking out all of said lines, and inserting in lieu thereof: "the Department of Highways, in his discretion, is hereby authorized to issue, for such periods as deemed advisable, a permit or permits in writing to the owner or owners of vehicles, or combinations of vehicles, for the use and operation of overweight or oversized vehicles, or combinations of vehicles, on such routes over the highways, roads and streets within the Commonwealth as the Secretary of the Department of Highways may designate, upon presentation of an application showing that such movement of overweight or oversized vehicles, or combinations of vehicles is necessary in the interests of national defense: Provided, however, That no such permit shall be issued for any vehicle or combinations of vehicles that are not actually engaged in the movement of materials necessary for the prosecution of the war."

They were agreed to.

The section was agreed to as amended.

The second section was read and agreed to.

The title was read.

On the question,

Will the House agree to the title?

Mr. BROWN. Mr. Speaker, I desire to offer the following amendments:

Amend title, page 1, line 2 of title, by striking out the word "limit" and inserting in lieu thereof: "limits".

Amend title, page 1, line 4 of title, by striking out the word "of" and inserting in lieu thereof: "roads and streets within".

Amend title, page 1, lines 7 and 8 of title, by striking out the words "certain cases" and inserting in lieu thereof:

"the actual transportation of materials and commodities necessary in the prosecution of the war".

They were agreed to.

The title was agreed to as amended.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be laid aside for a third reading.

REPORTS FROM COMMITTEES

Mr. OBRIEN from the Select Committee on Special Session Legislation reported as committed House Bill No. 121, (Senate Bill 84), entitled:

An Act to conserve metal by suspending the provisions of article five of the act approved the first day of May one thousand nine hundred and twenty-nine (P. L. 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of the Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" and its amendments in so far as they require the issuance and use of more than one registration plate.

Mr. TURNER from the Select Committee on Special Session Legislation reported as committed House Bill No. 122, (Senate Bill No. 87), entitled:

An Act creating a Joint Legislative Committee for the purpose of investigating and studying plans methods and systems for liberalization of the Pennsylvania Unemployment Compensation Law to provide benefits for partial unemployment providing for its appointment authorizing the employment of necessary assistance and making an appropriation.

Mr. GERARD from the Select Committee on Special Session Legislation reported as committed House Resolution No. 43.

Mr. BAKER from the Select Committee on Special Session Legislation reported as committed House Resolution No. 48.

Mr. CORRIGAN from the Select Committee on Special Session Legislation reported as amended House Resolution No. 47.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 121, (Senate Bill No. 84), entitled:

An Act to conserve metal by suspending the provisions of article five of the act approved the first day of May one thousand nine hundred and twenty-nine (P. L. 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of the Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" and its amendments in so far as they require the issuance and use of more than one registration plate.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 122, (Senate Bill No. 87), entitled:

An Act creating a Joint Legislative Committee for the purpose of investigating and studying plans methods and systems for liberalization of the Pennsylvania Unemployment Compensation Law to provide benefits for partial unemployment providing for its appointment authorizing the employment of necessary assistance and making an appropriation.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

PERMISSION TO ADDRESS HOUSE

Mr. HEWITT asked and obtained unanimous consent to address the House.

Mr. Speaker, a few weeks ago Mr. Stambaugh introduced a bill to this House that would permit the State Department of Highways to authorize the use of some other material on automobiles than rubber, perhaps wooden wheels.

At the time he introduced his bill several Members of the House sort of grinned, thinking it was something that amounted to very little. The lobbyists in the House for the large tire manufacturers, the Goodrich people, the Firestone people and the McCreery Tire and Rubber Company of Indiana, Pennsylvania, paid no attention to the bill, thinking there was no real competition in sight.

I have an article here which I picked up the other day and which I desire to read to the members of the House for their information. This is taken from the Hancock Herald. This paper has not as large a circulation as the Williamsport Grit, but it is a very reliable paper.

The article is as follows:

"Claude Habberstad of Sheep Hill, near Boonton, N. J., demonstrated a set of wooden automobile tires on Route 6 last week. He got the speed up to seventy-five miles an hour on the smooth concrete

highway. Vibration increased but not to an annoying degree.

"After the smooth road run Mr. Habberstad, who is a building contractor, tried the tires on a side lane surfaced with small jagged rock. Here he kept the speed down to twenty miles on hour. A small segment of one of the tires chipped off.

"Mr. Habberstad used only front tires for the demonstration. He thinks that his wooden front sets should give a car owner from 12,000 to 15,000 miles on good roads if the speed is held down to thirty or thirty-five miles an hour.

"In the test Mr. Habberstad used a light coupe. The front tires, he thinks, would be efficient on all light cars, trucks and suburban wagons. He doubts whether they would serve as well on rear car wheels because traction wear is harder there.

"Mr. Habberstad has applied for a patent for his wooden tires. They come in four sections to each wheel, each section bolted to the rim. The tires are five-ply, the layers running the long way, not one atop the next, as with rubber."

Mr. Speaker, my idea in informing the Members of this matter is that many of you Members may have campaigns on your hands for reelection, and some of you are short of tires. I would specially recommend to our very likeable Speaker, that he obtain one more front tire, so he can get out of Philadelphia and come up into the Bible Belt and campaign for the office of Lieutenant Governor of this State.

The SPEAKER. For the information of the gentleman from Indiana, the Speaker has just invented a pneumatic cement tire. I am not personally interested, but if any Member want to pass a bill so that the tire may be used, it is O. K. with me.

CONGRATULATORY RESOLUTION

Mr. O'BRIEN. Mr. Speaker, Mr. O'Mullen and I desire to offer the following resolution and ask that the Speaker make appropriate remarks in connection therewith.

The SPEAKER. The Speaker is not talking until he sees the resolution.

The resolution was twice read, considered and adopted as follows:

In the House of Representatives, April 8, 1942.

Whereas, It has just been disclosed that a curious alliance exists between three members of the House of Representatives, wherein no cash on the barrel head is involved; and

Whereas, As a result of said alliance one member of the House again became a proud parent and the remaining two members proud god-fathers; and

Whereas, The Honorable Edward and Mrs. Duffy were twice blessed in December, 1941, by the birth of twin girls, Rita Frances Duffy and Ruth Florence Duffy; and

Whereas, The Honorable Francis X. McClanaghan and the Honorable Joseph J. Hersch are god-fathers respectively of the aforesaid twins; and

Whereas, R. F. D. (1) and R. F. D. (2) as well as the Honorable Edward and Mrs. Duffy are now all getting along splendidly; and

Whereas, Both the honorable god-fathers are also holding up admirably under the strain of their new responsibility; therefore be it

Resolved, That the House of Representatives belatedly congratulates the Honorable Edward Duffy and his wife upon the birth of their twins, and wishes them all good luck and prosperity and be it further

Resolved, That a copy of this resolution be forwarded by the Chief Clerk of this House to the proud parents, conveying thereby the felicitations of the House.

The SPEAKER. The Chair wishes to interrogate the gentleman from Philadelphia, Mr. Duffy. Will the gentleman from Philadelphia permit himself to be interrogated?

Mr. DUFFY. I shall, Mr. Speaker.

The SPEAKER. Will the gentleman tell the House when the twins were born?

Mr. DUFFY. During the regular session, and let that be a warning to you.

The SPEAKER. Was the gentleman working out of the state during the week-ends of the regular session?

Mr. DUFFY. Mr. Speaker, I refuse to answer on the advice of my counsel.

SENATE MESSAGE

RESOLUTION FOR CONCURRENCE

The Clerk of the Senate being introduced presented an extract from the Journal of the Senate, which was read as follows:

In the Senate April 8, 1942.

Whereas, the United States is now engaged in what would appear to be a long and devastating world war; and

Whereas, to save the Republic is the solemn desire and sincere purpose of every true American; and

Whereas, The American people are being admonished daily to sacrifice and constantly urged by those in authority to return to the practice of strict economy; and

Whereas, economy in government is vitally essential to its preservation and should at all times be practiced and particularly during periods of national stress and war; and

Whereas, waste, inefficiency, indolence, and disintegration are in existence, in various forms and degrees, in almost every branch and department of our government; and

Whereas, to locate and eliminate these evils is the patriotic duty of every loyal citizen, especially those paid servants of the people employed as law makers in these legislative halls; Therefore, To that end, Be it

Resolved, that, if the House of Representatives concurs, a Committee, consisting of three Senators, appointed by the President Pro Tempore of the Senate, and three Members of the House of Representatives, appointed by the Speaker of the House of Representatives, be created, to investigate and explore, impartially and fearlessly, all departments, boards, and agencies of the Commonwealth, including, if advisable, Counties, Cities, Boroughs, Townships and School Districts, for the purpose of ascertaining whether waste, inefficiency, indolence or disintegration are present, and if so, to study ways and means of eradicating and/or correcting the same, and to make report to the General Assembly of the Commonwealth at its regular meeting in January, 1943, with its recommendations.

Such Committee shall have the power to compel the appearance of witnesses and the production of books, papers and records, and to issue proper subpoenas for the attendance of witnesses and the production of books, papers, records, and any and all other writings deemed necessary for the fulfillment of the duties prescribed by this resolution.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

Referred to the Select Committee on Special Session Legislation.

RESOLUTION

PRINTING HOUSE RESOLUTION No. 50

Mr. MELCHIORRE offered a resolution and asked and obtained unanimous consent for its immediate consideration.

The resolution was twice read, considered and adopted as follows:

In the House of Representatives, April 8, 1942.

Resolved, That the Chief Clerk of the House of Representatives be directed to have printed five thousand copies of Resolution No. 50 adopted by the House on Wednesday, April 8, 1942, so that copies of the aforesaid resolution may be available for the use of the members of the House.

ANNOUNCEMENTS

There will be a Stag Dinner for the Republican Members of the House at the Harrisburg Republican Club, 26 North Second Street, Harrisburg, on Wednesday, April 8th, 1942, at 7:00 p. m. promptly.

There will be a Democratic Caucus in the New House Caucus Room on Thursday, April 9th 1942 at 1:00 p. m.

There will be a Republican Caucus in the New House Caucus Room on Thursday, April 9th, 1942 at 11:00 a. m.

The Stream Pollution Study Committee will hold a hearing on Friday, April 10th at 10 a. m. in the Old House Caucus Room.

ADJOURNMENT

Mr. GROSS. Mr. Speaker, I move that this House do now adjourn until Thursday, April 9, 1942 at 2 p. m.

The motion was agreed to, and (at 5:23 p. m.) the House adjourned.

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal.

Extraordinary Session of 1942.

Vol. 26. HARRISBURG, PA., THURSDAY, APRIL 9, 1942. No. 26.

SENATE

THURSDAY, April 9, 1942

The Senate met at 2:00 o'clock, p. m.

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the Chair.

PRAYER

The Chaplain, Rev. EDWIN S. WALLACE, offered the following prayer:

Thou God of nations under whose protecting aegis we as a nation have lived and prospered these many years, now in the day of our trial, as did our fathers in their testing times, may we turn and put our trust in Thee. "If God be for us who can be against us?"

Long ago men were told in Thy Word, that "Not by might nor by power, but by my Spirit" victory would come. It is that Spirit in the souls of men that will overcome and destroy the forces of darkness now seeking the destruction of the things we count most precious in our civilization and religion. "Take not Thy Holy Spirit from us."

We do not believe that men and machines alone can win this war, but we do believe that men and machines, with God, can. Teach us to prove our faith by our works. Our prayers will be sacrilegious if we do not.

To our President and Governor give the Spirit of wisdom; to all in our armies the Spirit of courage and power; to each and all of us the Spirit of sacrifice, and to God the glory. Amen!

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. CRIDER and Mr. MILLER, the further reading was dispensed with, and the Journal was approved.

LEAVE OF ABSENCE

Mr. Henry I. Wilson asked and obtained leave of absence for the Senator from Wyoming, Mr. TYLER.

NOMINATIONS BY THE GOVERNOR

NOTARIES PUBLIC

The Secretary to the Governor being introduced, presented in writing from His Excellency, the Governor of the Commonwealth, nominations for appointment as Notaries Public.

CONSIDERATION OF NOTARIES PUBLIC

Mr. JAMES. Mr. President, I move that the Senate do now proceed to the consideration of nominations for appointment as Notaries Public, sent to the Senate, April 9, 1942, by His Excellency, the Governor of the Commonwealth.

Mr. MILLER. Mr. President, I second the motion.

The motion was agreed to.

The nominations were read as follows:

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 9, 1942.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

BERKS COUNTY

Miss Josephine M. Ranwats, Reading.

CLINTON COUNTY

Mrs. Catherine C. Kessinger, Mill Hall.

DELAWARE COUNTY

Miss N. Sue Rapsey, Chester.

ARTHUR H. JAMES.

NOMINATIONS FOR NOTARIES PUBLIC

A motion was made by Mr. JAMES and Mr. MILLER,

That the Senate do advise and consent to said nominations.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Barr,	DiSilvestro,	Lanius,	Stevenson,
Bartlett,	Edmonds,	Letzler,	Stiefel,
Becker,	Farrell,	Mallery,	Tallman,
Carr,	Frey,	McCreesh,	Taylor,
Chapman,	Geltz,	McGinnis,	Thomas,
Coleman,	Haluska,	McQuiddy,	Wade,
Cox,	Heyburn,	Miller,	Walker,
Crider,	Homsher,	Reed,	Watkins,
Crowe,	James,	Ruth,	Wilson, H. I.,
Deitrick,	Jaspan,	Scarlett,	Wilson, T. B.,
Dent,	Kephart,	Snowden,	Ziesenheim,

NAYS—0

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

He also presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Executive Nominations.

JUSTICE OF THE PEACE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 9, 1942.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Albert F. Kramer, 25 South Spring Garden Street, Ambler, Montgomery County, for appointment as Justice of the Peace in and for the Borough of Ambler, Montgomery County, until the first Monday in January, 1944, vice Norman F. Taylor, resigned.

ARTHUR H. JAMES.

HOUSE MESSAGES

HOUSE INSISTS UPON ITS AMENDMENTS NON-CONCURRED IN BY THE SENATE TO SENATE BILL No. 19 AND APPOINTS COMMITTEE OF CONFERENCE

The Clerk of the House of Representatives being introduced, presented communication from the House of Representatives informing the Senate that the House insists upon its amendments non-concurred in by the Senate to Senate Bill No. 19, entitled:

An Act to protect property and prevent sabotage by prohibiting for a limited period of time certain intentional injuries to and interferences with real and personal property prohibiting certain intentional defects in workmanship limiting the privileges of certain witnesses and providing penalties

and has appointed Messrs. Readinger, Lovett, and Brunner as a Committee of Conference to confer with a similar committee of the Senate (if the Senate shall appoint such committee) to consider the differences existing between the two houses in relation to said bill.

HOUSE INSISTS UPON ITS AMENDMENTS NON-CONCURRED IN BY THE SENATE TO SENATE BILL No. 46 AND APPOINTS COMMITTEE OF CONFERENCE

He also presented communication from the House of Representatives informing the Senate that the House insists upon its amendments non-concurred in by the Senate to Bill No. 46, entiled:

An Act to suspend for a limited time the operation of laws regulating or relating to the movement loading lightering docking and anchorage of vessels carrying or having on board certain explosives insofar as the same relate to the handling or stowing of small arms ammunition or ammunition which contains the projectile and the explosives in one container or shell to from or in such vessels docking or anchoring in the Delaware River and its navigable tributaries.

and has appointed Messrs. Tate, Melchiorre, and Edwin A. Lee as a Committee of Conference to confer with a similar committee of the Senate (if the Senate shall appoint such committee) to consider the differences existing between the two houses in relation to said bill.

HOUSE INSISTS UPON ITS AMENDMENTS NON-CONCURRED IN BY THE SENATE TO SENATE BILL No. 41

He also presented communication from the House of Representatives informing the Senate that the House insists upon its amendments non-concurred in by the Senate to Senate Bill No. 41, entitled:

An Act to further amend the act approved the fifth day of December, one thousand nine hundred and thirty-six (P. L. 2897, 1937), entitled "An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry and its existing and newly created agencies, with personnel (with certain exceptions) selected on a civil service basis, requiring employers to keep records and make reports and certain employers to pay contributions based on payrolls to provide monies for the payment of compensation to certain unemployed persons, providing procedure and administrative details for the determination, payment and collection of such contributions and the payment of such compensation, providing for cooperation with the Federal Government and its agencies, creating certain special funds in the custody of the State Treasurer and prescribing penalties," changing the provisions thereof and the rights, obligations and procedure thereunder.

SENATE APPOINTS COMMITTEE OF CONFERENCE ON SENATE BILL No. 41

Mr. GELTZ. Mr. President, I move that a Committee of Conference be appointed to confer with a similar committee of the House of Representatives (if the House of Representatives shall appoint such a committee), to consider the differences existing between the two houses in relation to said bill.

Mr. MILLER. Mr. President, I second the motion.

The motion was agreed to.

The PRESIDENT. The President Pro Tempore appoints Messrs. Heyburn, Becker and McQuiddy to be said committee on the part of the Senate, and that the Clerk inform the House of Representatives accordingly.

BILLS SIGNED

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) announced that the Chief Clerk having reported that the following bills had passed both houses of the General Assembly and the same being correct, the titles were publicly read as follows:

Senate Bill No. 26, entitled:

A Joint Resolution proposing an amendment to article eight section eleven of the Constitution of the Commonwealth of Pennsylvania.

ELECTION DISTRICTS CREATED BY LEGISLATION

Senate Bill No. 42, entitled:

An Act to suspend and modify existing law providing for and requiring the use of plates or tags as evidence of (1) the payment of any license or registration fee or (2) in compliance with any other legal requirement insofar as such laws require the use of plates or tags manufactured of metal and by authorizing the use of other material in whole or in part.

House Bill No. 24, entitled:

An Act relating to air raid precautions, including blackouts; conferring certain powers and duties upon the State Council of Defense, local and district Councils of Defense, political subdivisions members of certain municipal and volunteer agencies and civilians necessary for the safety defense and protection of civilians and property in the Commonwealth; providing for the mobilization, coordination and use of certain municipal agencies and volunteer agencies, including their personnel and equipment; providing for immunity from liability for injury or death to persons or damage to property under certain circumstances; and providing penalties.

House Bill No. 78, entitled:

An Act to amend section six of the act, approved the twenty-fourth day of June, one thousand eight hundred ninety-five (P. L. 212), entitled "An act to establish an intermediate court of appeal; regulating its constitution, officers, jurisdiction, powers, practice, and its relation to the Supreme Court and other courts providing for the reports of its decisions the compensation of the judges and other officers and the practice and costs on appeals from its judgments," by making further provision as to the preparation, custody and disposition of plates used in the printing of Superior Court Reports.

Whereupon,

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the presence of the Senate signed the same.

REPORT OF COMMITTEE APPOINTED TO INVESTIGATE OPERATION OF SHAMOKIN STATE HOSPITAL

Mr. DEITRICK. Mr. President, the Senate Committee to investigate the operation of the Shamokin State Hospital at Shamokin, Pennsylvania, was created by Resolution No. 36, passed March 10, 1941.

Pursuant to this resolution, the Honorable Charles H. Ealy, President Pro Tempore, appointed as members of that committee:

George A. Deitrick, Northumberland County
Leroy E. Chapman, Warren County
J. Albert Reed, Washington County

The committee organized on the same date and elected Dr. George A. Deitrick, as chairman.

We have the honor to submit herewith the following report, pursuant to instructions contained in Senate Resolution, upon observations and investigations made, and from testimony taken.

I will not go into the report, because anybody that might be interested will have an opportunity to read, either in the Journal or from some other source, the things that are of interest to them.

It is not my nature to apologize for actions and attitudes in advance, and I wish it understood that in the present instance I am neither apologizing nor attempting to tone down my remarks on what I conscientiously believe to be a situation vitally affecting not only my home district, but the welfare of all state hospitals.

As Chairman of a committee named from this body last year, to investigate conditions at the Shamokin State Hospital, after a newspaper expose, which revealed a former convict as a member of the Board of Trustees of the institution, and numerous instances of favoritism, political chicanery and other instances of management detrimental to the public interest, I duly prepared a report upon the result of the committee's interrogation of officials and employes, together with other investigations.

I want to take this opportunity to speak as the son of a hard coal miner; as a citizen of the region served by the Shamokin State Hospital; as a physician directly interested in the physical welfare of this particular community; as the State Senator, the logical and elected representative of the people who are directly benefitted by this most necessary hospital. We want our hospital and for us to keep it we feel this the Commonwealth of Pennsylvania should get the most value for every dollar expended. The State is helping us and we want to help the State. We want to keep the Shamokin Hospital safe for patients whether they have money or whether they have none. We want the poor man and the poor woman to get the best nursing, the best medical and the best surgical attention it is possible for them to get. We want the man and the woman who is able to pay to get the best they can for their money. We want them to be satisfied, but we must not forget that the poor man has no choice, so, should the emergency arise, he can go to this hospital with a feeling that he is going to get real "Honest to God" medical and surgical attention. If the man with money does not like one hospital, one surgeon or one medical man, he can go to another. He does not have to go to the Shamokin Hospital or any other Hospital, he can pick out the surgeon or hospital he chooses. It should not be necessary for anyone to be beguiled or tempted by politicians, whether they be Republicans or Democrats, by offers of charity, by the cancellation of hospital bills, either in part or their entirety.

Let the poor man go to the hospital knowing it is not going to cost him one penny, and let him come away with a feeling that our beloved Commonwealth has seen fit to take care of him, or his wife or his children; that he is indebted to our State Government and not to his ward committeeman or to his county chairman, whether he be Democrat or Republican. Let the man feel that, in his adversity, his Government and not a political henchman has been and is his friend.

As a Senator designated as an Independent, I fear that my conclusions and findings are either classed as not worth-while or as those from one who is prejudiced. In my own opinion the findings are worth-while, and I trust that each one of you and as many others who are interested will read and digest the contents of the report. As far as the prejudice is concerned, I can truthfuly say I bear none, and as evidence thereof I assure you that this report was either dictated or written practically in its entirety by one of the other members of the appointed investigating committee.

That report, which is as complete and as conclusive as it could be made, notwithstanding the reluctance in some quarters to give the committee full and accurate information, has been held in obeyance with the profound feeling that perhaps something would be done about the Shamokin situation and the situation confronting other state hospitals. We have waited patiently for the anticipated developments and now as the Special Session draws towards its conclusion, we are convinced that nothing has been done and will not be done, under the circumstances, to right these conditions.

I want it clearly understood, however, in my opinion, this report is submitted only in the best interest of my district and for the best interests of the other districts served by state hospitals. Had there been an inclination on the part of the committee to be vindictive in the matter, it would have been a simple matter to have made these disclosures months ago. But, I repeat, we understood remedial steps were to be taken, and these have definitely not materialized, nor is there even the slightest assurance that they will materialize.

With only those thoughts and motives in mind, I hereby submit the report of the committee.

Mr. President, I regret that one of the members of the Committee saw fit not to sign the report, but it is signed by the other two members of the originally appointed Committee.

With only those thoughts and motives in mind, Mr. President, I hereby submit the following report.

The PRESIDENT. If there is no objection, the report will be spread upon the Journal.

The report is as follows:

To the Honorable Members of the Senate of Pennsylvania:

The Senate Committee to investigate the operation of the Shamokin State Hospital at Shamokin, Pennsylvania, was created by Resolution No. 36, passed March 10, 1941, and which reads as follows.

SENATE RESOLUTION

By Mr. Deitrick. Legislative Journal page 612.

COMMITTEE TO INVESTIGATE OPERATION OF SHAMOKIN STATE HOSPITAL

In the Senate, March 10, 1941.

Whereas, The appointment of Charles Petrovich of Kulpmont by the Governor as a member of the Board of Trustees of the Shamokin State Hospital has resulted in State-wide criticism; and

Whereas, The public disclosure of the record of this appointee has aroused public indignation and reflected upon the Hospital and its management; and

Whereas, This Senate should have definite knowledge of the personnel and management of institutions supported by the State; therefore be it

Resolved, That a committee composed of three members of the Senate shall be appointed by the President Pro Tempore of the Senate to investigate the present personnel of the Shamokin State Hospital, the management and conduct of the business of the said Hospital, and its financial transactions, and report to the Senate at the earliest possible time."

Pursuant to this Resolution, Honorable Charles H. Ealy, President Pro Tempore, appointed as members of the Committee, the following:

George A. Deitrick, Northumberland County
Leroy E. Chapman, Warren County
J. Albert Reed, Washington County

The Committee organized on the same date and elected Dr. George A. Deitrick, as Chairman.

We have the honor to submit herewith the following report, pursuant to instructions contained in said Resolution, upon observations and investigations made, and from testimony taken.

The Senate Committee held hearings at the Hospital on the following dates, viz. March 20, 1941, and April 23, 1941. Certain witnesses were heard in hearings at the Capitol in Harrisburg, all of which were conducted at no expense to the Commonwealth.

We desire firstly to point out the laxity in the handling of accounting and accounting methods at the Hospital, the supervision of which is under the Revenue Department, as follows:

In examining the credit reports showing the financial status of patients, numerous credit reports were found not signed by patient or by person responsible for this information. There were also credit reports which contained no information as to the ability of the patient to pay, which were already classified and not signed by the Revenue Agent. Most of the cases examined had been discharged from the Hospital before their records were examined.

On page 2 of the Auditor General's Report for year ending May 31, 1940, the Auditors made comment on this same condition, so evidently nothing has been done to correct this situation. The cases investigated by the Committee were all admissions after May 31, 1940.

At no time has the Recorder of Deeds or the Prothonotary's office been called upon to vertify patient's statements as to liens, etc., against their property.

The case history files of many patients were examined and we found admission sheets marked as patient having been admitted as ward patient, but the nurse's bedside record showed that patient was admitted to private room. The classification of Revenue Agent was "Free" and nothing was charged. When the Revenue Agent and Miss Schlotmann, Acting Superintendent were questioned concerning this condition, they both stated that patients had been put in private rooms owing to crowded condition of wards. In checking In-Patients Records on the date these patients were admitted, instances were found where Hospital was crowded, but in most instances, such was not the case, but in no case examined did we find that a patient was moved from private room back to ward. The rule governing cases being put in rooms owing to crowded condition of wards is that the Revenue Agent, upon finding a ward patient in a private room, shall procure from one of the Hospital Doctors, a card stating the patient was put in the room on his order, due to crowded conditions or to seriousness of the case. None of the present staff of doctors have ever been requested to furnish such card by the Revenue Agent or his clerk. In checking the rates charged patients admitted under the above conditions, it was found that some of them had been charged the ward rate or classified as "Free" patients. Identical cases were charged different rates for the same operation.

The custom at this Hospital in computing the Hospital Days for In-Patients, does not seem correct, because the first ten days of a new-born child is used in the whole total of Hospital Days, when the average cost per day per patient is computed, but is not shown in the free-patient days total, but again is used in the grand total hospital days. Where these baby days can be used to an advantage, they are shown, but where they would be a disadvantage, they are not used. In the eight months under review, there is a difference of 4228 free days.

In the Out-Patient or Dispensary Department, very little effort is made to collect for services rendered.

The Daily Report of In-Patients is not very satisfactory, inasmuch as only the whole total is shown, when to be of any use a breakdown should be made showing number of patients in the different wards and private rooms. This would show whether it was necessary to move free patients to private rooms owing to wards being overcrowded.

The private rooms, not being numbered, the records only show "admitted to private room," but inasmuch as private room rates vary, no check can be made as to whether proper charge has been made for any particular room.

The same condition exists in regard to free service as stated on page 3 of the last Auditor General's Report. At the time of our investigation, Miss Stank stated that free service amounted to 95%.

It is our belief that if an earnest effort was made to collect all charges at this Hospital, this percentage could be reduced to at least 60% of free service.

There has been no write-off of accounts receivable during the present Revenue Agent's term of office. This now amounts to more than $30,000 and is a fictitious asset, as not more than 20% is collectible. This write-off was recommended on page 12 of the last Auditor General's Report.

There are present State employees owing accounts at this Hospital.

As a spot check of outstanding accounts is supposed to be made by the State Auditor, we did not do anything in this respect.

By reason of prior acquaintance by a majority of this Committee with Dr. Grone, the former Chief Surgeon, we have knowledge of his personally performing every ordinary operation which a general hospital would be called upon to perform, including:

Gynecological (Pelvic) Surgery
Gastro-intestinal Surgery
Gall Bladder Surgery
Kidney and Bladder Surgery
Common Brain Surgery

Dr. Simmonds, the present surgeon, performs appendectomy and herniotomy operations.

At the present time the more serious operations are performed by surgeons of the Geisinger and Ashland State Hospitals.

The Dietician, Miss Mabel Buckman, we found to be very efficient but have since learned that she has resigned during the last two weeks.

The former Superintendent, Miss Schabinger was efficient, having had the respect and cooperation of a large part of the community.

The present Acting Superintendent does not appear qualified for the position she is holding and does not carry full-hearted community support. She has not had prior supervisory experience, nor has she taken any post-graduate work in recent years, not even since graduation.

We also find that the present Supervisor of the Operating Room, Miss Elizabeth Kelly is the cause of much dissension, both within and without the hospital.

We further believe this hospital is conducted for political profit and aggrandizement and has been over a period of time, by those in charge under prior and present administrations.

Having interviewed a number of witnesses who are outstanding citizens of the community, we are of the opinion that the above is true.

The Hospital is well equipped as a medical and surgical institution. A member of the American College of Surgeons and American Hospital Association.

It is needed asset to the community, serving a humanitarian need.

In order to obtain more and a fair ratio of community support, we recommend that the present Board of Trustees be not approved, and a new board appointed, consisting of outstanding citizens, who could remedy existing conditions, build up the staff of employees to a higher degree of efficiency and loyalty, thereby affecting a saving to the tax-payers and the Commonwealth.

Respectfully submitted,
GEORGE DEITRICK,
Chairman,
J. ALBERT REED.

RE-REPORT FROM COMMITTEE

Mr. STEVENSON, from the Committee on Appropriations, re-reported as committed, Senate Bill No. 94, (House Bill No. 101), entitled:

An Act to amend the appropriation to the Department of Military Affairs in section two of the act approved the sixteenth day of June one thousand nine hundred and forty-one (Appropriation Act No. 12-A) entitled "An act to provide for the ordinary expenses of the Executive Legislative and Judicial Departments of the Commonwealth interest on the public debt and the support of the public schools for two years beginning June first one thousand nine hundred and forty-one and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first one thousand nine hundred and forty-one" by providing specifically for the expenses of the State Council of Defense for the maintenance of a nautical school.

REPORT OF COMMITTEE OF CONFERENCE ON HOUSE BILL No. 8

Mr. TALLMAN. Mr. President, I am directed by the Committee of Conference on the part of the Senate to make a report on House Bill No. 8, entitled:

An Act to further amend section two of the act, approved the seventh day of June, one thousand nine hundred seventeen (P. L. 600), entitled "Status of Public Officers and Employes in Military Service in Time of War or Contemplated War Act," by more fully defining amounts payable.

The PRESIDENT. The report will lie over for printing.

REPORT FROM COMMITTEE ON EXECUTIVE NOMINATIONS

Mr. JAMES. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. JAMES from the Committee on Executive Nominations reported with a favorable recommendation the following nominations, made by His Excellency, the Governor of the Commonwealth:

APPOINTMENT AS MEMBER OF THE UNEMPLOYMENT COMPENSATION BOARD OF REVIEW

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 8, 1942.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Harry A. Englehart, 322 Sugar Street, Ebensburg, Cambria County, for appointment as a member of the Unemployment Compensation Board of Review, until July 1, 1947, and until his successor shall be appointed and qualified, vice P. Stephen Stahlnecker, resigned.

ARTHUR H. JAMES.

APPOINTMENT AS MEMBER OF THE STATE CIVIL SERVICE COMMISSION

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 9, 1942.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as members of the State Civil Service Commission:

John A. M. McCarthy, 931 North 50th Street, Philadelphia, Philadelphia County, for the term of two years, and until his successor shall have been appointed and qualified.

Mrs. Ruth Pennell, Mifflintown, Juniata County, for the term of four years, and until her successor shall have been appointed and qualified.

Robert Hall Craig, 3621 Sharon Street, Paxtang, Harrisburg, Dauphin County, for the term of six years, and until his successor shall have been appointed and qualified.

ARTHUR H. JAMES.

EXECUTIVE SESSION

By unanimous consent,

A motion was made by Mr. JAMES and Mr. MILLER,

That Rule 38, which requires nominations made by the Governor, to lie on the table one day be dispensed with, and the Senate do now resolve itself into Executive Session, for the purpose of acting upon all the nominations collectively, reported at to-day's session.

Which was agreed to.

Whereupon,

A motion was made by Mr. JAMES and Mr. MILLER,

That the Senate do advise and consent to the nominations reported.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—41

Barr,	DiSilvestro,	Kephart,	Snowden,
Bartlett,	Edmonds,	Lanius,	Stevenson,
Becker,	Farrell,	Letzler,	Tallman,
Carr,	Frey,	Mallery,	Thomas,
Chapman,	Geltz,	McCreesh,	Wade,
Coleman,	Haluska,	McGinnis,	Walker,
Cox,	Heyburn,	McQuiddy,	Watkins,
Crider,	Homsher,	Miller,	Wilson, H. I.,
Crowe,	James,	Reed,	Wilson, T. B.,
Deitrick,	Jaspan,	Ruth,	Ziesenheim,
Dent,			

NAYS—0

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

Mr. JAMES. Mr. President, I move that the Executive Session do now rise.

Mr. FARRELL. Mr. President, I second the motion.

The motion was agreed to.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 80, (House Bill No. 76), entitled:

An Act suspending and modifying for the period of the present war and for a time thereafter the provisions of section one of the act, approved the eighth day of July, one thousand nine hundred and nineteen (P. L. 737), entitled "A supplement to an act, entitled 'An act to establish a Board of Commissioners of Navigation for the River Delaware and its navigable tributaries; regulating their jurisdiction over ships, vessels, and boats, and wharves, piers, bulkheads, docks, slips, and basins; and exempting cities of the first class from certain of its provisions; and making an appropriation therefor.' approved the eighth day of June, Anno Domini one thousand nine hundred seven; authorizing and directing the commissioners to provide and maintain a nautical school for the education and training of pupils from the various counties of the Commonwealth of Pennsylvania in the science and practice of navigation; and making an appropriation for two years from the first day of June, Anno Domini one thousand nine hundred and nineteen, towards its maintenance," and its amendments, in so far as they require, the furnishing of accommodations on board a proper vessel for the nautical school, when no such vessel is available and imposing upon the State Council of Defense the duty of furnishing other accommodations.

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill?

Mr. EDMONDS. Mr. President, I ask unanimous consent to amend section 2 page 3 line 15 by adding after the word "commission" the following: "Provided that no person assigned by the federal government or any agency thereof to said nautical school as an instructor shall be considered such a state employee or officer as is entitled to any of the benefits provided by the Act approved the seventh day of June one thousand nine hundred and seventeen (P. L. 600) and its amendments."

The PRESIDENT. Is there objection? The Chair hears none.

The amendment was agreed to.

On the question,

Will the Senate agree to the bill on third reading, as amended?

It was agreed to.

Ordered, That said bill as amended be printed for the use of the Senate.

Mr. EDMONDS. Mr. President, may I say just a word with reference to this amendment? We have had reports that in times past retired Naval Officers have been assigned as instructors to this school and in time of war their services may be for a very short time, two or three months, when they may be recalled again, and if they are recalled they are still entitled to the benefits of

the Act of 1917, whereby they are entitled to be paid half of their civilian pay from the state.

The object of this amendment is to provide that if they are assigned by the Federal Government for the purpose of instruction, they shall not be considered eligible under the benefits of the Act of Assembly which were intended for employes of the state.

MOTION TO PROCEED WITH SECOND READING CALENDAR

Mr. GELTZ. Mr. President, I move that the Senate do now proceed to the second reading Calendar.

Mr. MILLER. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 96, (House Bill No. 113), entitled:

An Act creating a joint legislative committee to study partial unemployment as related to unemployment compensation; defining its powers and duties; authorizing the employment of counsel and employes; and making an appropriation.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 97, (House Bill No. 112), entitled:

An Act to amend subsection (a) and to further amend subsection (b) of section nine of the act approved the first day of June one thousand nine hundred thirty-seven (P. L. 1168) entitled "An act to protect the right of employes to organize and bargain collectively creating the Pennsylvania Labor Relations Board conferring powers and imposing duties upon the Pennsylvania Labor Relations Board officers of the State government and courts providing for the right of employes to organize and bargain collectively declaring certain labor practices by employers to be unfair further providing that representatives of a majority of the employes be the exclusive representatives of all the employes authorizing the board to conduct hearings and elections and certify as to representatives of employes for purposes of collective bargaining empowering the board to prevent any person from engaging in any unfair labor practice and providing a procedure for such cases including the issuance of a complaint the conducting of a hearing and the making of an order empowering the board to petition a court of common pleas for the enforcement of its order and providing a procedure for such cases providing for the review of an order of the board by a court of common pleas on petition of any person aggrieved by such order and establishing a procedure for such cases providing for an appeal from the common pleas court to the Supreme Court providing the board with investigatory powers including the power to issue subpoenas and the compelling of obedience to them through application to the proper court providing for service of papers and process of the board prescribing certain penalties" fixing the rights and standing of the Pennsylvania Labor Relations Board as a party and as appellant in the courts in matters originating before the board and defining the jurisdiction of the Supreme Court on appeal

And said bill having been read at length the second time,

On the question,

Will the Senate agree to the bill?

Mr. EDMONDS. Mr. President, with reference to Senate Bill No. 97, which is House Bill No. 112, I should like to debate the matter, and at the suggestion of some of my colleagues, to save time tomorrow, I would like to say on second reading what I would otherwise say on third reading tomorrow, and that is that I am opposed to this bill for two very definite reasons. In the first place, it is not included under the Governor's call, and while I have seen a memorandum framed by the sponsor of the bill, Mr. Homer S. Brown, in which he argues that it is under the Governor's call, it seems to me that what he argues is so broad that it would bring anything under the Governor's call, by the same line of argument.

Mr. President, I have great respect for Mr. Brown; I have followed his legislation with care, and I think in the main his legislation has been very thoughtfully prepared, but in his argument that this is under the Governor's call, it seems to me he is passing far beyond the limits of good reasoning, and therefore, I can not accept his conclusion.

This bill proposes to give to the State Labor Relations Board a right to take appeals to the Supreme Court of Pennsylvania. There is nothing about labor legislation or anything connected with it in the Governor's call, or in the supplement to the Governor's call, and therefore I feel that this bill is ill advised at the present time.

In the second place, the object of this bill is to reverse a decision of the Supreme Court of Pennsylvania, filed March 23, 1942, an opinion by Chief Justice Schaffer, in the case of Pennsylvania Labor Relations Board, appellant, versus Heinel Motors, Inc., which was an appeal by the Pennsylvania Labor Relations Board from the decree of the Court below, setting aside an order of the Board which directed appellee to reinstate two of its employes and to pay them back wages.

The Pennsylvania Labor Relations Board has a perfect right to decide a case, it is a quasi-judicial body, and it can take an appeal to the Court of Common Pleas; but the other side can take an appeal as well. When it comes to the Supreme Court, the appeal there is left to the parties to the case, and the parties to the case in a situation of this kind would be the employes and the employer; they are the real parties to the case, and not the Pennsylvania Labor Relations Board.

I have here a copy of the opinion of the Pennsylvania Supreme Court, and there is one paragraph in it which strikes me as being exceedingly wise, so wise that I do not want to see it overturned in the Legislature. It says there:

"Such a tribunal as the Labor Relations Board, quasi-judicial in character, intended to be impartial, given the power to hear and initially determine and adjudge, should not be able to convert itself into a litigant and become the partisan advocate of one or the other of the parties whose cause it has heard. This would tend to destroy its quasi-

judicial character and its impartiality. Furthermore, to convert it into a party litigant would be to run counter to Pennsylvanias customs and traditions. Since Penn's Frame of Government for the Commonwealth first established government by written limitations, (subsequently in large measure carried into all our constitutions) it has been fundamental with us that judicial tribunals and quasi-judicial ones, should be limited to hear and decide, not to espouse any party's cause at any stage of proceedings. For the Board to become a litigant is repugnant to the traditional common law heritage of judicial detachment and freedom from interest. We believe that had the legislature intended to give the right of appeal to the Board, it would not have referred to it as a 'party'."

Mr. President, I think that it is all extremely wise, and it is in direct line with applied understanding of legal development that has taken place in Pennsylvania. It is perfectly true that we can by an Act of Assembly override this decision of the Supreme Court, but is it wise for us to do so? There are, I suppose, an infinite number of boards and commissions that decide questions for the Commonwealth of Pennsylvania. Do we want them all to have the right of appeal, and then have the feeling that when they do appeal they necessarily espouse one side or the other? Look at the positions in the caption of this case, "Pennsylvania Labor Relations Board, appellant, versus Heinel Motors, Inc."

I know nothing about the merits of that case, but I would say that if I were Heinel Motors, Inc., I would say I would have to go into the Supreme Court with two strikes against me, because there is the Pennsylvania Labor Relations Board, appellant. In other words, they become a decisive factor in the case, a party litigant, rather than a judicial body deciding a controversy between two groups.

This bill sponsored by Mr. Homer S. Brown was introduced, I think, on April 6th. The calendar shows that today's date is April 9th. The bill had very quick passage through the House, and so far as I know, it is having equally quick passage through the Senate. It does not seem to me that it lies within the dignity of this body to reverse a decision of the Supreme Court on four days' consideration, particularly when the decision of the Supreme Court is based upon sound and fundamental policy as Justice Schaffer outlined.

For that reason I ask, Mr. President, that the clerk be directed to take a slow vote on this question as to whether or not this bill pass second reading, so that those who agree with me might have the opportunity to record themselves in the negative.

Mr. WALKER. Mr. President, I shall also appreciate the opportunity of having a slow vote on this bill. I am somewhat reluctant, as is the gentleman from Montgomery, to discuss the bill on second reading, but I understand that the purpose of debate at this time is to save time tomorrow and that is a refreshing thing in the Senate, and I think we ought to cooperate with the gentleman.

I would like to save time today, but I would like to point out to the gentleman from Montgomery that as he knows, we have argued this thing in Caucus, and I do not think there will be a meeting of minds between the gentleman from Montgomery and those of us who feel that this bill should be enacted into a statute.

Mr. President, there are a number of boards and commissions that have from time to time been established in the Commonwealth for the purpose of discharging certain responsibilities laid upon them. Some time ago, about twelve or fifteen years ago, when the then Governor of Pennsylvania attempted to eliminate one of the Pennsylvania Public Utility Commissioners, or, as it was then called, the Public Service Commission, the question of the standing of such a board or commission was challenged in the Supreme Court, and at that time the Public Service Commission was listed as an arm of the Legislature, and since that time it has been functioning back of that definition and very successfully maneuvering back of that definition ever since.

The Labor Relations Board is the only branch of its type that does not have the peculiar rights and opportunities resting upon it as are given to these other boards and commissions.

We have attempted, in the time that has been allotted to us since this bill arrived in the Senate, to absorb Justice Schaffer's opinion and try to correlate it with the act as it exists, and it comes with some trepidation, Mr. President, to attempt to point out to the members of this body, so many of them being practitioners of law, where we, in the Lindbergh sense, a country lawyer, differ with the Chief Justice of the Supreme Court of Pennsylvania, but there are one or two places in Justice Schaffer's opinion where I can not quite follow the thread of his very brilliant argument.

There is no doubt in my mind that if the roll was called there would be more lawyers voting in favor of Justice Schaffer's opinion than would vote in favor of my opinion, first, because they have more confidence in Justice Schaffer than they have in me, they have more confidence in his legal ability and knowledge, and perhaps they agree with his law, but, Mr. President, the peculiar situation in which the Labor Relations Board find itself under this somewhat straddling interpretation by the Supreme Court is this, that in the Court of Common Pleas the Labor Relations Board can be the appellant or the appellee, they are a party to the case, and the employer or the employe whose case for the moment they might be espousing loses his or its individual identity, and the parties that are referred to time after time throughout the act, include the Labor Relations Board and/or the respondent, and never once do the actual parties whose grievance is being adjudicated, never do they work themselves back into the picture.

Mr. President, this board has the right to become appellee or appellant, or petitioner or respondent, in a Court of Common Pleas, say of Dauphin County. Then under the interpretation of Justice Schaffer's decision, as I interpret it, Justice Schaffer then says they can not become the appellee in the Appellate Court. He says it is perfectly all right for them to be a party as I understand it, in the Common Pleas Court in that case, but they can not be a party, either as appellee or appellant in the Appellate Court and they are the only board or commission denied that right.

In the instance of which I speak, before the Supreme Court or before the Appellate Court, they may be representing thousands of employes, they may be representing one hundred and fifty employers who are gathered together in a group, and it is impossible for those thousands

or those hundreds of litigants to file individual appeals to seek individual relief, to appear individually on the record, as Justice Schaffer's opinion would force them to do, and therefore, the Labor Relations Board, in order to clarify perhaps that section of the statute, is obliged to file this appeal, not to vindicate, as it were, the Labor Relation Board, not to be the judge and the jury and the prosecutor, as would be intimated by Justice Schaffer's opinion, but in order to carry out the responsibility of seeing that the act as promulgated functions properly to carry out the responsibility of representing these employers and these employes, the Board by its very nature should be given this right. There is no doubt in my mind that when the Labor Relations Act was originally passed, the Legislature fully intended that the Labor Relations Board should have the same right on appeal, for example, as the Public Utility Commission has.

It may well be argued that the Public Utility Commission, as Justice Schaffer so adroitly points out, is a rate making body and therefore that sets them apart and distinguishes them from the Labor Relations Board, but, Mr. President, the Public Utility Commission also has the right to be an appellant in the Superior Court and as appellant in the Supreme Court, in an ordinary trucking application, where some little trucker with two vehicles makes an application for a certificate to operate between points "A" and "B", and if the Commission turns him down and the trucker appeals to the Superior Court, the trucker is the appellant and the Commission is the appellee, and the Commission very violently moves in there and defends its position. It represents, perhaps, protesting truckers or protesting rail carriers who are trying to point out that this application is not necessary, and if the Superior Court decides the case in favor of the trucker and reserves the Public Utility Commission, then, under the statute, the Public Utility Commission has the right to become an appellant, and frequently does become an appellant in the Supreme Court.

They are not representing the Commonwealth when they do that, they are representing protesting public utilities, be they truckers, be they railroads, be they electric companies or water companies, they are the appellant taking the place of individuals or of companies, and they are attempting by doing that to carry out the provisions of the law that were placed upon them.

I say, Mr. President, that is a good thing, because frequently technical, absorbing portions of the statute that need clarification or interpretation are thus enabled to be placed before the courts by some body which has the interest and the money and the facilities to carry the appeal to that higher body.

I find no quarrel with the position of the Public Utility Commission in those matters, because they are doing a just and equitable thing; but the fault that I find, Mr. President, is that suddenly one of our very valuable governmental agencies should be deprived of that very right.

Justice Schaffer, in his opinion, hints that this thing that is being done by Mr. Homer Brown's bill is the thing that the Legislature should do, because he points out very specifically that if the Legislature desired to have the Labor Relations Board become an appellant in the Appellate Courts they would have said so. Whether or not they did say so is a moot question. Justice Schaffer believes they did not: as I say, we believe the Legislature did, but in order to eliminate that cloud of suspicion that might be thrown on a judicial interpretation of a legislative act, Representative Brown's bill has been introduced, and I think we should pass it on second reading today and then pass it finally tomorrow.

The merit of the bill is this that it will once and for all place the Labor Relations Board on the same level as other branches, boards or governmental agencies that are now in existence, and secondly, it will give very valuable aid, solace and protection to the employer and employe alike, who do not feel that they are financially able or have the facilities to carry on a case where justice might be deeply involved.

I apologize to the gentleman from Montgomery and the Senate for arguing on this bill on second reading, but I feel that has been precipitated by the unique position we find ourselves in. I would urge my colleagues to see that this bill not only passes second reading, but passes third reading and final passage tomorrow, because this will correct what has suddenly become a very grave situation in the routine bureaucratic practice of law.

Mr. KEPHART. Mr. President, I do not wish to defend the constitutionality of this bill or whether it is within the Governor's call or not. Obviously, that was a debatable question before the Supreme Court or a decision would not have been necessary, but since there was a debatable question, the question was, what did the Legislature intend, and it seems to me that by passing this bill we can express our intention regardless of whether the matter is within the Governor's call or not.

There is a section in this bill that deals with judicial review of labor disputes, and it is divided into two parts. In the first instance, if the Labor Relations Board hears a petition by a union or a group of laborers against an employer, because of unfair labor practice and the Board issues an order against the employer and the employer does not obey the order, the Labor Relations Board can go into court and ask the court as petitioner, in a case in which the employer is respondent, to enforce its order.

It seems to me it is obvious that the parties to that proceeding before the court are the Labor Relations Board, petitioner, and the employer as respondent. There are no other parties, and there are no other parties contemplated by this section of the act. The employes who first brought the proceeding before the Labor Relations Board are not parties, except as they are represented through the Labor Relations Board to enforce its order. That is half of that section.

The other part of the section is that the party aggrieved, if it be the employer, or if the unfair labor practice is an unfair practice by labor, or a union, they can go to a County Court and appeal from the Board's order. In that proceeding the employer or the union, whichever may be the aggrieved party, is the petitioner, and the Labor Relations Board is the respondent. They are the parties, and the person or party that is not aggrieved, or whatever you want to call him, is not really a party to the litigation. In order to get into the Dauphin County Court here, or whatever court of Common Pleas it might happen to be, they would have to intervene.

There is no process under which an appeal can be taken by an intervenor in that case and therefore an intervening board which really has an interest is just out of luck, for no appeal can be taken, and that is what this decision

of the Supreme Court amounts to, when they deny the Labor Relations Board the right to appeal.

For that reason, Mr. President, it seems to me this bill should be passed to clarify this situation, and to give the Labor Relations Board the right of appeal similar to that right as is now held by the Public Utility Commission, the Milk Control Commission, and several other commissions of this Commonwealth.

Mr. HENRY I. WILSON. Mr. President and gentlemen of the Senate, by arrangement this bill is being discussed on second reading as though it were being considered upon third reading, therefore the merits of this bill come fairly before the Senate at this time. Perhaps the vote that will be taken on second reading will decide whether the bill passes finally or not.

I am one of the Senators who oppose passage of this bill, primarily because it is not included in the call, and secondly, because the underlying principle that is put forth in this bill is wrong, and because the bill that is introduced was clearly to upset, to override, a decision of the Supreme Court which was rendered in this state on March 23, 1942; this bill was introduced within a very few days afterwards, just to undo the work of the Supreme Court. I do feel that it is unfair for any group or those championing any group to try to further their cause as candidates or to embarrass the executive, or to embarrass the Supreme Court, or to take sides between labor and employers, to bring a matter upon such short notice before the Senate of Pennsylvania, to see whether we shall accept it or not.

As one of the older men who have served in the Legislature, I want to say to you that for years and years I have noticed an increasing tendency to govern by commissions. We have commissions for this and we have commissions for that, and every one of these commissions think, because it has been created to fill a necessity, if you please, that that creation carries with it the powers to make rules indefinitely and in all directions, very much exceeding the intentions of those who prepared the bill, and there is not a lawyer on the floor of this Senate that will undertake to deny the assertion that I make, that nearly every one of the commissions, no matter how good its intentions have been, have been trying to exceed the authority that was intended to be given to them, and that they have been very, very jealous in the administration of their acts which they are carrying out.

I only need call your attention to just one commission. We had a commission that was created about the year 1916, after the passage of the workmen's compensation act. That commission was known as the Workmen's Compensation Board, and the three original members of that board immediately set a day to have those who were interested come before them to argue upon a very large set of rules and regulations, and, if you please, an extension of powers beyond the act.

I ask you to go back, those of you attorneys that can go back, to that time and consider the arguments that were made before the Workmen's Compensation Board and consider the test cases that were carried through, to show and to prove that the Supreme Court had to upset some of those rules.

It is a very fortunate thing that we have a Supreme Court in Pennsylvania, and, of course, it is a very popular thing, when a decision is not in accordance with the wishes of those who want to have it some other way, that you immediately come into a session of the Legislature and present a bill to change the law. The Supreme Court is wrong in its decision in the first instance, they say it is wrong, and that is because the act is not clear, and therefore we will come back with an amendment to make it clear, and it comes from the House and it comes very quickly after the Supreme Court's decision, and it comes in here, and not a single Senator will say that it is clear, over and above board included in the Governor's call. There are those who will say he will veto it, of course, he will veto it if we pass it, and therefore he should be given that opportunity, he should have to assume the responsibility, but if this Senate sends this bill to the Governor, putting its stamp of approval on it for the purpose of embarrassing the Governor, they will have done a wrong thing, they will have done a thing that will not be a credit to the Senate. If these Senators vote for this bill to help them temporarily in a cause which they feel that they represent when they are running for reelection to the Senate or, in even running for reelection to the House, they will have done a wrong thing.

It does seem to me that somebody should rise in meeting and call attention to the fact that a number of propositions which have been brought forth here extend way beyond the call, it does seem to me that somebody in authority, somebody who could be really looked up to, should say it is time to go home, somebody who would say, why do you do all of these things?

There are several propositions here for which we have no explanations, no reasons, no bills furnished, and we were held here week after week, day after day, without any set rules and without any set plans, and without any definite time as to when we shall adjourn. It does seem too bad that an old person should have to rise on the floor of the Senate and say words which some younger men may criticize; it does seem too bad that the Senate must place itself in a position to go back home and have people say, how, when and where did you get those ideas, have you no spine to vote with the Constitution any more, have you no respect for the Supreme Court, have you no ideas at all as to what is right and wrong as between these questions that are raised here?

I say this question is here wrongfully I do not mean to say that this is a labor bill, or the contrary; I do not mean to say that somebody is bidding for labor votes, or the contrary; but if it be so, then it is a condition that should not exist.

While I am on my feet, I want to make this assertion, I want to make this statement, let it apply to any matter of legislation, on this bill or any other, let it apply wherever you will, let it be brought out in the nominations for Governor and Lieutenant-Governor or any others at this time, let it be continued on over to the fall election, if you please, if any candidate or any Senator or any member takes the idea that he should appeal to a group either in favor of labor or in favor of employers, so called, or capital or whatever you please, at a time like this, it is an error of judgment, it is an error contrary to the times.

While I am on my feet, I wonder how many of you realize the conditions, the gravity of the situation? We are here and have been here for weeks splitting hairs,

because we can not agree. That is only natural. The House is of one political faith and the Senate is of another political faith, but remember this, those of you who can go nearly back to the Civil War and remember about it, I want to say to this Senate, while you are splitting hairs today, I want to say to you in all seriousness and solemnity that very few of you seem to realize the gravity of the situation.

Mr. President, I want to make a public statement, I want to make this as a prediction, I want to say to this Senate that this government is bankrupt; I want to say to this Senate that within two years the most serious things are bound to happen; I want to say to this Senate that even the Republic itself trembles in the balance. No government, if you please, I do not care what form it is, can be called permanent when millions and billions and all that are being expended, and this government can not stand it. To quibble here, to try to get advantage for any group, to take any position other than a neutral position, is wrong.

Suppose you are practicing law out in the country as I have done for almost fifty years, and suppose a plaintiff comes before a justice of the peace and has his attorney, and suppose the defendant has his attorney, and suppose judgment is rendered and an appeal is taken to the Court of Common Pleas and so on, and it involves a question of law, would you expect a justice of the peace to go before a court and carry through an appeal for one side or the other? That is the principle that I am complaining about. Should you give any of these commissions the power to go on up to the higher courts to maintain what the rights of the appellant are? No, not to maintain the rights of the appellant, or to assert the fact that I have made no mistake, or to assert the fact that the rules that I have established and promulgated are correct, or to assert the fact that the powers that were vested in me are the powers that I am going to use to the end, and I will not have them curtailed.

I say this, we have to have commissions, but far be it from me ever to uphold anybody to write rules and regulations and decisions, if you please, and try to follow them through, taking sides and action in cases of appellants. When those boards would take an appeal right up, they do not necessarily have to consult with the appellant at all; the real appellant may not agree to go on, the real appellant may be satisfied that the other side was right. The dignity of the commission must be upheld, and if it is not upheld by the Supreme Court, the Supreme Court is wrong, first, and second only, while the Supreme Court has authority, you are going to change the act so they can not possibly decide against you.

It is the idea that the bill is improperly before us and is being acted upon too hastily; it is the idea that the things that Senator Edmonds has said are true and right; it is the idea there should not be any political motive for anybody at a time like this, in the matter of candidacy; it is the idea there is too much of a hurry; for those reasons I do not care what the rest do, they can do just as they want, but I for one am going to vote "no."

Mr. EDMONDS. Mr. President, on this question, shall the bill pass second reading, I ask that there be a roll call—I have already asked that there be a slow roll call—so we may have a chance to note how the votes of the Senators are recorded.

I want to say very frankly, Mr. President, I have had a full opportunity to state my point of view and I have stated it, and by that point of view I stand.

The gentleman from Allegheny, Senator Walker, and the gentleman from Philadelphia, Senator Kephart, have referred to various rate-making commissions, which have a right of appeal in their own names because they are rate-making commissions and commissions which represent the Legislature. There is a fundamental rule of law which applies to those cases because rate-making is a legislative function. Where the Legislature creates a commission and that commission fixes rates, the Legislature gives the power, but these are executive commissions or administrative commissions, and if all of the administrative commissions, every licensing board, the Board of Employment and all that sort of thing, if they can all take appeals in their own names, it seems to me it would be a tremendously cumbersome result for legislation and litigation in Pennsylvania.

I like the statement of Chief Justice Schaffer; I think his statement is very clear, that a quasi-judicial body ought not to be able to convert itself into a party litigant, and it is because of that point of view that I shall vote "no" on this bill on second reading, and ask my colleagues who agree with me to vote likewise.

Mr. GELTZ. Mr. President, I understand quite a number of our colleagues will vote to pass this bill, and I feel also there have been some unfair insinuations made on the floor as to the possible reason for a number of our colleagues voting in favor of the bill.

I intend to vote in favor of the bill. I do not mind saying very frankly that when the idea was first proposed to me I said I was absolutely opposed to the bill. I also made that statement to the president of the State Labor Board, because I had a misunderstanding of the situation; I understood that the Public Utility Commission was only able to take appeals in connection with rate cases, but that is not so. As the gentleman from Allegheny, Senator Walker, has pointed out, the Public Utility Commission is able to take an appeal in a case involving an application for a certificate by a private individual.

It seems to me that if there is any support for the contention that this bureaucratic form of government should not be continued, that these boards should not have a right of appeal, then an approach should be made to this problem involving not only the State Labor Relations Board but all such boards, and if it is wrong for one it is wrong for all, and if there is a feeling here that the system is wrong, then I think it is only proper that an immediate study be started to see what sort of a system can be set up to eventually eliminate this bureaucratic system which unquestionably has been creeping into both the State and Federal Government.

I do not believe by voting in favor of this bill that we are upsetting a decision of the Supreme Court. I feel, if one reads the provisions of the State Labor Relations Act, he must come to the conclusion that it was intended by the Legislature that the State Labor Relations Board have the power to take appeals.

If the Legislature left out a word or in some other way did not amply set forth what was its intention, the Supreme Court is proper then in suggesting that the Legislature correct that mistake, and I think by voting

in favor of this bill the Legislature is correcting the mistake, if any, in the bill that was passed heretofore.

Mr. BARR. Mr. President, I think it is about time for a layman to get up and say a few words on this bill.

I have not as yet seen the brief prepared by Representative Brown, in which he said this was within the Governor's call, but I have a great respect for Homer Brown. I think in the House, as the members of the House will also tell you, there is not a more informed representative on constitutional law, and therefore I will abide by his decision, that this is within the call.

The gentleman from Jefferson, Senator Wilson has said that the underlying principle of this amendment is wrong. I have read, I will say very hurriedly, Justice Schaffer's opinion, and it very clearly states that if the Legislature wants to grant this power to the State Labor Relations Board, they should do it.

Therefore I am going to ask my colleagues on this side to vote for this amendment.

Mr. KEPHART. Mr. President, I desire to interrogate the gentleman from Montgomery.

The PRESIDENT. Will the gentleman from Montgomery permit himself to be interrogated?

Mr. EDMONDS. With pleasure, Mr. President.

Mr. KEPHART. Mr. President, I desire to ask the gentleman from Montgomery, in a case where a union would proceed against an employer for an unfair labor practice before the Board, and the Board would find in favor of the union, and the employer would petition the Court or take an appeal to the County Court, which would be captioned "Employer versus Board," and the Court should decide in favor of the employer, how the union could possibly protect its rights or how the Board could possibly protect the rights of the union.

Mr. EDMONDS. Why, Mr. President, an individual member of the union could take an appeal.

Mr. KEPHART. Mr. President, I would like to ask the Senator from Montgomery whether an intervenor has a right to appeal; did the gentleman from Montgomery ever hear of the right of an intervenor to appeal to the Appellate Court.

Mr. EDMONDS. Mr. President, the employe is an active party in the case and, being an active party in the case, according to the decision of Justice Schaffer, he has the right of appeal.

Mr. KEPHART. I would like to ask the Senator from Montgomery to point out to me where in this act an employe under that situation becomes an active party in the litigation. I find no such provision in the law.

Mr. EDMONDS. Mr. President, the difficulty is that I do not have the law on my desk at the moment, but I have the opinion of Justice Schaffer and the opinion indictates very clearly—perhaps I had better quote from the opinion—: "The jurisdiction of the court of common pleas shall be conclusive, and its judgment and decree shall be final, except that the same shall be subject to review by the Supreme Court on appeal by either party, irrespective of the nature of the decree or judgment or the amount involved." Then it says "It is contended that 'either party?' does not embrace the Board, and thereafter the opinion goes on to state that "either party" does not embrace the Board, the Board itself, being a quasi-judicial body, but either party can take an appeal.

Mr. KEPHART. It does not say an employe is a party, however, nor does the act so state, and I can find nothing that would give an employe the right to be a party. In Dauphin County he would have difficulty even in intervening.

Mr. EDMONDS. Neither does it state that the Dutch have taken Holland, but it does say either party can take an appeal. That is what the act says.

Mr. KEPHART. Mr. President, the act says either party may take an appeal and then rules one of the parties out.

Mr. EDMONDS. That is assuming a quasi-judicial body is a party. Judge Schaffer stated they were not, and I agree with the judge.

Mr. DENT. Mr. President, I do not want to discuss the legal angles of this question. I just want to ask the members of the Senate to consider the bill before us, in the matter of its fairness to persons who are interested in the matter of labor relations. For a good many years in Pennsylvania there has been a fight for a Labor Relations Board and since its inception I would say it has functioned rather successfully in the State of Pennsylvania and has done some outstanding work. I have not always agreed with its decisions. However, I think in the main it has done a good job.

You come along now and say the Labor Relations Board can hand down decisions all right, but the Court of Common Pleas can supersede the decisions of the Labor Relations Board in the matter of labor relations. I say that because from the learned gentleman from Montgomery we hear if an organization or a union, or if the employes are not organized in a plant, and they have some sort of a situation come up where they must appeal before the Labor Relations Board and the Labor Relations Board hands down a decision in favor of three or four thousand employes—as it did in the case of the Weirton Steel Company, which, however, was a Federal Relations Board case; however, it could just as well happen in the State of Pennsylvania under the State Labor Relations Board—do you mean to say that three or four thousand employes have to individually appear in court and appeal a decision of the Common Pleas Court?

Is it the idea behind the decision of the Supreme Court that the way to take away from labor this one great body that has been created for them is to put into the hands of the Common Pleas Courts of Pennsylvania a power that was never intended by the Legislature? If so, we would have put it into the act. Justice Schaffer himself in his opinion says that if the Legislature wants this board to have this power and feels that is what they intended—at least that is the way I read it—they can give it to them. How are you to give it to them if you vote to give them that power, with somebody saying if you do, you do not believe in constitutional law?

The Federal Relations Board has the right of appeal and if it did not have the right of appeal the Weirton case would have been closed long ago and Weirton Steel would have had to pay back twelve million dollars. As it was they had the opportunity to present their case to a higher court.

I believe that the Legislature intended that the Labor Relations Board should act in all cases pertaining to labor relations, and whether the labor unions or the individual laborer or the employer is in the wrong or in the right,

whatever decision the Labor Relations Board makes, it ought to be in a position to defend that decision before any court in the state.

Mr. MALLERY. In the argument in support of the bill there was a statement made that a vote for the bill was a reflection on the Supreme Court. In view of the fact that I intend to vote for this bill, Mr. President, I wish to state that by so doing I do not cast any reflection upon the Supreme Court. The Supreme Court, I believe, decided the case according to what in its best judgment, it determined what the law is, and it certainly is within the rights of the Legislature to clarify the law. That is the orderly way of bringing about a change, that is the proper way, and in casting my vote for this bill I certainly do not deem it any reflection upon the Supreme Court.

Mr. JAMES. Mr. President, as a lawyer I am firmly convinced that this bill does not come within the purpose or the agenda of the call and, therefore, I do not think I should shirk my responsibility and place it upon the Governor to veto the bill, and so I will vote "no".

And the question recurring,

Will the Senate agree to the bill on second reading?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—27

Barr,	Deitrick,	Letzler,	Stevenson,
Bartlett,	Dent,	Mallery,	Tallman,
Carr,	Farrell,	McGinnis,	Wade,
Cavalcante,	Geltz,	McQuiddy,	Walker,
Coleman,	Haluska,	Miller,	Watkins,
Cox,	Kephart,	Reed,	Ziesenheim,
Crowe,	Lanius,	Ruth,	

NAYS—11

Becker,	Edmonds,	James,	Wilson, H. I.,
Chapman,	Heyburn,	Snowden,	Wilson, T. B.,
Crider,	Homsher,	Thomas,	

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

HOUSE MESSAGE

HOUSE INSISTS UPON ITS AMENDMENTS NON-CONCURRED IN BY THE SENATE TO SENATE BILL No. 65

The Clerk of the House of Representatives being introduced, presented communication from the House of Representatives informing the Senate that the House insists upon its amendments non-concurred in by the Senate to Senate Bill No. 65, entitled:

An Act to amend section twenty-one as amended, of the act, approved the seventh day of June, one thousand nine hundred and fifteen (P. L. 900), entitled "An act to provide for the immediate registration of all births and deaths throughout the Commonwealth of Pennsylvania, by means of certificates of births and deaths, and burial or removal permits; requiring prompt returns to the Central Bureau of Vital Statistics, as required to be established by the State Department of Health; and, in order to secure prompt and faithful registration of births, marriages, deaths, and diseases of practitioners of medicine, and surgery, or midwives, nurses, and undertakers, and of all persons whose occupation is deemed to be of importance in obtaining complete registration of births, deaths, marriages, and diseases throughout the State, as provided in section ten of an act, entitled 'An act creating the Department of Health and defining its powers and duties,' approved the twenty-seventh day of April, nineteen hundred and five, and providing penalties for violations of this act," by further regulating the giving of certified copies of birth certificates to soldiers, sailors and marines and war nurses.

SENATE INSISTS UPON ITS NON-CONCURRENCE IN AMENDMENTS BY THE HOUSE TO SENATE BILL No. 65 AND THAT A COMMITTEE OF CONFERENCE BE APPOINTED

Mr. MILLER. Mr. President, I move that the Senate insists upon its non-concurrence in the amendments made by the House to Senate Bill No. 65.

Mr. THOMAS. Mr. President, I second the motion.

The motion was agreed to.

The PRESIDENT. The President Pro Tempore appoints Messrs. Miller, Mallery and Coleman to be said committee on the part of the Senate, and it is directed that the Clerk inform the House of Representatives accordingly.

RECESS

Mr. GELTZ. Mr. President, I move that the Senate do now take a recess until 4:45 o'clock, p. m.

Mr. MILLER. Mr. President, I second the motion.

The motion was agreed to.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed the Senate will be in order.

SUBSTITUTION OF SENATE CONFERENCE ON SENATE BILL No. 46

The PRESIDENT. By reason of the absence of the gentleman from Philadelphia, Mr. Stiefel, the President Pro Tempore of the Senate requests the Chair to announce the appointment of the Senator from Allegheny, Mr. Cox, as a conferee on the part of the Senate to consider the differences in connection with Senate Bill No. 46, in substitution for the gentleman from Philadelphia, Mr. Stiefel.

Ordered, That the Clerk inform the House of Representatives accordingly.

HOUSE MESSAGES

HOUSE APPOINTS COMMITTEE OF CONFERENCE ON SENATE BILL No. 65

The Clerk of the House of Representatives being introduced, informed the Senate that the House has appointed Messrs. Heatherington, Yester and Van Allsburg as a Committee of Conference to confer with a similar committee of Conference to confer with a similar committee of the Senate (already appointed) to consider the differences existing between the two houses in relation to Senate Bill No. 65.

HOUSE APPOINTS COMMITTEE OF CONFERENCE ON SENATE BILL No. 41

He also informed the Senate that the House has ap-

pointed Messrs. R. Cohen, O'Neill and Walter E. Rose as a Committee of Conference to confer with a similar committee of the Senate (already appointed) to consider the differences existing between the two houses in relation to Senate Bill No. 41.

MOTION TO PROCEED WITH THIRD READING BILLS ON CALENDAR

Mr. GELTZ. Mr. President, I move that the Senate do now proceed with the consideration of third reading bills on the Calendar, beginning with page 2, Senate Bill No. 89.

Mr. MILLER. Mr. President, I second the motion.

The motion was agreed to.

BILL OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 89, (House Bill No. 57), on third reading, entitled:

An Act authorizing the secretary of the board of health in the various cities of the third class throughout the Commonwealth, during the continuation of the present war and for six months thereafter, to search and issue certified copies of birth and death records maintained by such cities after the State-wide system for registering vital statistics was established; requiring that such birth and death records be made available to the secretary of the board of health for the purposes of this act; and authorizing the respective city councils to prescribe fees for such services.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 90, (House Bill No. 58), entitled:

An Act authorizing the Department of Property and Supplies with the approval of the Board of Commissioners of Public Grounds and Buildings as a temporary emergency war measure for a limited period of time to adopt certain rules and regulations governing purchases and contracts of the Department of Property and Supplies on behalf of the Commonwealth and with like approval to make and alter purchases and contracts pursuant thereto and suspending certain statutory provisions inconsistent with such rules and regulations

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill?

Mr. MILLER. Mr. President, I ask unanimous consent to Amend, Title, page 1, by striking out lines 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, and insert in lieu thereof the following: "To suspend existing laws providing for and requiring certain contracts or purchases made by the Commonwealth or any political subdivision thereof to be made with and from the lowest responsible bidder after notice by advertisement insofar as they apply to certain contracts and purchases and regulating the letting of contracts and the making of purchases by political subdivisions." Amend page 1, by striking out all of lines 13, 14, 15, and 16; Amend page 2, by striking out all of the Whereas clauses on page 2; Amend Section 1, page 2, lines 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11, by striking out all of said lines; Amend, Section 1, page 3, by striking out all of lines 1, 2, 3, 4 and 5, and inserting in lieu thereof the following: "Section 1. In order to expedite the making of contracts and purchases by the State Government and its political subdivisions which are necessary to further the defense efforts thereof the provisions of any Acts of Assembly providing for and requiring certain contracts or purchases made by the Commonwealth or any political subdivision thereof to be made with and from the lowest responsible bidder after notice thereof by advertisement in a newspaper are hereby suspended during the continuance of the war in which the United States is now engaged insofar as such laws apply to contracts or purchases involving supplies and materials which are being rationed or sales of which are being directly or indirectly controlled by the Federal Government or any of its agencies Before any such supplies and materials shall be purchased or contract let therefor by any political subdivision under the provisions of this act the legislative body of the political subdivision shall pass a motion by a majority vote of all its members stating that an emergency exists requiring immediate action and that the contract proposed to be let or the purchase proposed to be made involves materials and supplies which are being rationed or the sale of which is being directly or indirectly controlled by the federal government or any of its agencies; Amend Section 2, page 3, by striking out all of lines 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19 and 20, and inserting in lieu thereof the following: "This act shall become effective immediately upon final enactment and shall remain in force during the period in which the United States of America is engaged in war and for six months thereafter"; Amend Section 3, pages 3 and 4 by striking out all of said section; Amend Section 4, page 4, by striking out all of said section.

The PRESIDENT. Is there objection? The Chair hears none.

The amendments were agreed to.

On the question,

Will the Senate agree to the bill on third reading, as amended?

It was agreed to.

Ordered, That said bill as amended be printed for the use of the Senate.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 91, (House Bill No. 69), as follows:

An Act to further amend section two of the act approved the seventh day of June one thousand nine hundred seventeen (P. L. 600) entitled "An act providing that appointive officers and employes employed by the Commonwealth of Pennsylvania in its civil service or by any department bureau commission or office thereof or by any county municipality township or school district shall not be deemed or held to have resigned or abandoned their offices or employments by reason of enlistment enrollment or draft in the military or naval service of the United States or any branch or unit thereof in time of war or contemplated war prohibiting

the removal from their offices or employments of such officers and employes during the period of their service in the Army or Navy directing that one-half of the salaries or wages of such officers or employes as have dependent wives children or parents and not exceeding two thousand dollars per annum be paid during the term of their service in the Army or Navy to such dependents authorizing the employment during said term of substitutes to perform the duties theretofore performed by such officers or employes respectively and providing for the compensation of such substitutes" by providing for the payment into the School Employes' Retirement Fund of certain amounts of the salaries or wages of certain officers or employes under certain circumstances

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section two of the act approved the seventh day of June one thousand nine hundred seventeen (P. L. 600) entitled "An act providing that appointive officers and employes employed by the Commonwealth of Pennsylvania in its civil service or by any department bureau commission or office thereof or by any county municipality township or school district shall not be deemed or held to have resigned or abandoned their offices or employments by reason of enlistment enrollment or draft in the military or naval service of the United States or any branch or unit thereof in time of war or contemplated war prohibiting the removal from their offices or employments of such officers and employes during the period of their serivce in the Army or Navy directing that one-half of the salaries or wages of such officers or employes as have dependent wives children or parents and not exceeding two thousand dollars per annum be paid during the term of their service in the Army or Navy to such dependents authorizing the employment during said term of substitutes to perform the duties theretofore performed by such officers or employes respectively and providing for the compensation of such substitutes" as amended by the act approved the twenty-fifth day of June one thousand nine hundred forty-one (P. L. 207) is hereby further amended to read as follows

Section 2 Any said officer or employe so enlisting enrolling or drafted and having a dependent or dependents as aforesaid may at the time of his enlistment enrollment or draft or immediately thereafter file with the head or chief of the department bureau commission or office in which he is employed a statement in writing executed under oath setting forth the fact and date of his enlistment enrollment or draft his intention to retain his said office or employment and to resume the duties thereof after the expiration of his service in the military or naval service or any branch or unit thereof and the names and addresses of his wife children and dependent parent or parents if any such he have and requesting and directing that one-half of the salary or wages of his said office or employment not exceeding two thousand ($2,000.00) dollars per annum shall be paid during his service in the military or naval service or any branch or unit thereof as follows

If he is a member of the State Employes' Retirement Association or the Pennsylvania Motor Police Retirement System or the School Employes' Retirement Association he may direct the State Treasurer to pay into the State Employes' Retirement Fund or into the School Employes' Retirement Fund as the case may be an amount certified to the State Treasurer by the State Employes' Retirement Board or by the Public School Employes' Retirement Board as the case may be in a manner now or hereafter provided by law The balance thereof if he have a wife to his wife for her use and that of his children if he have children and no wife then to such persons as he may designate for the use and benefit of his children If he have a dependent parent or parents then he shall direct such sum as he has theretofore been accustomed to contribute to their support to be paid to them and the amount payable to his wife or children if any he have shall be proportionately decreased If he have no wife or children he may direct the entire one-half of his said salary or wages not exceeding two thousand ($2,000.00) dollars per annum to be paid to his dependent parent or parents if any such he have all sums so directed to be paid shall be paid to the Commonwealth agency and/or the person designated in the same proportional instalments as nearly as may be as the salary or wages of such person were theretofore paid to him With such statement he shall also file powers of attorney authorizing the Commonwealth agency and/or the proper dependents to receive their proportion of said salary or wages as aforesaid

And said bill having been read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—41

Barr,	Dent,	Lanius,	Stevenson,
Bartlett,	DiSilvestro,	Letzler,	Stiefel,
Becker,	Edmonds,	Mallery,	Tallman,
Carr,	Farrell,	McCreesh,	Thomas,
Cavalcante,	Geltz,	McGinnis,	Wade,
Chapman,	Haluska,	McQuiddy,	Walker,
Coleman,	Heyburn,	Miller,	Watkins,
Cox,	Homsher,	Reed,	Wilson, H. I.,
Crider,	James,	Ruth,	Wilson, T. B.,
Crowe,	Kephart,	Snowden,	Ziesenheim,
Deitrick,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 92, (House Bill No. 71), as follows:

A Supplement to the act approved the eighteenth day of July one thousand nine hundred seventeen (P. L. 1043) entitled "An act establishing a public school employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon boards having the employment of public school employes exempting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" defining the rights and obligations of certain members of the School Employes' Retirement Association engaged in active military service

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Definitions The following words and phrases as used in this act unless a different meaning is plainly required by the context shall have the following meanings

(1) "The act to which this is a supplement" shall mean the act approved the eighteenth day of July one thousand nine hundred seventeen (P. L. 1043) entitled "An act establishing a public school employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers

and duties upon boards having the employment of public school employes exempting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" and all amendments thereto passed finally before the effective date of this act

(2) "Employe" shall mean any person who is an employe as defined in the act to which this is a supplement and whose salary or compensation is paid directly by the Commonwealth

(3) "Salary deductions" shall mean the amount certified by the Public School Employes' Retirement Board and either (a) deducted from the salary of a contributor to the School Employes' Retirement Fund and paid by the treasurer of each employer into the fund created by the act to which this is a supplement through the Department of Revenue under the provisions of section seven of said act or (b) deducted from any grant-in-aid subsidy or benefit payable or paid by the Commonwealth of Pennsylvania to an employe or his dependent or dependents while in active military service as defined in this act and paid into the Retirement Fund by the State Treasurer through the Department of Revenue

(4) "Board" shall mean the Public School Employes' Retirement Board created by the act to which this is a supplement

(5) "Active military service" shall mean full time service in the armed forces of the United States under a requisition from or by executive order of the President of the United States or in the armed forces organized for the defense of the Commonwealth of Pennsylvania by the authority of this Commonwealth

Section 2 An employe who enters into active military service may elect to continue to pay into the School Employes' Retirement Fund his salary deductions on the basis of his salary on the date of his entry into such active military service Such election shall be in writing on the form prescribed by the board and it shall be filed with the board within thirty (30) days after the effective date of this act or within thirty (30) days after the member's induction into active military service By such election an employe shall authorize and direct the State Treasurer to pay into the School Employes' Retirement Fund an amount certified to the State Treasurer by the board as the member's salary deduction The State Treasurer shall deduct such amount from any monies payable to such employe or his dependent or dependents under the provisions of the act approved the seventh day of June one thousand nine hundred seventeen (P. L. 600) entitled "An act providing that appointive officers and employes employed by the Commonwealth of Pennsylvania in its civil service or by any department bureau commission or office thereof or by any county municipality township or school district shall not be deemed or held to have resigned or abandoned their offices or employments by reason of enlistment enrollment or draft in the military or naval service of the United States or any branch or unit thereof in time of war or contemplated war prohibiting the removal from their offices or employments of such officers and employes during the period of their service in the Army or Navy directing that one-half of the salaries or wages of such officers or employes as have dependent wives children or parents and not exceeding two thousand dollars per annum be paid during the term of their service in the Army or Navy to such dependents authorizing the employment during said term of substitutes to perform the duties theretofore performed by such officers or employes respectively and providing for the compensation of such substitutes" or under any act of assembly extending the benefits of said act to employes or providing for the payment of grant-in-aid or subsidies to an employe while in active military service or under any law now in force or hereafter enacted and the State Treasurer shall pay the amount so deducted into the fund created by the act to which this is a supplement

Section 3 An employe who does not elect to pay into the School Employes' Retirement Fund during the period of his active military service an amount equal to his salary deductions may during the period of such active military service and for a further period of forty (40) days after completion of such active military service pay into the School Employes' Retirement fund an amount which shall be equal to the salary deductions multiplied by the number of the semi-monthly periods during which he or she was absent from State employment or State service in active military service to the credit of the annuity savings account in such manner as may be agreed upon by the employe and the board but in no event shall such payments be made in installments less than sufficient to pay such amount by the time the member attains superannuation retirement age

Section 4 An employe who complies with the provisions of section two or section three of this act shall after such election be classified by the board as an employe in active military service and shall thereafter during such active military service and for a period of forty (40) days after the completion of such active military service be entitled to all benefits to which he or she may be entitled upon the date of entry into active military service under the provisions of the act to which this is a supplement as fully as though such employe continued to be in the actual employ and service of the Commonwealth of Pennsylvania at the salary such employe had been receiving on the date of his or her entry into active military service Provided however That such employe shall not have the right to retire upon disability under the provisions of section thirteen of the act to which this is a supplement except as hereinafter provided If such member returns to the actual employ and service of the Commonwealth within a period of forty (40) days after such active military service the Superintendent of Public Instruction shall certify such member as an employe with active military service

Section 5 An employe who does not file with the board an election to pay his salary deductions into the School Employes' Retirement Fund as provided in section two of this act shall be classified as a nonpaying member in active military service of the School Employes' Retirement Association until he shall return to the actual employ and service of the Commonwealth or until such member complies with section three of this act in the manner provided or for the period of such active military service and for forty (40) days after the completion of such active military service Such member shall enjoy all the benefits to which the member was entitled on the date of entry into active military service under any law of the Commonwealth of Pennsylvania relating to the School Employes' Retirement Association and the School Employes' Retirement Fund Provided however That such member shall not have the right to retire upon disability under the provisions of section thirteen of the act to which this is a supplement except as hereinafter provided If such member returns to the actual employ and service of the Commonwealth within a period of forty (40) days after such active military service the Superintendent of Public Instruction shall certify such member as an employe with active military service

Section 6 An employe who shall have withdrawn from actual State employment or actual State service for active military service may after his or her return to actual State employment or actual State service but not later than forty (40) days after the completion of such active military service request the board for a physical and medical examination At a time and place within the Commonwealth and by an examiner or examiners to be designated by the board the applicant shall appear for and submit to such examination If the examiner or examiners shall find as a fact that such employe is free from physical or mental incapacity which renders him or is likely to render him incapable of performing the duties of his employment the examiner or examiners shall so certify to the board whereupon the board shall classify the applicant as a member free from active military service disability and thereupon such member shall become entitled to enjoy all the benefits to which the member was entitled under the act to which this is a supplement on the date of entry into active military service If the examiner or examiners shall find as a fact that such em-

ployе is physically or mentally incapacitated for the performance of the duties of the employment which he had when last in the actual employ and service of the Commonwealth the examiner or examiners shall certify to the board the nature and degree of such physical or mental incapacity or disability whereupon the board shall classify the applicant as a member with active military service disability and thereupon such member may elect to accept the benefit of the provisions of section twelve of the act to which this is a supplement or the benefit of section eight of this act or the benefits of the act to which this is a supplement without disability rights and shall be classified by the board as employe without disability rights Such employe shall enjoy all the rights incident to membership in the Retirement System except the right to retire for disability or upon disability and to receive a disability retirement allowance Such member's salary deduction shall be reduced accordingly Such election shall be in writing in form prescribed by the board and shall be filed with the board not later than fifty (50) days after the completion of such active military service

Section 7 The form and content of the examination and certificate required by section six of this act shall be prescribed by the board with the advice of the board's actuary and a physician or psychiatrist to be by the board employed for that purpose

Section 8 All employes who shall have been engaged in active military service and who shall have returned to State employment or service without examination or certification as required by sections six and seven of this act shall be classified by the board as employes without disability rights Such employe shall enjoy all the rights incident to membership in the Retirement System except the right to retire for disability or upon disability and to receive a disability retirement allowance Such member's salary deduction shall be reduced accordingly.

Section 9 The amount by which the salary deduction of an employe without disability rights to be paid into the fund shall be reduced shall be determined by the board in accordance with tables to be prepared and certified by the actuary

Section 10 The provisions and benefits of this act shall be applied and extended to all employes who were members of the School Employes' Retirement System on October fifteenth one thousand nine hundred forty

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—41

Barr,	Dent,	Lanius,	Stevenson,
Bartlett,	DiSilvestro,	Letzler,	Stiefel,
Becker,	Edmonds,	Mallery,	Tallman,
Carr,	Farrell,	McCreesh,	Thomas,
Cavalcante,	Geltz,	McGinnis,	Wade,
Chapman,	Haluska,	McQuiddy,	Walker,
Coleman,	Heyburn,	Miller,	Watkins,
Cox,	Homsher,	Reed,	Wilson, H. I.,
Crider,	James,	Ruth,	Wilson, T. B.,
Crowe,	Kephart,	Snowden,	Ziesenheim,
Deitrick,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

HOUSE MESSAGE

SENATE BILL No. 60 RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives being introduced, returned to the Senate, Senate Bill No. 60, entitled:

An Act to modify existing law of the Commonwealth regulating the operation of motor driven vehicles which limit the gross weight or length of such vehicles as are permitted to be operated upon the highways of the Commonwealth by authorizing the Secretary of the Department of Highways to issue permits for the use of overweight and over-length vehicles in certain cases.

with the information that the House has passed the same with amendments, in which the concurrence of the Senate is requested.

Mr. GELTZ. Mr. President, I move that Rule 21, which requires amended bills to be noted on the calendar, be in this case dispensed with, and that the Senate proceed to the consideration of the amendments made by the House of Representatives to the foregoing bill.

Mr. MILLER. Mr. President, I second the motion.

The motion was agreed to.

SENATE NON-CONCURS IN HOUSE AMENDMENTS TO SENATE BILL No. 60

Mr. GELTZ. Mr. President, I move that the Senate do non-concur in the amendments made by the House to Senate Bill No. 60.

Mr. LETZLER. Mr. President, I second the motion.

The motion was agreed to.

Ordered, That the House of Representatives be informed accordingly.

REPORT FROM COMMITTEE ON EXECUTIVE NOMINATIONS

Mr. JAMES. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. JAMES from the Committee on Executive Nominations reported with a favorable recommendation the following nominations, made by His Excellency, the Governor of the Commonwealth:

JUSTICE OF THE PEACE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 9, 1942.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Albert F. Kramer, 25 South Spring Garden Street, Ambler, Montgomery County, for appointment as Justice of the Peace in and for the Borough of Ambler, Montgomery County, until the first Monday in January, 1944, vice Norman F. Taylor, resigned.

ARTHUR H. JAMES.

EXECUTIVE SESSION

By unanimous consent,

A motion was made by Mr. JAMES and Mr. MILLER,

That Rule 38, which requires nominations made by the Governor, to lie on the table one day be dispensed with, and the Senate do now resolve itself into Executive Session, for the purpose of acting upon all the nominations reported at to-day's session.

Which was agreed to.

Whereupon,

A motion was made by Mr. JAMES and Mr. THOMAS B. WILSON,

That the Senate do advise and consent to the nominations reported.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—41

Barr,	Dent,	Lanius,	Stevenson,
Bartlett,	DiSilvestro,	Letzler,	Stiefel,
Becker,	Edmonds,	Mallery,	Tallman,
Carr,	Farrell,	McCreesh,	Thomas,
Cavalcante,	Geltz,	McGinnis,	Wade,
Chapman,	Haluska,	McQuiddy,	Walker,
Coleman,	Heyburn,	Miller,	Watkins,
Cox,	Homsher,	Reed,	Wilson, H. I.,
Crider,	James,	Ruth,	Wilson, T. B.,
Crowe,	Kephart,	Snowden,	Ziesenheim,
Deitrick,			

NAYS—0

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

Mr. JAMES. Mr. President, I move that the Executive Session do now rise.

Mr. THOMAS. Mr. President, I second the motion.

The motion was agreed to.

REPORT OF CONFERENCE COMMITTEE ON HOUSE BILL No. 68

Mr. BARTLETT. Mr. President, I am directed to make a conference committee report on House Bill No. 68, entitled:

An Act to amend section two of the act, approved the tenth day of July, one thousand nine hundred thirty-five (P. L. 645), entitled "An act imposing certain requirements on certain hospitals receiving state aid; authorizing the withholding of appropriations; and imposing duties on the Department of Welfare," by providing that, during the present war and six months thereafter, funds shall not be withheld from hospitals for violation of such act, if the Secretary of Welfare determines that the constant attendance of a licensed physician or resident interne cannot be secured by such hospitals because of the war emergency.

The PRESIDENT. The report will lie over for printing.

REPORT OF COMMITTEE OF CONFERENCE ON SENATE BILL No. 19

Mr. STEVENSON. Mr. President, I am directed by the Committee of Conference to make a report on Senate Bill No. 19, entitled:

An Act to protect property and prevent sabotage by prohibiting, for a limited period of time, certain intentional injuries to, and interferences with, real and personal property; prohibiting certain intentional defects in workmanship; limiting the privileges of certain witnesses, and providing penalties.

Mr. BARTLETT. I might state for the information of the Senators that this is the anti-sabotage bill.

The PRESIDENT. The report will lie over for printing.

ADJOURNMENT

Mr. GELTZ. Mr. President, I move that the Senate do now adjourn until Friday, April 10, 1942, at 11:00 o'clock, p. m. Eastern War Time.

Mr. THOMAS. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 6:38 o'clock p. m., Eastern War Time until Friday, April 10, 1942, at 11:00 o'clock p. m., Eastern War Time.

HOUSE OF REPRESENTATIVES

THURSDAY, April 9, 1942

The House met at 2 p. m.

The SPEAKER (Elmer Kilroy) IN THE CHAIR

PRAYER

The Chaplain, Rev. Donald McFall offered the following prayer:

Dear Lord and Master of us all and of all mankind, we would follow in Thy footsteps and take our place among those who are going about doing good. May we, of this House of Representatives, ask not for fame or fortune, but only for the grace of living helpfully and serving unselfishly. We would convert our blessings into blessed ministries in order that we might leave the world better and nobler than we found it. Toward this end we ask Thy spiritual guidance, in the name of Christ. Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of yesterday.

The Clerk proceeded to read the Journal of yesterday, when, on motion of Mr. BAUGHER, unanimously agreed to, the further reading was dispensed with and the Journal approved.

RESOLUTION INTRODUCED AND REFERRED

By Messrs. WEISS and MAXWELL.

RESOLUTION No. 49.

In the House of Representatives, April 8, 1942.

Whereas, Soldiers returning from the last war underwent extreme hardship and privation because of the failure of private industry to reabsorb those who risk their lives in defense of their country; and

Whereas, As a result of the present war, many wage earners are being inducted into the Army, so that their families here will suffer a severe loss of income, and will, therefore, have new hardships thrust upon them; and

Whereas, An enlightened labor policy by the employers of the Commonwealth, in giving preference in employment to those members of families whose sons or

fathers have been inducted or have enlisted in our armed forces, would greatly reduce the difficulties of such families; be it therefore

Resolved, That the House of Representatives appeals to the employers of the Commonwealth of Pennsylvania to give preference in employment to those citizens of our Commonwealth whose sons, daughters or fathers have entered our armed forces; and be it further

Resolved, That the employers of Pennsylvania give immediate preference to those who left to serve for their country at the termination of the present hostilities.

Referred to the Select Committee on Special Session Legislation.

PETITIONS AND COMMUNICATIONS

The SPEAKER laid before the House the following petitions and communications which were read by the Clerk.

CIVILIAN DEFENSE

Telegrams from:

Delaware County Council of Defense; and
Butler County Council of Defense

urging passage of Senate Bill No. 21, authorizing political subdivisions to make appropriations for civilian defense.

Referred to the Select Committee on Special Session Legislation.

SCHOOLS

Telegrams from:

Philadelphia Federation of Teachers;
Erie Teachers Federation;
Secondary School Teachers Association of Philadelphia;
Mr. Clifford J. Smith;
Pennsylvania Federation of Teachers, and also a letter
The Public Education and Child Labor Association of Pennsylvania,

opposing passage of Senate Bill No. 85.

Referred to the Select Committee on Special Session Legislation.

BILLS SIGNED BY SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

HOUSE BILL No. 24.

An Act relating to air raid precautions including blackouts conferring certain powers and duties upon the State Council of Defense local and district Councils of Defense political subdivisions members of certain municipal and volunteer agencies and civilians necessary for the safety defense and protection of civilians and property in the Commonwealth providing for the mobilization coordination and use of certain municipal agencies and volunteer agencies including their personnel and equipment providing for immunity from liability for injury or death to persons or damage to property under certain circumstances and providing penalties

HOUSE BILL No. 78.

An Act to amend section six of the act, approved the twenty-fourth day of June, one thousand eight hundred ninety-five (P. L. 212), entitled "An act to establish an intermediate court of appeal; regulating its constitution, officers, jurisdiction, powers, practice, and its relation to the Supreme Court and other courts; providing for the reports of its decisions, the compensation of the judges and other officers and the practice and costs on appeals from its judgments," by making further provision as to the preparation, custody and disposition of plates used in the printing of Superior Court Reports.

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

RECESS

The SPEAKER. If there is no objection the Chair is about to declare a recess for five minutes. Is there objection? The Chair hears none and a recess is declared.

AFTER RECESS

The time of recess having expired the House was called to order.

The SPEAKER (Elmer Kilroy in the Chair.

LEAVE OF ABSENCE

By unanimous consent leave of absence was granted as follows:

Mr. Longo for Mr. McFALL for today's session.

SENATE MESSAGES

APPOINTMENT OF CONFERENCE COMMITTEE ON SENATE BILL No. 19

The Clerk of the Senate being introduced, informed that the Senate insists on its concurrence in the amendments made and insisted upon by the House of Representatives to Senate Bill No. 19, entitled:

An Act to protect property and prevent sabotage by prohibiting for a limited period of time certain intentional injuries to and interference with real and personal property prohibiting certain intentional defects in workmanship limiting the privileges of certain witnesses and providing penalties.

And has appointed Messrs. Stevenson, Crowe and Ruth a Committee of Conference to confer with a similar committee of the House of Representatives (if the House of Representatives shall appoint such committee) on the subject of the differences existing between the two Houses in relation to said bill.

APPOINTMENT OF CONFERENCE COMMITTEE ON SENATE BILL No. 19

Mr. ACHTERMAN. Mr. Speaker, I move that the House insist upon its amendments nonconcurred in by the Senate and that a Committee of Conference be appointed.

The motion was agreed to.

The SPEAKER. The Chair appoints as a Committee of Conference, Messrs. READINGER, LOVETT and CHARLES H. BRUNNER.

Ordered, That the Clerk inform the Senate accordingly.

APPOINTMENT OF CONFERENCE COMMITTEE ON SENATE BILL No. 46

The Clerk of the Senate being introduced, informed

that the Senate insists on its concurrence in the amendments made and insisted upon by the House of Representatives to Senate Bill No. 46, entitled:

An Act to suspend for a limited time the operation of laws regulating or relating to the movement loading lightering docking and anchorage of vessels carrying or having on board certain explosives insofar as the same relate to the handling or stowing of small arms ammunition or ammunition which contains the projectile and the explosive in one container or shell to from or in such vessels docking or anchoring in the Delaware River and its navigable tributaries

And has appointed Messrs. Edmonds, Farrel and Stiefel a Committee of Conference to confer with a similar committee of the House of Representatives (if the House of Representatives shall appoint such committee) on the subject of the differences existing between the two Houses in relation to said bill.

APPOINTMENT OF CONFERENCE COMMITTEE ON SENATE BILL No. 46

Mr. ACHTERMAN. Mr. Speaker, I move that the House insist upon its amendments nonconcurred in by the Senate and that a Committee of Conference be appointed.

The motion was agreed to.

The SPEAKER. The Chair appoints as a Committee of Conference, Messrs. TATE, MELCHIORRE and EDWIN A. LEE.

Ordered, That the Clerk inform the Senate accordingly.

AMENDED SENATE BILL NONCONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has nonconcurred in the amendments made by the House of Representatives to Senate Bill numbered and entitled as follows:

SENATE BILL No. 41.

An Act to further amend the act approved the fifth day of December, one thousand nine hundred and thirty-six (P. L. 2897, 1937) entitled, "An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry and its existing and newly created agencies, with personnel (with certain exceptions) selected on a civil service basis, requiring employers to keep records and make reports and certain employers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons, providing procedure and administrative details for the determination, payment and collection of such contributions and the payment of such compensation, providing for cooperation with the Federal Government and its agencies, creating certain special funds in the custody of the State Treasurer and prescribing penalties," changing the provisions thereof and the rights, obligations and procedure thereunder.

Mr. ACHTERMAN. Mr. Speaker, I move that the House insist on its amendments nonconcurred in by the Senate.

The motion was agreed to.

Ordered, That the Clerk inform the Senate accordingly.

ANNOUNCEMENT

The SPEAKER. The Chair wishes to advise the Members of the House, that the Speaker's Page Henry Davis Turrell, who stands at the Speaker's right, is Uncle Sam's latest recruit, having enlisted in the United States Army this week. He reports for active duty on Monday.

Dave on behalf of the entire membership of the House —the best of luck soldier.

BILL ON SECOND READING

BILL PASSED OVER

There being no objection House Bill No. 98, (Senate Bill No. 64), Printer's No. 48, was passed over at the request of the SPEAKER.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 106, (Senate Bill No. 72), entitled:

An Act to further amend section nine of the act, approved the thirty-first day of May, one thousand nine hundred and thirty-three (P. L. 1108), entitled "An act providing for the appointment, promotion, reduction, removal and reinstatement of paid officers, firemen and employes of fire departments and of fire alarm operators and fire box inspectors in the bureaus of electricity in cities of the second and third class; defining the powers and duties of civil service commissions for such purposes; and fixing penalties," by permitting applications to be made for such positions by persons forty-five years of age or under.

The first section was read.

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. MALLOY. Mr. Speaker, I move that this bill be recommitted to the Select Committee on Special Session Legislation for the purpose of further study and consideration.

The motion was agreed to.

BILLS ON SECOND READING

BILL PASSED OVER

There being no objection House Bill No. 94, (Senate Bill No. 49), Printer's No. 37, was passed over at the request of the SPEAKER.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 121, (Senate Bill No. 84), entitled:

An Act to conserve metal by suspending the provisions of article five of the act approved the first day of May one thousand nine hundred and twenty-nine (P. L. 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of the Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof

owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" and its amendments in so far as they require the issuance and use of more than one registration plate

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 122, (Senate Bill No. 87), entitled:

An Act creating a Joint Legislative Committee for the purpose of investigating and studying plans methods and systems for liberalization of the Pennsylvania Unemployment Compensation Law to provide benefits for partial unemployment providing for its appointment authorizing the employment of necessary assistance and making an appropriatioon

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

BILL PASSED OVER

There being no objection House Bill No. 44, (Senate Bill No. 21), Printer's No. 70, was passed over at the request of the SPEAKER.

Mr. WILLIAMS IN THE CHAIR

BILLS ON THIRD READING

BILLS PASSED OVER

There being no objection House Bill No. 37, (Senate Bill No. 35), Printer's No. 62; House Bill No. 116, Printer's No. 62; and House Bill No. 105, (Senate Bill No. 60), Printer's No. 69 were passed over at the request of the SPEAKER PRO TEMPORE.

HOUSE RESOLUTION No. 42

Mr. WOODRING. Mr. Speaker I desire to call up House Resolution No. 42, Printer's No. 66.

The resolution was read by the Clerk as follows:

In the House of Representatives, March 31, 1942.

Whereas, The residents of the County of Northampton on March 26, 1942, experienced a horrible tragedy, resulting from a dynamite explosion in Sandts Eddy in that county, causing the death of 31 persons; and

Whereas, The explosion was heard and its force felt for a distance of approximately 72 miles, in which radius a schoolhouse was wrecked, and thousands of windows broken; and

Whereas, The operation of quarries is a major industry in the County of Northampton, and the continued use of explosives and dynamite is apparently important to the continued operation of said industries; and

Whereas, This House in noting with sorrow the tragic death of these men and the untold suffering occasioned to their families cannot and will not permit this disastrous incident to pass without exerting every effort to prevent and forestall a recurrence thereof, with its horrible consequence of loss of life, destruction of property, and constant threat to the safety and tranquility of persons employed in this industry; and

Whereas, For the future protection of these men and their families and for the well being and protection of all the residents of the County of Northampton and of the Commonwealth legislation may be necessary to prevent other incidents of a similar nature; therefore be it

Resolved, That the Speaker of this House, appoint a committee of nine members, whose duty it shall be to make a careful and thorough study of the laws of the Commonwealth and all regulations thereunder relating to the transportation storage, handling and use of all types of explosives; and be it further

Resolved, That said committee shall have power to hold public hearings in order to become acquainted with the practices and usages in the matter of explosives in its investigation of this and other explosions, and after due consideration to make its report, together with recommendations to this House, the Secretary of Labor and Industry and to the Chief of the Division of Mines and Quarries.

On the question,

Will the House adopt the resolution?

Messrs. WOODRING and LONGO. Mr. Speaker we desire to offer the following amendments.

The SPEAKER. The Clerk will read the amendments.

The amendments were read by the Clerk as follows:

Amend first resolution, page 2, lines 1 and 2, by striking out the words "Speaker of this House appoint a committee of nine members whose duty it shall be to" and inserting in lieu thereof the following: "Joint State Government Commission shall".

Amend second resolution, page 2, lines 7 to 10, by striking out the following "committee shall have power to" in line 7, all of lines 8 and 9, and the words "its investigation of this and other explosions and" in line 10, and inserting in lieu thereof the following: "commission shall".

Amend second resolution, page 2, line 11, by striking out the word "to".

On the question,

Will the House agree to the amendments?

QUESTION OF PARLIAMENTARY INQUIRY

Mr. BROWN. Mr. Speaker, I rise to a question of parliamentary inquiry.

The SPEAKER pro tempore. The gentleman from Allegheny will state his question of parliamentary inquiry.

Mr. BROWN. Mr. Speaker, I have not had the opportunity to speak to the gentleman from Northampton, Mr. Woodring, but I would like to ask whether or not a House Resolution could bind the Joint State Government Commission, an agency created by a joint act of the House and Senate.

Mr. TURNER. Mr. Speaker, perhaps I can help solve that question for the gentleman from Northampton, Mr. Woodring by answering the gentleman from Allegheny, that I do not believe it can bind, but I certainly believe that the Joint State Government Commission under its present leadership would certainly listen to the resolution by the gentleman from Northampton, Mr. Woodring, and the Commission itself can by its own voluntary action accept responsibility. We did that after the 1939 Session; a lot of resolutions were passed here asking the Com-

mission and directing the Commission to make certain studies, and the Commission picked them up and went on with them.

On the question recurring,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the resolution as amended?

It was agreed to.

The SPEAKER pro tempore. The resolution will lie over for printing.

SENATE MESSAGE

AMENDED SENATE BILL NONCONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has nonconcurred in the amendments made by the House of Representatives to Senate Bill numbered and entitled as follows:

SENATE BILL No. 65.

An Act to amend section twenty-one as amended, of the act, approved the seventh day of June, one thousand nine hundred and fifteen (P. L. 900), entitled "An act to provide for the immediate registration of all births and deaths throughout the Commonwealth of Pennsylvania, by means of certificates of births and deaths, and burial or removal permits; requiring prompt returns to the Central Bureau of Vital Statistics, as required to be established by the State Department of Health; and, in order to secure prompt and faithful registration of births, marriages, deaths, and diseases of practitioners of medicine, and surgery, or midwives, nurses, and undertakers, and of all persons whose occupation is deemed to be of importance in obtaining complete registration of births, deaths, marriages, and diseases throughout the State, as provided in section ten of an act, entitled 'An act creating the Department of Health and defining its powers and duties,' approved the twenty-seventh day of April, nineteen hundred and five, and providing penalties for violations of this act," by further regulating the giving of certified copies of birth certificates to soldiers, sailors and marines and war nurses.

Mr. ACHTERMAN. Mr. Speaker, I move that the House insist upon its amendments nonconcurred in by the Senate.

The motion was agreed to.

Ordered, That the Clerk inform the Senate accordingly.

The SPEAKER (Elmer Kilroy) IN THE CHAIR

The SPEAKER. The Chair thanks the gentleman from Washington, Mr. Williams, for presiding.

BILLS ON SECOND READING

Mr. NAGEL asked and obtained unanimous consent to call up out of order, House Bill No. 94, (Senate Bill No. 49), Printer's No. 37, bill on second reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 94, (Senate Bill No. 49), entitled:

An Act suspending for a limited time all laws of the Commonwealth requiring the registration of trailers insofar as they require the registration of certain wagons or agricultural machinery drawn by a motor driven vehicle for certain purposes.

The first section was read.

On the question,

Will the House agree to the section?

Messrs. NORMAN WOOD and NAGEL offered the following amendments:

Amend sec. 1, page 1, lines 1 to 10, by striking out all of said lines, both inclusive.

Amend sec. 1, page 2, lines 1 and 2, by striking out both of said lines, and inserting in lieu thereof

"Section 1. In order to make more transportation facilities available for war needs and to encourage the farmers of this Commonwealth to increase the production of farm products necessary for the feeding of our soldiers and our civilian population during the present war emergency, any machinery used exclusively for agricultural purposes, and any wagon, while being used for the purpose of transporting the agricultural products of the owner thereof, or returning from such transportation, may be drawn by a tractor or motor vehicle upon the highways of this Commonwealth, without such machinery or wagon being registered with the Department of Revenue as required by existing law.

"Section 2 The Secretary of Revenue is hereby authorized to suspend all provisions of the act approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," and of the act approved the first day of May, one thousand nine hundred and twenty-nine, (P. L. 1005), entitled "An act relating to and regulating tractors and trailers and their operation; providing for their registration, and the licensing of certain operators by the Department of Revenue upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of tractors and trailers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, and townships, within the Commonwealth, liability for damages caused by the negligent operation of tractors and trailers; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees and miscellaneous receipts; making an appropriation; and providing for refunds," and all other acts and parts of acts in so far as they are inconsistent with the provisions of this act.

"Section 3. The provisions of this act shall be in full force and effect until six months after the termination of the war in which the United States is now engaged."

They were agreed to.

The section was agreed to as amended.

The title was read.

On the question,

Will the House agree to the title?

Messrs. NORMAN WOOD and NAGEL offered the following amendment:

Amend title, page 1, lines 1 to 5 of title, by striking out all of said lines, both inclusive, and inserting in lieu thereof the following: "Authorizing, in certain cases, the drawing of agricultural machinery and wagons on the highways in this Commonwealth by tractors and motor vehicles without such machinery or wagons being registered, and the temporary suspension of existing laws requiring the registration thereof".

It was agreed to.

The title was agreed to as amended.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Mr. POLEN asked and obtained unanimous consent to call up out of order House Bill No. 44, (Senate Bill No. 21), Printer's No. 70, bill on second reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 44, (Senate Bill No. 21), entitled:

An Act authorizing certain political subdivisions to make appropriations for the payment of expenses of local or district councils of defense within said political subdivisions and for the protection or preparation for the protection of the health, welfare and safety of the civilian population of said political subdivision during emergencies resulting from air raids, blackouts or sabotage; regulating the manner of payment of expenses or local and district councils of defense; authorizing such political subdivisions to borrow money under certain conditions for such purposes providing for the repayment thereof and ratifying confirming and validating appropriations heretofore made for said purposes

The first section was read and agreed to.

The second section was read.

On the question,

Will the House agree to the section?

Mr. POLEN offered the following amendment:

Amend Sec. 2, page 2, line 23, by striking out the word "may" and inserting in lieu thereof: "shall".

It was agreed to.

The section was agreed to as amended.

The third section was read.

On the question,

Will the House agree to the section?

Mr. POLEN offered the following amendments:

Amend Sec. 3, page 3, line 18, by inserting after the word "subdivision" the following: "In each case the said officer or officers shall have the same power to approve or disapprove the same as they have in case of warrants for ordinary expenses of the political subdivision, and no warrant or order for the payment thereof shall be issued without such approval."

Amend Sec. 3, page 8, by inserting between lines 11 and 12, the following: "(e) No purchase or purchases shall be made, no contract entered into, and no expenses incurred by any defense council which involves the payment of more than twenty-five dollars ($25.00) out of the treasury of any second class township, unless the proposed expenditure has been approved in writing by the township supervisors. If any purchase or contract is made, or other expenses incurred contrary to the provisions of this subsection, the township shall not be responsible for the payment thereof, but the person acting for the defense council in such transaction shall be personally liable for such payment."

They were agreed to.

The section was agreed to as amended.

The fourth, fifth and sixth sections and title were separately read and agreed to.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

PERMISSION TO ADDRESS HOUSE

Mr. SARGE asked and obtained unanimous consent to address the House.

Mr. Speaker and gentlemen of the House, this is the first and I think the only time that I will take the floor of the House in this special session. On Tuesday of this week the Chaplain of our House prayed in a manner that warmed the cockles of my heart, and in a manner as only the Chaplain of our House can pray. I was particularly impressed when he said; "God give us men a time like this demands, strong minds, great hearts, true faith and ready hands. Men whom the lust of office cannot kill, men whom the spoils of office cannot buy. Tall men, suncrown'd and kind, who live above the fog in public duty and in private thinking."

Mr. Speaker, as he completed his prayer I had a feeling of elation on being a Member of a House composed of two hundred and eight gentlemen such as we have in this House. I felt that at a time like this when the world is in the crisis that it is, when there is a cry for national unity, I felt glad that I could look into the faces of many of my colleagues in this House on both sides of the House and feel that they were my friends, and hold no feeling of malice towards them.

But later on that same day I was rudely shocked by a speech that was read on the floor of this House by Representative Rosenfeld of Philadelphia, and I wish to refer only to two sentences of that speech, and I quote from that speech, in which he said "Governor James acts with the honesty of a European peace pact and the sportsmanship of a Jap. He has taken a lesson from Pearl Harbor and improved on its treachery."

Mr. Speaker and gentlemen of the House, I rise in humble protest that language of that kind, excoriating the Governor of this Commonwealth, should be made a part of the record of this great body, and I assure you I make this protestation without any feeling of malice or rancor or anger against anybody, but I certainly do regret that any such utterances should be made on the floor of this House.

I say to you, gentlemen, that I have no interest in the controversy that seems to have arisen between the Governor and Mr. Rosenfeld. I do not care what your views are or what mine are on this particular controversy, but I say to you that I just feel that such remarks should not be made about a public official in Pennsylvania. I say to you, and I hope that I say this with sincere honesty, without any qualification, if a Republican colleague of mine should get up on the floor of the House and make

such degratory remarks about the Speaker of this House or anybody, any other Democratic official in high office, I certainly hope that I would have the sense and the Americanism and the patriotism to get up and defend that.

Mr. Speaker, at a recent dinner given for the Minority Floor Leader of this House you heard a Democrat from Virginia openly and publicly make the statement that the Governor of this Commonwealth had cooperated with the Federal Government in its request for unity and cooperation in our war effort to a greater degree than any Governor of any other state in the Union.

Gentlemen, in closing I want to say to you I care not what your political opinions are, I care not how much you may differ with the political opinions of our Governor, but I want to submit to you briefly that I regret that such statements were made on the floor of this House, and I further submit to you that the Governor of Pennsylvania is an American patriot. Thank you.

RESOLUTIONS

INDUCTION OF SELECTEES INTO SERVICE

Messrs. BOWER and HOLLAND offered a resolution and asked and obtained unanimous consent for its immediate consideration.

The resolution was twice read, considered and adopted as follows:

In the House of Representatives, April 9, 1942.

Whereas, The selective service authorities have inaugurated a plan whereby selectees are inducted into service on the same day that they are given their final physical examinations; and

Whereas, This plan compels selectees to leave their homes in the morning prepared to go to camp; and

Whereas, Since more than one-third of such selectees are subsequently rejected as a result of physical defects, great embarrassment is caused to such rejected selectees through their having to apply for reinstatement in their former employment, and through their returning after farewell parties have been held and goodbys have been said to friends and relatives; and

Whereas, Certain selective service boards have proposed a more workable plan for induction whereby—(a) the selectee be sworn into service immediately on passing his final physical examination; and (b) the selectee be given ten days within which to arrange his personal and business affairs before leaving for induction centers; now therefore be it

Resolved, That the House of Representatives of the General Assembly favors the adoption of this more practical plan for induction of selectees into the armed forces; and be it further

Resolved, That the Chief Clerk of the House transmit a copy of this resolution to Brigadier-General Lewis B. Hershey, Director of Selective Service, Washington, D. C.

NEGRO RESERVISTS IN MARINE CORPS AND COAST GUARD

Mr. JEFFERSON offered a resolution and asked and obtained unanimous consent for its immediate consideration.

The resolution was twice read, considered and adopted as follows:

In the House of Representatives, April 9, 1942.

Whereas, Since December 8, 1941, this Nation has been engaged in a life and death struggle against a coalition of foreign powers; and

Whereas, The future of this country, and the fate of democracy itself, depends upon our eventual victory in this battle; and

Whereas, The successful prosecution of the present war demands that our people be completely united, and that neither man power nor machines be allowed to remain idle; and

Whereas, There has, in the past, been a failure to utilize fully the great reserve of man power available in our large and loyal negro population, and this failure has had a tendency to delay the war effort and to create certain racial misunderstandings; and

Whereas, The United States Navy Department, recognizing the foregoing considerations, has now adopted a policy whereby Negro volunteers will be accepted as reservists in the Navy Marine Corps and Coast Guard, and will eventually be assigned to man certain war ships and will be given the same ratings and pay as White enlisted men; and

Whereas, This cordial spirit of experimentation to make the maximum use of Negroes, as their capacities and abilities are developed after enlistment, will not only increase the available man power for our naval forces, but will foster and encourage a feeling of cooperation and unity among Negroes throughout the Nation; therefore be it

Resolved, That the House of Representatives of the General Assembly of the Commonwealth of Pennsylvania, commends the United States Navy Department for its new and laudable policy toward the enlistment of Negroes, and further suggests that the potential benefits to be derived from this new policy and experimentation will be greatly increased if the present tentative plans to commission Negroes as officers in the naval forces are put into effect as soon as their training and capabilities warrant; and be it further

Resolved, That a copy of this resolution be transmitted by the Chief Clerk of the House to Secretary of the Navy, Frank Knox, and to the President, Franklin D. Roosevelt.

HOUSE RESOLUTION No. 47

Mr. BAUGHER. Mr. Speaker, I desire to call up House Resolution No. 47, Printer's No. 73.

The resolution was read by the Clerk as follows:

In the House of Representatives, April 7, 1942.

Whereas, One of the vitally important governmental functions of the Commonwealth of Pennsylvania is the examination registration and licensure of persons seeking to engage in certain professions and occupations and

Whereas, The respective boards and commissions charged by Acts of Assembly with the duty of conducting and supervising such examination registration and licensure occupy a position of the highest responsibility and trust in protecting both the members of the general public and also those persons engaged in the professions and occupations concerned and

Whereas, In certain instances bribes have been solicited and accepted by employes of such boards for the purpose of registering or licensing persons who had taken examinations and were waiting qualification under the law to engage in the profession or occupation involved and

Whereas, Any such corrupt and illegal evasion of the legal safeguards and restrictions governing the practice of certain professions and occupations seriously endangers the general public health safety and welfare as well as destroys the public confidence in the ability of those engaging in these professions and occupations now therefore be it

Resolved, That the Joint State Government Commission shall make a careful thorough and impartial investigation of the activities of the respective boards and commissions charged by law with the duty of examining registering and licensing persons desiring to engage in certain pro-

fessions and occupations for the purpose of discovering and eliminating any bribery or other illegality in such examination registration and licensure It shall be the duty of such commission to make its report to this House of Representatives as soon as possible and to take any other proper action which it may deem advisable in view of its findings The investigations and deliberations of such commission may be continued after the end of the present Extraordinary Session of the General Assembly and be it further

Resolved, That the said commission shall have power to issue subpoenas under the hand and seal of its chairman requesting and commanding any person or persons to appear before them and to answer such questions touching matters properly being inquired into by the committee and to produce such books papers records and documents as the commission may deem necessary Such subpoenas may be served upon any person and shall have the force and effect of subpoenas issued out of the courts of this Commonwealth Each member of said commission shall have power to administer oaths and affirmations to witnesses appearing before the commission Any person who shall wilfully neglect or refuse to testify before said commission or to produce any books papers records or documents shall be subject to the penalties provided by the laws of the Commonwealth in such cases

On the question,

Will the House adopt the resolution?

Mr. TURNER. Mr. Speaker, I desire to interrogate the gentleman from Monroe, Mr. Achterman.

The SPEAKER. Will the gentleman from Monroe permit himself to be interrogated?

Mr. ACHTERMAN. I shall, Mr. Speaker.

Mr. TURNER. Mr. Speaker, has this resolution been amended as stated by the gentleman from Monroe in the meeting yesterday?

Mr. ACHTERMAN. That is correct, it has been, Mr. Speaker.

Mr. TURNER. Referring it to the Joint State Government Commission, Mr. Speaker?

Mr. ACHTERMAN. That is right.

On the question recurring,

Will the House adopt the resolution?

It was adopted.

RESOLUTION

Mr. McINTOSH offered a resolution which was laid over for printing under the Rules.

REPORT OF COMMITTEE OF CONFERENCE ON HOUSE BILL No. 8

Mr. READINGER. Mr. Speaker I desire to offer the report of the Committee of Conference on House Bill No. 8.

The SPEAKER. The report will lie over for printing under the rules.

PERMISSION TO ADDRESS HOUSE

Mr. REUBEN E. COHEN asked and obtained unanimous consent to address the House.

Mr. Speaker, I listened with great interest to the remarks of the gentleman from Lebanon, Mr. Sarge, and I can assure him that as he feels I feel likewise that the controversy to which he made reference should have sunk to so low a level.

However, there was something else that the gentleman said that I want to elaborate on. It was a statement of a Virginia Democrat that the Commonwealth of Pennsylvania had been given such a high degree of praise and that the Governor had been given such high praise for being a very cooperative person and this being a very cooperative state in the war emergency.

I had in mind one subject particularly on which I think this Commonwealth and both Houses of the legislature and the Governor have not shown any inclination to cooperate with the federal government. That is a subject that was brought to the attention of the American public over a month ago by the President of the United States. After the public was able to digest very carefully the rubber shortage and the necessity for conserving rubber and the necessity for conserving gasoline, the President then called upon the nation to make a speed limit of forty miles per hour.

I well remember, Mr. Speaker, four years ago or five years ago when the question of raising the limit to fifty miles per hour was up we had such a furious controversy, and the consensus of opinion was that we should never raise the speed limit above forty miles an hour. Now, a national emergency arises and we find it is expedient to make this reduction to forty miles an hour. At least we have been asked to do it, but I have a complaint to make with reference to both the House, the Senate and the Governor. I have the complaint to make that we did not take the initiative and introduce a measure to reduce the speed limit to forty miles an hour. I find a great deal of fault with the Governor because as in the past and presently he has shown no quality of leadership, and he has made no demand that this House or this Senate take action upon such a proposal. I think we were lax in our duty in not doing it and I think that the Governor of the State, as the chief head of the state government, should have done something about it or he should have insisted that we take some action.

However, we are now in the closing days of the Special Session called mostly as a war purpose proposition, and yet we find that the House and the Senate have not done a thing to enact legislation to put the state and the people of the Commonwealth on notice that forty miles an hour was a safe speed, a sane speed and a saving speed.

I think that we should examine our own actions very carefully and I think we should condemn ourselves for not having taken the time or the trouble or had the foresight to have done something in time to have gone along with the President on this important matter.

PERMISSION TO ADDRESS HOUSE

Mr. TURNER asked and obtained unanimous consent to address the House.

Mr. Speaker, I am particularly interested in the statement of the gentleman from Philadelphia, Mr. Cohen. He must have either read our minds over here on this side or he must have gotten a little message from one of those birdies that told him what we have been busy about in this corner in the last fifteen or twenty minutes—the very subject upon which the gentleman has just spoken. I did not know that he could add to his other qualifications that of mind reading or a sort of presentiment of things that are going to happen.

In the first place let me say to you this, that I disagree with the gentleman from Philadelphia when he says that the Governor should have taken the leadership in insisting upon this House doing something. One of the things the Governor and I have been in very hearty accord on since he was elected in 1938 was the fact that the executive should not force himself upon legislative bodies to insist upon anything. We are a coordinate branch of the government, the responsibility lies with us and if we do not perform our duty we have no right to blame anybody else.

There is a bill in the Senate, in which the speed limit is reduced to forty miles an hour and I thought it was rather unwise. There may be necessity for raising the speed limit, but if you fix it hard and fast now, if we find between now and 1943 we want to raise the speed limit, we would be in bad shape. That is one of the things the Governor had in mind when he proposed emergency powers for the Governor. The legislature disagreed with him on that issue. Therefore, you can hardly blame him if he is not able to handle the matter, which is one of the matters that seems to me will require emergency powers to be granted to somebody to suspend laws at times.

However, the feeling in the Senate, as I am advised, is this, that it might be unwise to absolutely fix by law the speed limit at forty miles per hour. I think if the gentleman from Philadelphia is so concerned about it and he can get his Democratic colleagues to go along we might pass a resolution saying to the Governor if he reduces the speed limit to forty miles an hour the Legislature will back him up in such instances where he deems it wise and necessary to reduce the speed limit, but on the other hand to make it a hard and fast rule seems to me to be very unwise. Mr. Speaker, I can say legislatively that I can see no way around it except to give the power to the Governor to reduce the speed limit or to change it within limits of maybe fifty miles or whatever ceiling you place on the speed limit for the use of the automobiles on the highways.

PERMISSION TO ADDRESS HOUSE

Mr. RUSH asked and obtained unanimous consent to address the House.

Mr. Speaker, coming from a city on the Delaware River where there is quite a bit of shipping, where there are a number of ships sailing, I am particularly interested in some of the citizens of the city of Chester as well as the rest of the Commonwealth and nation. We have many men from Chester who have lost their lives in the last few months by submarine warfare carried on along the Atlantic coast. Many men ship from the city of Chester on oil tankers, cargo ships, and in a good many instances these ships are not armed in any way. They are absolutely helpless against submarines which are plying the waters off the Atlantic coast. As I say a number of those men have been killed, many lives have been lost and in a good many instances the submarine after sinking the ship has machine gunned the life boats and has killed those sailors. They were absolutely helpless.

Therefore, Mr. Speaker, I desire to offer a resolution and ask for its immediate consideration.

RESOLUTION

HEROES OF THE SEA

Mr. RUSH offered a resolution and asked and obtained unanimous consent for its immediate consideration.

The resolution was twice read, considered and adopted as follows:

In the House of Representatives, April 9, 1942.

Whereas, The treacherous axis allies have been plying an undersea attack in waters off the Atlantic coast for the past months; and

Whereas, Our newspapers have carried numerous accounts of the heroism and martyrdom of the civilian seamen who have been aboard torpedoed tankers, freight or passenger carrying ships; and

Whereas, These men just as those in our military forces, have risked their lives in the service of this country and have undergone tribulations which try men's souls with the fortitude and courage of our forefathers; be it therefore

Resolved, That the House of Representatives pause in its deliberations to pay tribute to these unsung heroes of the sea, and to express to them or to their survivors the great thanks of the citizens of this Commonwealth for their inspired efforts in this time of holocaust.

The SPEAKER. Will the Members please rise and remain standing until seated by the Speaker in tribute to our armed forces pursuant to the resolution just adopted.

HOUSE RESOLUTION No. 48

Mr. SARRAF. Mr. Speaker, I desire to call up House Resolution No. 48, Printer's No. 70.

The resolution was read by the Clerk as follows:

In the House of Representatives, April 7, 1942.

Whereas, It is a matter of common medical knowledge that the inoculation of children for the prevention of contagious diseases has greatly reduced the spread of such diseases and minimized the probability of epidemics; and

Whereas, It is not generaly known that such inoculation become ineffective after varying periods of time depending upon the type of inoculation; and

Whereas, Shortages and the consequent rationing of vital food and materials needed for the better protection of the health and safety of the children and the residents of this Commonwealth during the present emergency may occasion a lowering of the necessary standards required for adequate health protection and the consequent epidemics of children's diseases created thereby; and

Whereas, In the prosecution of the present war any attack suffered in the defense of our country may damage and destroy public utility systems which are vital to the health and sanitation of the residents of this Commonwealth such damage or destruction having proved to be the forerunner of epidemics of contagious diseases; and

Whereas, Inoculation against such contagious diseases and reinoculation after certain periods of time would aid in preventing the probability and the spread of such epidemics; therefore be it

Resolved, That the House of Representatives does hereby request the Department of Public Instruction in cooperation with the Department of Health of this Commonwealth to educate and make known to the school children of this Commonwealth and their parents the need for the inoculation and reinoculation of such children for the purpose of preventing the probability and the spread of epidemics of contagious diseases particularly in view of the possible curtailment of vital health facilities because of the present emergency; and be it further

Resolved, That a copy of this resolution be transmitted to the Superintendent of Public Instruction and the Secretary of Health.

On the question,
Will the House adopt the resolution?
It was adopted.

RESOLUTION

STREET CAR AND BUS FARES

Messrs. LEONARD and BAKER offered a resolution and asked and obtained unanimous consent for its immediate consideration.

The resolution was twice read, considered and adopted as follows:

In the House of Representatives, April 9, 1942.

Whereas, The serious rubber shortage resulting from the present war has caused many persons to resort to other modes of transportation than their own automobiles; and

Whereas, The use of street cars and buses in the City of Pittsburgh and in many other localities of the Commonwealth has increased so suddenly and so greatly that the capacities of such modes of transportation have been exceeded; and

Whereas, Any plan whereby the number of passengers using buses and street cars at certain peak periods could be evenly distributed would be of great benefit; and

Whereas, The adoption of a reduced bus or street car fare for certain slack hours would undoubtedly serve to persuade large numbers of shoppers and other casual passengers to do their traveling upon street cars and buses during such slack periods, therefore be it

Resolved, By the House of Representatives of the General Assembly that the Public Utility Commission of the Commonwealth of Pennsylvania be requested to fix reduced street car and bus fares to be in effect during cering certain slack hours as a means of distributing more evenly the street car and bus travel in the City of Pittsburgh or in any other locality where the public transportation facilities have become overburdened to such an extent that the authorities involved feel it necessary to seek such reduced rates; and be it further

Resolved, That a copy of this resolution be transmitted by the Chief Clerk of the House to the members of the Public Utility Commission.

SENATE MESSAGE

APPOINTMENT OF CONFERENCE COMMITTEE ON SENATE BILL No. 41

The Clerk of the Senate being introduced, informed that the Senate insists on its concurrence in the amendments made and insisted upon by the House of Representatives to Senate Bill No. 41, entitled:

An Act to further amend the act approved the fifth day of December, one thousand nine hundred and thirty-six (P. L. 2897, 1937) entitled, "An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry and its existing and newly created agencies, with personnel (with certain exceptions) selected on a civil service basis, requiring employers to keep records and make reports and certain employers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons, providing procedure and administrative details for the determination, payment and collection of such contributions and the payment of such compensation, providing for cooperation with the Federal Government and its agencies, creating certain special funds in the custody of the State Treasurer and prescribing penalties," changing the provisions thereof and the rights, obligations and procedure thereunder.

And has appointed Messrs. Heyburn, Becker and McQuiddy a committee of conference to confer with a similar committee of the House of Representatives (if the House of Representatives shall appoint such committee) on the subject of the differences existing between the two Houses in relation to said bill.

APPOINTMENT OF CONFERENCE COMMITTEE ON SENATE BILL No. 41

Mr. ACHTERMAN. Mr. Speaker, I move that the House insist upon its amendments nonconcurred in by the Senate and that a Committee of Conference be appointed.

The motion was agreed to.

The SPEAKER. The Chair appoints as a Committee of Conference Messrs. REUBEN E. COHEN, O'NEIL and WALTER E. ROSE.

Mr. TURNER. Mr. Speaker, in the absence of Mr. Rose, who asked for leave of absence today, and who I understand is away if it is necessary for that Committee to meet in the early part of the day, he will be back later, —but as the matter stands now, we will have to make a substitution for Mr. Rose, and I would ask that the gentleman from Lebanon, Mr. Sarge, be substituted.

The SPEAKER. The Chair withdraws his appointment to the Committee of Conference on the part of the House of the gentleman from Cambria, Mr. Rose, if there is no objection, and the Chair hears none, appoints in his place the gentleman from Lebanon, Mr. SARGE.

Ordered, That the Clerk inform the Senate accordingly.

BILLS SIGNED BY SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

SENATE BILL No. 26.

A Joint Resolution proposing an amendment to article eight, section eleven, of the Constitution of the Commonwealth of Pennsylvania.

SENATE BILL No. 42.

An Act to suspend and modify existing laws providing for and requiring the use of plates or tags as evidence of registration of any vehicle or payment of any license or registration fee or compliance with any other legal requirement insofar as such laws require the use of plates or tags manufactured of metal or the display on plates or tags of the year number for which issued and by authorizing the use of other material in whole or in part.

Whereupon,
The SPEAKER, in the presence of the House, signed the same.

RESOLUTION INTRODUCED AND REFERRED

By Mr. McINTOSH. RESOLUTION No. 51.

In the House of Representatives, April 9, 1942.

Whereas, It is the duty of the Department of Health and the Bureau of Vital Statistics, under the provisions of the acts, approved the 7th day of June, 1915, P. L. 900, and the 9th day of April, 1929, P. L. 177, to supply certified

copies of the birth records maintained by the Department of Health upon payment of the prescribed fees; and

Whereas, During recent years, persons requesting certified copies of their birth records have experienced great difficulty and delay in securing them with reasonable promptness; and

Whereas, A committee of this House of Representatives, appointed May 28th, 1941, conducted an investigation into the apparent inability of the Department of Health and Bureau of Vital Statistics to perform properly their duties in this respect; and

Whereas, The entrance of our country into war, following the Japanese attack on Pearl Harbor on December 7th, 1941, with the consequent necessity for an increase in our armed forces and for closer supervision over enemy aliens, has greatly increased the demand upon the Department of Health and Bureau of Vital Statistics for birth certificates; and

Whereas, Regardless of the aforementioned investigation and the greatly increased importance for the prompt issuance of birth certificates, the difficulty in promptly securing such birth certificates has not been eliminated; and

Whereas, The measure of promptness in the issuance of birth certificates more than ever directly affects defense industries and the prosecution of the war; now therefore be it

Resolved, By the House of Representatives of the General Assembly, That the Joint State Government Commission, under the powers and duties conferred on it by Act of Assembly, is hereby dircted to make a study of the functions and procedures of the Bureau of Vital Statistics to the end that appropriate remedies may be inaugurated which will expedite the work of the bureau; and be it further

Resolved, That the Department of Health, Bureau of Vital Statistics and any other department or person shall promptly furnish the Joint State Government Commission any information which said Commission deems pertinent to this study; and be it also further

Resolved, That the Joint State Government Commission shall make a report of this study, with recommendations, at the earliest possible date, to the Governor of the Commonwealth of Pennsylvania, to the Secretary of Health of the Commonwealth of Pennsylvania, to the Chief of the Bureau of Vital Statistics, and also that such report and recommendations shall be made to this House at the next session of the General Assembly.

Referred to the Select Committee on Special Session Legislation.

RECESS

The SPEAKER. If there is no objection the Chair is about to declare a recess until 4:30 p. m. Is ther objection? The Chair hears none and a recess is declared.

AFTER RECESS

The House reconvened at 4:30 p. m.

The SPEAKER (Elmer Kilroy) in the Chair.

REPORT OF COMMITTEE OF CONFERENCE ON HOUSE BILL No. 68

Mr. SARRAF. Mr. Speaker, I desire to offer the report of the Committee of Conference on House Bill No. 68.

The SPEAKER. The report will lie over for printing under the rules.

PERMISSION TO ADDRESS HOUSE

Mr. WALTER E. ROSE asked and obtained unanimous consent to address the House.

Mr. Speaker, I asked for leave of absence, if necessary, from today's session. I was home and took care of the part that was necessary and I am back now for the Session. I would like to relinquish my right to any further leave of absence. I would like to check in and if possible I would like a room with running hot water.

The SPEAKER. Does the gentleman desire a three dollar and a half or a five dollar room,

Mr. WALTER E. ROSE. Mr. Speaker, I will take what I get.

The SPEAKER. The gentleman will check in.

CONFERENCE COMMITTEE SUBSTITUTION ON HOUSE BILL No. 41

The SPEAKER. For the information of the Members of the House Senate Bill No. 41, Printer's No. 68, is still on the Speaker's desk. This is the unemployment compensation bill. Due to the absence of the gentleman from Cambria this morning, at Mr. Turner's request the Chair appointed to the Conference Committee the gentlemen from Lebanon, Mr. Sarge. If there is no objection the gentleman from Cambria, Mr. Walter E. Rose, will be appointed to the conference committee on the part of the House to take the place of Mr. Sarge. The Chair hears no objection and the appointment is made.

Ordered, That the Clerk inform the Senate accordingly.

BILL ON THIRD READING

Mr. PRESLEY N. JONES asked and obtained unanimous consent to call up out of order House Bill No. 37 (Senate Bill No. 35) Printer's No. 62, on page 3 of today's calendar, bills on third reading.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 37, (Senate Bill No. 35), as follows:

An Act authorizing the Department of Highways to construct replace or repair bridges in cities of the third class which form connecting links on State highways necessary for National defense in cases where Federal funds and city funds are available for such purposes and authorizing the Secretary of Highways to enter into agreements with the proper Federal authorities and the authorities of cities of the third class covering the construction replacement or repair of such bridges and making an appropriation

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Whenever Federal emergency funds and city funds are available therefor, the Department of Highways is hereby authorized to construct replace or repair bridges in cities of the third class which form connecting links on State highways which have been or may be designated by and Federal agency or department as essential to National defense No such bridge shall be constructed repaired or rebuilt without the consent of the public authorities responsible by law for the maintenance of such bridge

On the question,

Will the House agree to the bill on third reading?

Messrs. PRESLEY N. JONES and MATTHEW J. WELSH. Mr. Speaker, we ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend title, page 1, line 2 of title, by inserting after the word "class" the following: "whether such bridges are owned and maintained by such cities are by the counties in which located."

Amend title, page 1, line 5 of title, by inserting after the word "city" the following: "or county".

Amend title, page 1, line 8 of title, by inserting after the word "class" the following: "or counties".

Amend Sec. 1, page 1, line 1, by inserting after the word "city" the following: 'or county".

Amend Sec. 1, page 2, line 1, by inserting after the word "class" the following: "whether such bridges are owned and maintained by such cities or by the counties in which located."

Amend Sec. 1, page 2, line 1, by inserting after the word "which" the following: "bridges".

Amend Sec. 2, page 2, line 14, by inserting after the word "located" the following: "or the county in case the bridge is owned and maintained by it."

Amend Sec. 3, page 2, line 23, by inserting after the word "city" the following: "or county".

Amend Sec. 3, page 2, line 24, by inserting after the word "city" the following: "or county".

Amend Sec. 5, page 3, line 22, by inserting after the word "class" the following: "and with the authorities of counties".

Amend Sec. 5, page 3, line 23, by inserting after the word "city" the following: "or county".

Amend Sec. 5, page 3, line 27, by inserting after the word "city's" the following: "or county's".

Amend Sec. 5, page 4, line 3, by inserting after the word "city" the following: "or county".

Amend Sec. 5, page 4, line 4, by inserting after the word "city's" the following: "or county's".

Amend Sec. 5, page 4, line 4, by inserting after the word "city" the following: "or county".

Amend Sec. 5, page 4, line 6, by inserting after the word "city's" the following: "or county's".

Amend Sec. 5, page 4, line 9, by inserting after the word "city" the following: "or county".

The SPEAKER. Will the House give unanimous consent to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

CONGRATULATORY RESOLUTION

Messrs. OWENS and CHERVENAK offered a resolution which was twice read, considered and adopted as follows:

In the House of Representatives, April 9, 1942.

The Honorable Albert L. O'Connor, a member of this House, was born on a farm in Jenners Township, Somerset County, where the maple sugar comes from, on April 8, 1893, the son of John R. and Magdalena (Grasser) O'Connor.

Through modesty on the part of the gentleman from Cambria County, his birth was allowed to pass by this House unnoticed. However, by a happy coincidence his colleagues from the Second District of Cambria County, all who range in the same age group, take this occasion to call to the attention of the House the natal anniversary of our colleague.

Popularly known as "Al" back in Cambria County, Assemblyman O'Connor attended the Jenners Township grade school, later attending St. Francis College, Loretto, where he was graduated with a degree of A. B., taught school at the age of seventeen and later was admitted to the bar of Cambria County. A member of this House for four terms, Mr. O'Connor likewise has taken an active part in county politics.

Since we missed his natal day therefore let it be now

Resolved, That on this belated occasion of his birthday his fellow members of the House extend to the Honorable Albert L. O'Connor their heartiest congratulations and best wishes for a great many more such days; and be it further

Resolved, That a copy of this resolution be presented by the Chief Clerk to Mr. O'Connor.

The SPEAKER. The Chair recognizes the gentleman from Cambria, Mr. O'Connor.

Mr. O'CONNOR. Mr. Speaker, and Members of the House, I desire to express my sincere appreciation to you for passing this resolution and I also desire to thank my colleagues for getting awake twenty-four hours late.

Before leaving home Monday I said to my good wife that I could not let this Special Session pass without taking the floor and speaking on some worthy subject. However, I did not think at that time that it would be about my own anniversary. I wish that the Members of the House would take, not their last look, but one good look at me and they will see what the proper use of Somerset County maple syrup will do and produce.

I have had the pleasure and privilege of spending most of my anniversaries in this House since I celebrated my fortieth anniversary here, and inasmuch as my good friends and worthy colleagues and I have no opposition at the Primaries, I hope and feel confident that we will be here next year when we will have the Golden Jubilee.

The SPEAKER. For information of the Members the old gentleman and I are the same age.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 105, (Senate Bill No. 60), as follows:

An Act to modify existing law of the Commonwealth regulating the operation of motor driven vehicles which limits the gross weight or length of such vehicles as are permitted to be operated upon the highways roads and streets within the Commonwealth by authorizing the Secretary of the Department of Highways to issue permits for the use of over weight and over length vehicles in the actual transportation of materials and commodities necessary in the prosecution of the war

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1. In order to facilitate and expedite the movement and transportation over the highways roads and streets within the Commonwealth of materials articles and commodities necessary in the prosecution of the war in which the United States is now engaged and to remove any legal impediment that might interfere therewith the Secretary of the Department of Highways in his discretion is hereby authorized to issue for such periods as

deemed advisable a permit or permits in writing to the owner or owners of vehicles or combinations of vehicles for the use and operation of overweight or oversized vehicles or combinations of vehicles on such routes over the highways roads and streets within the Commonwealth as the Secretary of the Department of Highways may designate upon presentation of an application showing that such movement of overweight or oversized vehicles or combinations of vehicles is necessary in the interests of national defense Provided however That no such permit shall be issued for any vehicle or combinations of vehicles that are not actually engaged in the movement of materials necessary for the prosecution of the war.

Section 2. The provisions of this act shall remain in force only during the continuance of any war in which the United States is now engaged and for a period of sixty days thereafter.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—136

Achterman,	Finnerty,	Longo,	Rush,
Baker,	Fisher,	Lovett,	Sarge,
Balthaser,	Fiss,	Lyons,	Scanlon,
Baugher,	Fletcher,	McClanaghan,	Serrill,
Bentley,	Flynn,	McDermott,	Shepard,
Bentzel,	Foor,	McDowell,	Simons,
Boles,	French,	McIntosh,	Sorg,
Bower,	Gerard,	McKinney,	Stambaugh,
Bradley,	Gillan,	McLane,	Stockham,
Bretherick,	Greenwood,	McMillen,	Tarr,
Brown,	Gross,	Melchiorre,	Tate,
Brunner, C. H.,	Haberlen,	Modell,	Thompson, E. F.,
Brunner, P. A.,	Haines,	Monks,	Trout,
Burns,	Hamilton,	Mooney,	Turner,
Burris,	Hare,	Moul,	VanAllsburg,
Cadwalader,	Harris,	Muir,	Vincent,
Chervenak,	Helm,	O'Brien,	Voldow,
Chudoff,	Herman,	O'Dare,	Wagner,
Cochran,	Hersch,	O'Mullen,	Watkins,
Cohen, M. M.,	Hewitt,	O'Neill,	Weingartner,
Cohen, R. E.,	Huntley,	Owens,	Weiss,
Cook,	James,	Petrosky,	Welsh, E. B.,
Cooper,	Jefferson,	Pettit,	Wilkinson,
Corrigan,	Jones, G. E.,	Polen,	Winner,
Croop,	Kenehan,	Powers,	Wolf,
Cullen,	Kline,	Readinger,	Wood, L. H.,
Dennison,	Knoble,	Reese, D. P.,	Wood, N.,
DiGenova,	Kolankiewicz,	Reese, R. E.,	Woodring,
Dolon,	Lee, E. A.,	Rhea,	Wright,
Duffy,	Lee, T. H.,	Riley,	Yeakel,
Eckels,	Leonard,	Rooney,	Young,
Elder,	Lesko,	Rose, S.,	Kilroy,
Ely,	Leydic,	Rose, W. E.,	Speaker.
Finestone,	Lichtenwalter,	Royer,	

NAYS—21

Boney,	Heatherington,	Malloy,	Regan,
Cordier,	Holland,	Maxwell,	Shaffer,
Gallagher,	Keenan,	Moran,	Taylor,
Gates,	Komorofski,	Munley,	Vogt,
Goodwin,	Krise,	Nunemacher,	Yester,
Gryskewicz,	Leisey,	O'Connor,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return it to the Senate with information that the House has passed it with amendments in which the concurrence of the Senate is requested.

REASONS FOR VOTE

Mr. CHARLES H. BRUNNER filed the following reasons for his vote:

I have voted "yes" for Senate Bill No. 60 because I strongly feel that this measure will aid our present war effort. Transportation facilities are heavily burdened and the future holds forth no prospect of a lightening of the load but on the contrary it is most probable that the load will increase. Accordingly, I feel that trucks and other methods of transportation should be allowed to carry larger burdens, within the bounds of safety, with the hope and a fervent prayer that by so doing, our nation's ultimate glorious victory will be hastened.

RESOLUTION

LOWER MERION TOWNSHIP HIGH SCHOOL BASKETBALL TEAM CONGRATULATED

Mr. CADWALADER offered a resolution and asked and obtained unanimous consent for its immediate consideration.

The resolution was twice read, considered and adopted as follows:

In the House of Representatives, April 8, 1942.

Whereas, The Lower Merion Township High School has again triumphed over all its opponents in the realm of sports by again being crowned the championship high school basketball team in the Commonwealth of Pennsylvania; and

Whereas, The citizens of Montgomery County are proud of the achievements of this high school in both the scholastic and athletic domains; and

Whereas, The House of Representatives is among the first to recognize the outstanding achievements of any educational institution in the State School System, be it therefore

Resolved, That the House of Representatives congratulates the members of the winning basketball team of the Lower Merion Township High School, and be it further

Resolved, That a copy of this resolution be transmitted by the Chief Clerk of the House to the Principal of the high school.

SENATE MESSAGE

APPOINTMENT OF CONFERENCE COMMITTEE ON SENATE BILL No. 65

The Clerk of the Senate being introduced, informed that the Senate insists on its nonconcurrence in the amendments made and insisted upon by the House of Representatives to Senate Bill No. 65, entitled:

An Act to amend section twenty-one as amended of the act approved the seventh day of June one thousand nine hundred and fifteen (Pamphlet Laws nine hundred) entitled "An act to provide for the immediate registration of all births and deaths throughout the Commonwealth of Pennsylvania by means of certificates of births and deaths and burial or removal permits requiring prompt returns to the Central Bureau of Vital Statistics as required to be established by the State Department of Health and in order to secure prompt and faithful registration of births marriages deaths and diseases of practitioners of medicine and surgery or midwives nurses and undertakers and of all persons whose occupation is deemed to be of importance in obtaining complete registration of births deaths marriages and diseases throughout the State as provided in section ten of an act entitled 'An act creating the Department of Health and defining its powers and duties' approved the twenty-seventh day of April nineteen hundred and five and providing penalties for violations of this act" by further regulating the giving of certi-

fied copies of birth certificates to soldiers sailors and marines and war nurses.

And has appointed Messrs. Miller, Mallory and Coleman a committee of conference to confer with a similar committee of the House of Representatives (if the House of Representatives shall appoint such committee) on the subject of the differences existing between the two Houses in relation to said bill.

APPOINTMENT OF CONFERENCE COMMITTEE ON SENATE BILL No. 65

Mr. ACHTERMAN. Mr. Speaker, I move that the House insist on its amendments nonconcurred in by the Senate and that a Committee of Conference be appointed.

The motion was agreed to.

The SPEAKER. The Chair appoints as a Committee of Conference Messrs. HEATHERINGTON, YESTER and VANALLSBURG.

Ordered, That the Clerk inform the Senate accordingly.

BILL ON SECOND READING

Mr. ACHTERMAN asked and obtained unanimous consent to call up out of order House Bill No. 98, (Senate Bill No. 64), Printer's No. 48, on page 1 of today's calendar, bill on second reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 98, (Senate Bill No. 64), entitled:

A Supplement to the act approved March eleventh, one thousand nine hundred forty-two, entitled "An act to provide for the expenses of the Extraordinary Session of the Legislature assembled February seventeenth, one thousand nine hundred forty-two in pursuance of the proclamation of the Governor of the Commonwealth dated February tenth, one thousand nine hundred forty-two, and the supplement thereto."

The first section was read.

On the question,

Will the House agree to the section?

Mr. ACHTERMAN offered the following amendments:

Amend Sec. 1, page 3, by inserting after line 6, the following: "For the payment of the mileage of the officers and employes of the House of Representatives, the sum of seven hundred dollars ($700)."

Amend Sec. 1, page 3, by inserting after line 6, the following:

To the President Pro Tempore of the Senate

For the payment of contingent expenses, including clerical, stenographic, traveling and discretionary charges of the President Pro Tempore during the balance of the year one thousand nine hundred forty-two, the sum of five thousand dollars ($5,000) or as much thereof as may be necessary, to be expended by him for investigating and studying plans, methods and systems for liberalization of the Pennsylvania Unemployment Compensation Law to provide benefits for partial unemployment.

To the Speaker of the House of Representatives

For the payment of contingent expenses, including clerical, stenographic, traveling and discretionary charges of the Speaker of the House of Representatives during the balance of the year one thousand nine hundred forty-two, the sum of five thousand dollars ($5,000) or as much thereof as may be necessary, to be expended by him for investigating and studying plans, methods and systems for liberalization of the Pennsylvania Unemployment Compensation Law to provide benefits for partial unemployment.

They were agreed to.

The section was agreed to as amended.

The title was read and agreed to.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. ACHTERMAN asked and obtained permission for the Select Committee on Special Session Legislation to meet during the session of the House.

REPORTS FROM COMMITTEE

Mr. NAGEL, from the Select Committee on Special Session Legislation, reported as committed, House Resolution No. 51.

Mr. SHAFFER, from the Select Committee on Special Session Legislation, reported as committed, Senate Concurrent Resolution Serial No. 108.

SENATE MESSAGE

RESOLUTION FOR CONCURRENCE

The Clerk of the Senate being introduced presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, April 8, 1942.

Whereas, The United States is now engaged in what would appear to be a long and devastating world war; and

Whereas, To save the Republic is the solemn desire and sincere purpose of every true American; and

Whereas, The American people are being admonished daily to sacrifice and constantly urged by those in authority to return to the practice of strict economy; and

Whereas, Economy in government is vitally essential to its preservation and should at all times be practiced and particularly during periods of national stress and war; and

Whereas, Waste, inefficiency, indolence, and disintegration are in existence, in various forms and degrees, in almost every branch and department of our government; and

Whereas, To locate and eliminate these evils is the patriotic duty of every loyal citizen, especially those paid servants of the people employed as law makers in these legislative halls; therefore, to that end, be it

Resolved, That, if the House of Representatives concurs, a Committee, consisting of three Senators, appointed by the President Pro Tempore of the Senate, and three Members of the House of Representatives, appointed by the Speaker of the House of Representatives, be created, to investigate and explore, impartially and fearlessly, all departments, boards, and agencies of the Commonwealth, including, if advisable, Counties, Cities, Boroughs, Townships, and School Districts, for the purpose of ascertaining whether waste, inefficiency, indolence or disintegration are present, and if so, to study ways and means of eradicating and/or correcting the same, and to make report to the General Assembly of the Commonwealth at its regular meeting in January 1943, with its recommendations.

Such Committee shall have the power to compel the

appearance of witnesses and the production of books, papers and records, and to issue proper subpoenas for the attendance of witnesses and the production of books, papers, records, and any and all other writings deemed necessary for the fulfillment of the duties prescribed by this resolution.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

On the question,

Will the House concur in the resolution of the Senate?

It was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

RESOLUTION

Messrs. HAINES and CADWALADER offered a resolution which was referred to the Committee on Rules.

RESOLUTION INTRODUCED AND REFERRED

By Messrs. CADWALADER and HAINES.

RESOLUTION No. 52.

In the House of Representatives, April 9, 1942.

Whereas, The membership of the House patiently sits through the reading of resolutions, some good and some otherwise; and

Whereas, In past sessions resolutions have been introduced asking the Governor to submit the names of all married women on the State payroll, to endorse egg festivals, to register all lobbyists, to proclaim the three hundred and sixty-five days of the year, exclusive of leap years, as somebody's day, respectively, and to congratulate a member on having a birthday, a sweetheart, a wife, or an heir (of course, this could not refer to the same member during the same session); and

Whereas, Such resolutions, while important, are nevertheless, slightly onerous; be it therefore

Resolved, That the Rules of the House be amended so that all resolutions, except those of condolence, be accepted only after a filing fee of five dollars has been paid to the Chief Clerk of the House; and be it further

Resolved, That the said fees so collected be held in trust by the Chief Clerk of the House until the close of the session, at which time the fund so realized shall be distributed to the Red Cross.

Referred to the Committee on Rules.

CONDOLENCE RESOLUTION

Mr. SHAFFER asked and obtained unanimous consent to have four sponsors on a condolence resolution.

Messrs. SHAFFER, GOODWIN, HEATHERINGTON and MORAN offered a resolution which was twice read, considered and adopted as follows:

In the House of Representatives, April 9, 1942.

Whereas, The House has learned with profound sorrow of the passing of Peter C. Yester, an uncle of the Hon. William J. Yester, a member of this House, at his home in McKeesport, Pennsylvania; and

Whereas, Peter C. Yester devoted his life to improving the civic affairs of his community; and

Whereas, He enjoyed a splendid reputation as a business man in his community, where for a period of over fifty years he was engaged in the vocation of jeweler and optician, be it therefore

Resolved, That the House of Representatives pauses in its deliberations to pay tribute to the memory of this distinguished citizen of this Commonwealth; and be it further

Resolved, That a copy of this resolution be transmitted by the Chief Clerk of the House to the Family of the deceased, thereby conveying the membership's profound sympathy for them in their great bereavement.

SENATE MESSAGES

HOUSE BILLS CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bills from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 69.

An Act to further amend section two of the act approved the seventh day of June, one thousand nine hundred seventeen (P. L. 600), entitled "An act providing that appointive officers and employes, employed by the Commonwealth of Pennsylvania in its civil service, or by any department, bureau, commission, or office thereof, or by any county, municipality, township, or school district, shall not be deemed or held to have resigned or abandoned their offices or employments by reason of enlistment, enrollment, or draft in the military or naval service of the United States or any branch or unit thereof, in time of war or contemplated war; prohibiting the removal from their offices or employments of such officers and employes during the period of their service in the Army or Navy; directing that one-half of the salaries or wages of such officers or employes as have dependent wives, children, or parents, and not exceeding two thousand dollars per annum, be paid during the term of their service in the Army or Navy to such dependents; authorizing the employment during said term of substitutes to perform the duties theretofore performed by such officers or employes, respectively, and providing for the compensation of such substitutes," by providing for the payment into the School Employes' Retirement Fund of certain amounts of the salaries or wages of certain officers or employes under certain circumstances.

HOUSE BILL No. 71.

A Supplement to the act, approved the eighteenth day of July, one thousand nine hundred seventeen (P. L. 1043), entitled "An act establishing a public school employes' retirement system, and creating a retirement board for the administration thereof; establishing certain funds from contributions by the Commonwealth and contributing employes, defining the uses and purposes thereof and the manner of payments therefrom, and providing for the guaranty by the Commonwealth of certain of said funds; imposing powers and duties upon boards having the employment of public school employes; exempting annuities, allowances, returns, benefits, and rights from taxation and judicial process; and providing penalties," defining the rights and obligations of certain members of the School Employes' Retirement Association engaged in active military service.

With the information that the Senate has passed the same without amendment.

AMENDED SENATE BILL NONCONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has nonconcurred in the amendments made by the House of Representatives to Senate Bill numbered and entitled as follows:

SENATE BILL No. 60.

An Act to modify existing law of the Commonwealth

regulating the operation of motor driven vehicles which limits the gross weight or length of such vehicles as are permitted to be operated upon the highways roads and streets within the Commonwealth by authorizing the Secretary of the Department of Highways to issue permits for the use of over weight and over length vehicles in the actual transportation of materials and commodities necessary in the prosecution of the war

APPOINTMENT OF CONFERENCE COMMITTEE ON SENATE BILL No. 60

Mr. ACHTERMAN. Mr. Speaker, I move that the House insist on its amendments nonconcurred in by the Senate and that a Committee of Conference be appointed.

The motion was agreed to.

The SPEAKER. The Chair appoints as a Committee of Conference Messrs. McCLANAGHAN, BAUGHER and MUIR.

Ordered, That the Clerk inform the Senate accordingly.

SENATE MESSAGE

APPOINTMENT OF CONFERENCE COMMITTEE ON SENATE BILL No. 46

The Clerk of the Senate being introduced, informed that the Senate insists on its nonconcurrence in the amendments made and insisted upon by the House of Representatives to Senate Bill No. 46, entitled:

An Act to suspend for a limited time the operation of laws regulating or relating to the movement loading lightering docking and anchorage of vessels carrying or having on board certain explosives insofar as the same relate to the handling or stowing of small arms ammunition or ammunition which contains the projectile and the explosive in one container or shell to from or in such vessels docking or anchoring in the Delaware River and its navigable tributaries.

And has appointed Messrs. Senator Cox in lieu of Senator Stiefel, on the committee of conference to confer with a similar committee of the House of Representatives on the subject of the differences existing between the two Houses in relation to said bill.

ANNOUNCEMENT

The Stream Pollution Study Committee will hold a hearing with Dr. Stewart, Secretary of the Board of Health and Mr. Stewart, Secretary of Forests and Waters on Friday, April 10, 1942 at 10:30 a. m. in the Old House Caucus Room (third floor).

ADJOURNMENT

Mr. BOIES. Mr. Speaker, I move that this House do now adjourn until Friday, April 10, 1942, at 11 a. m.

The motion was agreed to, and (at 6:40 p. m.) the House adjourned.

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal.

Extraordinary Session of 1942.

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SENATE

FRIDAY, April 10, 1942

The Senate met at 11:00 o'clock p. m. E.W.T.

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the Chair.

PRAYER

In the absence of the Chaplain, the Rev. FRANK W. RUTH, offered the following prayer:

Almighty God, Our Heavenly Father, as we come to the close of this session, we thank Thee for the opportunity which Thou hast given to us to render service. We pray that Thou wilt bless the good that we have done and forgive what we have done amiss.

As we return to our homes and to our usual occupations, we know there are going to be many opportunities to serve. We pray that Thou wilt give us the courage and the faith that we may serve our fellow men in the spirit of the poet who said:

"Let me live in a house by the side of the road
Where the race of men go by
The men who are good and the men who are bad
As good and as bad as I.
I would not sit in the scorner's seat
Nor hurl the cynic's ban.
Let me live in a house by the side of the road
And be a friend to man."

So we commit ourselves into Thy hands and we ask Thee to guide us. Use us to bring glory to Thy name and honor to the people of our state. Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. JAMES and Mr. GELTZ, the further reading was dispensed with, and the Journal was approved.

LEAVE OF ABSENCE

Mr. Henry I. Wilson asked and obtained leave of absence for the Senator from Wyoming, Mr. TYLER.

Mr. Thomas asked and obtained leave of absence for the Senator from Dauphin, Mr. TAYLOR.

Mr. Edmonds asked and obtained leave of absence for the Senator from Philadelphia, Dr. WOODWARD.

NOMINATIONS BY THE GOVERNOR

NOTARIES PUBLIC

The Secretary to the Governor being introduced, presented in writing from His Excellency, the Governor of the Commonwealth, nominations for appointment as Notaries Public.

CONSIDERATION OF NOTARIES PUBLIC

Mr. JAMES. Mr. President, I move that the Senate do now proceed to the consideration of nominations for appointment as Notaries Public, sent to the Senate, April 10, 1942, by His Excellency, the Governor of the Commonwealth.

Mr. MILLER. Mr. President, I second the motion.

The motion was agreed to.

The nominations were read as follows:

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 10, 1942.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

CAMBRIA COUNTY

Miss Catherine M. Lux, Johnstown.

CHESTER COUNTY

Charles F. Brown, Phoenixville.

MONTGOMERY COUNTY

C. L. Seiders, Lower Merion Twp., 762 Lancaster Ave., Bryn Mawr.

NORTHAMPTON COUNTY

Miss Mary A. McClain, North Catasauqua.

PHILADELPHIA COUNTY

Harvey J. Aungst, 126 South 52nd St., Philadelphia.
Miss Esther Cohen, 1731 South 6th St., Philadelphia.

ARTHUR H. JAMES

NOMINATIONS FOR NOTARIES PUBLIC

A motion was made by Mr. JAMES and Mr. MALLERY, That the Senate do advise and consent to said nominations.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	DiSilvestro,	Lanius,	Snowden,
Bartlett,	Ealy,	Letzler,	Stevenson,
Becker,	Edmonds,	Mallery,	Stiefel,
Carr,	Farrell,	McCreesh,	Tallman,
Cavalcante,	Geltz,	McGinnis,	Thomas,
Chapman,	Haluska,	McQuiddy,	Wade,
Coleman,	Heyburn,	Miller,	Walker,
Cox,	Homsher,	Reed,	Watkins,
Crider,	James,	Ruth,	Wilson, H. I.,
Crowe,	Jaspan,	Scarlett,	Wilson, T. B.,
Deitrick,	Kephart,	Shapiro,	Ziesenheim,
Dent,			

NAYS—0

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

He also presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Executive Nominations.

JUSTICE OF THE PEACE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 10, 1942.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Henry Price, Cresco, Monroe County, for appointment as Justice of the Peace in and for the Township of Barrett, Monroe County, until the first Monday in January, 1944, to fill a vacancy.

ARTHUR H. JAMES

REPORT FROM COMMITTEE OF CONFERENCE ON SENATE BILL No. 65

Mr. MILLER. Mr. President, I am directed by the Committee of Conference to make a report on Senate Bill No. 65, entitled:

An Act to amend section twenty-one as amended, of the act, approved the seventh day of June, one thousand nine hundred and fifteen (P. L. 900), entitled "An act to provide for the immediate registration of all births and deaths throughout the Commonwealth of Pennsylvania, by means of certificates of births and deaths, and burial or removal permits; requiring prompt returns to the Central Bureau of Vital Statistics, as required to be established by the State Department of Health; and, in order to secure prompt and faithful registration of births, marriages, deaths, and diseases of practioners of medicine, and surgery, or midwives, nurses, and undertakers, and of all persons whose occupation is deemed to be of importance in obtaining complete registration of births, deaths, marriages, and diseases throughout the State, as provided in section ten of an act, entitled 'An act creating the Department of Health and defining its powers and duties,' approved the twenty-seventh day of April, nineteen hundred and five, and providing penalties for violations of this act," by further regulating the giving of certified copies of birth certificates to soldiers, sailors and marines and war nurses.

The PRESIDENT. The report will lie over for printing.

REPORT OF COMMITTEE OF CONFERENCE ON SENATE BILL No. 46

Mr. EDMONDS. Mr. President, on behalf of the conferees on Senate Bill No. 46, relating to explosives, I present the report of the Conference Committee which is unanimous.

I want to call the attention of the Senators to the fact that this report was signed last night and has been printed, and in printing, Number 73, I am sorry to say two lines were left out by the printer, and that correction will have to be made in a reprinting.

The report on Senate Bill No. 46, entitled:

An Act to suspend for a limited time the operation of laws regulating or relating to the movement loading lightering docking and anchorage of vessels carrying or having on board certain explosive insofar as the same relate to the handling or stowing of small arms ammunition or ammunition which contains the projectile and the explosive in one container or shell to from or in such vessel docking or anchoring in the Delaware River and its navigable tributaries.

The PRESIDENT. The report will lie over for printing.

COMMITTEE TO NOTIFY THE GOVERNOR THAT THE SENATE IS READY TO ADJOURN SINE DIE

Mr. MILLER offered the following resolution which was twice read, considered and agreed to:

In the Senate, April 10, 1942

Resolved, That a Committee of three members of the Senate, be appointed to wait upon his Excellency, the Governor, and inform him that the Senate is now ready to adjourn sine die, and inquire if he has any further communications to make.

COMMITTEE TO NOTIFY THE HOUSE THAT THE SENATE IS READY TO ADJOURN SINE DIE

Mr. MALLERY offered the following resolution which was twice read, considered and agreed to:

In the Senate, April 10, 1942

Resolved, That a Committee of two Senators be appointed to notify the House of Representatives that the Senate is now ready to adjourn sine die.

QUESTION OF PERSONAL PRIVILEGE

Mr. JASPAN. Mr. President, I rise on a question of personal privilege.

The PRESIDENT. The gentleman from Philadelphia will proceed.

Mr. JASPAN. Mr. President, George Sand, the famous author, is quoted as saying in Consuello, "I am only man, and breathe and live for man." Ralph Waldo Emerson is quoted as saying: "Great men live so that greater men may come."

So I characterize Albert Reed, our Senator from Washington County, Pennsylvania. Senator Reed is ready to leave the political arena, after having served eight years in the Senate. It is our loss and I must express my deep regrets. During my acquaintance with him, he has exhibited traits unusual in men attached to the political game; he has demonstrated strength of character and sincerity of purpose. His character and his sincerity of purpose have been as constant as the rising and the setting of the sun. He is honest, intelligent, courageous. Often in fighting for a principle he has relegated politics to the ash heap. No one could ever impugn or attack his

motives, his integrity or honesty. In fighting for a principle, he has fought in the true American way, clean and hard, and always above the belt, and in fighting he has shown other traits, uncommon to the average man, namely, consideration and understanding.

Albert Reed, you have been true blue and as time goes on we will keenly feel your loss as a Senator. You have performed an excellent job; keep up the good work in other fields. I sincerely hope that sooner or later you will return to the political arena; we need men of your caliber.

Gentlemen, I could go on extolling his virtues, but you know him, you understand him. If ever there was a man, he is one. Yes, he has been true to his conscience, true to you, and above all, true to his country.

Apropos of his public character, I conclude with the words of John G. Holland.

GIVE US MEN

"God give us men! A time like this demands
Strong minds, great hearts, true faith and ready hands,
Men whom the love of office can not kill;
Men whom the spoils of office can not buy;
Men who possess opinions and a will;
Men who have honor; men who will not lie;
Men who can stand before a demagogue
And damn his treacherous flatteries without winking!
Tall men, sun crowned who live above a fog
In public duty, and in private thinking—
For while the rabble with their thumb-worn creeds
Their large professions and their little deeds,
Mingle in selfish strife, lo! Freedom weeps,
Wrong rules the land and waiting justice sleeps!"

Albert Reed, we wish you Godspeed.

Mr. EDMONDS. Mr. President, I am very glad to join in the tribute to the gentleman from Washington, Senator Reed, that has been given by the Senator from Philadelphia, and I would like to be understood as underwriting all that the gentleman from Philadelphia has said with reference to the character and ideals that the Senator from Washington has brought into his work.

There is another of our colleagues, Mr. President, to whom we say good-bye; He has been called by the people of his community for another service, and because of that other service, he will no longer be with us.

Senator Robert M. Miller, of Luzerne County, has been a member of this Senate for four years. We have all enjoyed him as a colleague, we have found him a man of honor, we have found him a man of precision, in the study he has made of legislation, and in certain branches of military work he has rendered a distinct service to this Commonwealth, which we are glad now to acknowledge.

On this side of the House, we felt it was appropriate that Senator Miller should carry into his new duties something which would commemorate the friendships he has formed in this Senate. Therefore, on behalf of the Senators, I have the pleasure of presenting to him this wrist watch. This does not mean necessarily that he needs this watch in order to fulfill his engagements, but I remind him of a story. After the Civil War, when General Lee was discussing General Grant, who was the opponent that finally defeated him, General Lee made the remark that of all the generals he has faced, Grant was the only one who had the art of making his battles meet scheduled time.

So I say to you, Senator Miller, this wrist watch is presented to you with the regard, respect, and affection of your colleagues in the Senate, with the sincere hope that all of the battles in which you are engaged may keep to their scheduled time.

Good luck to you.

Mr. MILLER. Mr. President, my distinguished colleague from Montgomery County, and fellow Senators, I wish to express my most heart felt appreciation of the kind remarks just rendered by Senator Edmonds, because I know they are sincere.

It is sometimes regrettable that in one's life he is called upon to make a decision, and such was my lot. When I was proposed as a candidate for county controller in Luzerne County, I thought and pondered over the point as to whether or not I would stand to run, feeling quite definite that if it were my desire to again aspire to be privileged to serve in this august body that I could have done so, but after due consideration I made a decision which has made it impossible for me to return.

I want to say, Mr. President, that I have enjoyed my experience here. I have been privileged to be a member of many organizations, I have attended school, prep school and college, I have served in the armed forces and I have met a great many people, but this group with whom I have been privileged to serve for the past four years will stand out in my mind as the greatest group of individuals it has ever been my pleasure to have been associated with, and I shall cherish the friendships I have made here for years to come.

I want to thank my colleagues for this fine gift and say that as I wear it with pride, that every tick of this watch will remind me of the splendid associations I have enjoyed here in the Senate.

I thank you.

PERMISSION TO ADDRESS THE SENATE

Mr. EDMONDS. Mr. President, I ask unanimous consent to make a brief statement.

The PRESIDENT. The gentleman from Montgomery will proceed.

Mr. EDMONDS. During past sessions of the Senate, I have always felt that it was a mistake for members of the Senate to express their opinions too freely concerning national questions and national issues, and sometimes I have felt that we spend more time upon them than we did upon state matters.

I want to say, however, that personally I have reached this conclusion, which is a conclusion that is forced upon me by the disaster to the American Army in the Philippine Islands, that the time has now come when men who have opinions on this subject should express those opinions in any form they can.

I want to quote the words of Woodrow Wilson, who was the last war president of the United States. When some one said to him people of the opposing party ought not to criticize you, you represent the nation, Woodrow Wilson replied by saying, we do not need less criticism

in time of war but more; it is to be hoped that the criticism will be constructive, but better unfair attack than indifference.

To that opinion of Woodrow Wilson, Mr. President, I subscribe, and if it shall please the people of Montgomery County to send me back again to this Senate, then, Mr. President, I want to give fair notice of the fact that there are certain questions relating to national life on which we of the Senate have a right to express ourselves and I hope we will do it.

I have in my hand here a copy of the Atlantic Monthly for April, the first article in which is entitled "Team work in Washington," written by Wayne Coy, who occupies a prominent position under the President in Washington, and who is a well known advocate of the New Deal. I quote from the first paragraph of his article, that this is the best administration that has ever lost a great war, and it seems to me the facts he gives in his article justify the thought that attention should be directed to certain matters and certain questions in which there is a lack of team work at the present time. He directs attention to the fact that while the Dutch East Indies, Port of Soerabaga was under attack by the Japanese an American vessel arrived, and when that American vessel arrived the people there thought with great joy they were getting relief from America, but it turned out that vessel was carrying thousands of empty beer bottles which had previously been ordered and for which the permit and shipping arrangements for their export had been made months before the war broke out in the Far East.

The lack of teamwork which allowed that American vessel to be used for that kind of purpose, when there is need of American vessels to carry relief to American armies, is to my mind an illustration of the fact that there is chaos in certain departments in Washington, and I merely want to say now to my friends of the Senate that if I shall be returned to this body, it will seem to me to be only my duty to direct the attention of the Senators to certain attributes of federal legislation and federal administration which are not helping us to win the war, and in order that we may win the war, which is the first effort of us all, we have a right to criticize and to make that criticism as forceful as we can.

I think I will not quote another story that I heard concerning Washington, but I will comment very frankly concerning certain things that are being recommended to us at this time relating to national affairs—I refer particularly to a bill that has been referred to committee providing for the cession of certain ground in Delaware County for the purpose of erecting a forge. That ground, it ceded to the Federal Government in order to make its use possible by the Federal Government, is free from taxation in this state, but the cession of that land, or giving it away, would not only make a hole in the lines of our counties, but put us in a position where after the war is over we would find ourselves seriously handicapped.

On the question as to what may happen to that land, I call attention of the Senators to the fact that years ago there was a mint in Philadelphia at Juniper and Chestnut Streets, and that mint was on ground ceded by the state to the United States Government, and then the United States Government decided that it wanted another mint at Seventeenth and Spring Garden Streets. They bought the ground for it and announced that the site at Juniper and Chestnut Streets, one of the most valuable sites in Philadelphia, was for sale; eventually a group was organized to buy it, and they bought it for one million dollars; they paid down one hundred thousand dollars and made a contract whereby they were to pay one hundred thousand dollars a year for nine years, title to remain in the government as security; and the result was that for nine years no taxes could be collected from that valuable site, although it was not used by the Federal Government during that time, but was just awaiting completion of the sale. The Supreme Court decided it was legal.

That is just illustrative of the difficulty that comes to us if we give our land too freely into the control of the Federal Government, and if any of the gentlemen on the other side want to ask me who profited by that transaction, it will be a pleasure to tell them it was George H. Earle, Jr., and the four hundred thousand dollars that he got out of the City of Philadelphia by avoiding paying taxes on that site is part of the fortune that is now being administered by his successor. We do not want that to again happen in Pennsylvania.

We know very well that the Federal Government has secured thousands of acres of land in this state—I think you will find it is about thirteen thousand acres, timber land—secured for the purpose of reenforcing the paper supply. I do not want to see that land ceded to the Federal Government so that it may be taken out of the taxing control of the local government when the time comes that the necessity is over.

As these questions arise, affecting ourselves, personally as I learn about them, I expect to bring them to the attention of the Senate. It seems to me that the time has passed for us to be close-mouthed on questions relating to the policy of the national government; the time has come when everyone truly democratic must unite in order to put out his best in order that the country may win, and if we have made a bad start in the Philippine Islands, let us hope that is another Bull Run that will be followed a little bit later on with an Appomattox.

HOUSE MESSAGE

HOUSE INSISTS UPON ITS AMENDMENTS NON-CONCURRED IN BY THE SENATE TO SENATE BILL No. 60 AND APPOINTS COMMITTEE OF CONFERENCE

The Clerk of the House of Representatives being introduced, presented communication from the House of Representatives informing the Senate that the House insists upon its amendments non-concurred in by the Senate to Senate Bill No. 60, entitled:

An Act to modify existing law of the the Commonwealth regulating the operation of motor driven vehicles which limit the gross weight or length of such vehicles as are permitted to be operated upon the highways of the Commonwealth by authorizing the Secretary of the Department of Highways to issue permits for the use of over-weight and over-length vehicles in certain cases.

and has appointed Messrs. McClanahan, Baugher and Muir as a Committee of Conference to confer with a similar committee of the Senate (if the Senate shall ap-

point such committee) to consider the differences existing between the two houses in relation to said bill.

SENATE INSISTS UPON ITS NON-CONCURRENCE IN AMENDMENTS BY THE HOUSE TO SENATE BILL No. 60 AND APPOINTS COMMITTEE OF CONFERENCE

Mr. GELTZ. Mr. President, I move that the Senate insists upon its non-concurrence in the amendments made by the House to Senate Bill No. 60, and that a committee of Conference be appointed on the part of the Senate.

Mr. FARRELL. Mr. President, I second the motion.

The motion was agreed to.

The PRESIDENT. The President Pro Tempore appoints Messrs. Wade, Snowden and Barr to be said committee on the part of the Senate, and that the Clerk inform the House of Representatives accordingly.

INTRODUCTION TO THE SENATE OF LIEUTENANT SAM LUMPKIN, SPEAKER OF THE HOUSE, STATE OF MISSISSIPPI

The PRESIDENT. The Chair has the honor and the privilege to present to the Senate Lieutenant Sam Lumpkin, Speaker of the House of the State of Mississippi. Lieutenant Lumpkin.

Lieutenant Lumpkin. Mr. President and members of the Senate, I am happy indeed to have the honor and the opportunity to visit the great historical State of Pennsylvania. In all of my travels, I do not believe that I have ever been in a State House more beautiful than the one you have in Pennsylvania.

In the 1940 Session of the Mississippi Legislature, I undertook to model some Mississippi legislation from some Pennsylvania legislation, by introducing a conservation law which was modeled from the Pennsylvania set up, but that bill put too much oil and gas and fish together, and patronage and economy, and therefore the boys defeated it.

I think I will tell this story—I know you are busy and this is your last day, and I certainly will not take up your time, but I would like to tell this story which happened to be in my first session as Presiding Officer of the House in Mississippi.

A very distinguished old gentleman was a member for his first term; He sat quietly at his desk, he had never lit a cigar nor a cigarette nor a pipe, never picked up a newspaper to read, he had never made a motion, he had never made a speech, he never made one iota of noise, the quietest old gentleman I have ever known in my life, and you know, a Presiding Officer certainly has respect for that kind of a man, and so, during one of the closing days of the session there was up for consideration the adoption of a conference report, and it was very bitter. You know, down in Mississippi, way back in about 1861, 1862, or 1863, somewhere around there, somebody thought that it was unwise to have two political parties, and so they just abolished the Republican Party down in Mississippi, but we have just as much fun as with two parties, because the Democrats divide up into factions and fight just as hard. So, members of the Senate, this was a very strenuous day, and fifteen or twenty members of the House were clamoring for the floor, hollering, Mr. Speaker, Mr. Speaker, and it was a very precarious situation, and this old gentleman, who had never made a motion, who had never uttered a word, arose and stretched out his arms and both hands. I immediately recognized him, saying "The gentleman from Tishamingo will be recognized," and it surprised the membership so much that silence came over the House, and the old gentleman said, "Mr. Speaker, I never riz for recognition, I riz for recreation."

I am going to have the honor of being in the State of Pennsylvania for a short while. Our House Session just closed three weeks ago and that is when I became a soldier.

I am very happy to have had the privilege and the pleasure of visiting with you.

Thank you very much.

The PRESIDENT. Mr. Speaker, I think the Senate of Pennsylvania has one over the House of Representatives in Mississippi. You say you only have one party, and that is the Democratic party with a number of factions, Well, we have a Republican Party, and we have a Democratic Party, both with a lot of factions.

I am glad to hear you say that Mississippi took a leaf out of the book of Pennsylvania and tried to follow our conservation program. I think Pennsylvania should take a leaf out of the Mississippi program and the programs of all the Southern states, in retaining in public office the good minds of the Legislature, whether they be in the House or in the Senate.

I had experience in Washington, being Secretary of the Congress, for quite a number of years, and I found that the Democratic members of the House and the Senate from the South, because of their long tenure, and their ability to make contacts in Washington, really were more successful in getting things even from an administration of a different faith than those who were only in and out every two years, so therefore I hope all of you gentlemen will be returned on both sides.

RECESS

Mr. GELTZ. Mr. President, I move that the Senate do now take a recess until 1:30 o'clock, p m.

Mr. MILLER. Mr. President, I second the motion.

The motion was agreed to.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed the Senate will be in order.

HOUSE MESSAGES

HOUSE CONCURS IN SENATE BILL No. 84

The Clerk of the House of Represntatives being introduced, returned to the Senate, Senate Bill No. 84, entitled:

An Act to conserve metal by suspending the provisions of article five of the act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the

highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," and its amendments, in so far as they require the issuance and use of more than one registration plate.

with the information that the House has passed the same without amendments.

HOUSE ADOPTS REPORT OF CONFERENCE COMMITTEE ON HOUSE BILL No. 8

He also informed the Senate that the House has adopted the report of the Conference Committee on House Bill No. 8, entitled:

An Act to further amend section two of the act, approved the seventh day of June, one thousand nine hundred seventeen (P. L. 600), entitled "Status of Public Officers and Employes in Military Service in Time of War or contemplated War Act," by more fully defining amounts payable.

SENATE ADOPTS CONFERENCE COMMITTEE REPORT ON HOUSE BILL No. 8

Mr. GELTZ. Mr. President, I move that the Senate do now proceed to the consideration of the Conference Committee Report on House Bill No. 8.

Mr. MILLER. Mr. President, I second the motion.

The motion was agreed to.

SUSPENSION OF RULE 21

Mr. GELTZ. Mr. President, I move that Rule 21, which requires Conference Committee Reports to be noted on the Calendar, be in this case dispensed with, and that the Senate proceed to the consideration of the Report of the Committee of Conference made by the House to the foregoing bill.

Mr. MILLER. Mr. President, I second the motion.

The motion was agreed to.

The report was read as follows:

REPORT OF THE COMMITTEE OF CONFERENCE ON HOUSE BILL No. 8

To the Members of the Senate and House of Representatives

We, the undersigned Committee of Conference on the part of the Senate and House of Representatives for the purpose of considering House Bill No. 8, entitled: "An Act to further amend section two of and to add Sections four and five to the act approved the seventh day of June, one thousand nine hundred seventeen (Pamphlet Laws 600), entitled 'An act providing that appointive officers and employes employed by the Commonwealth of Pennsylvania in its civil service or by any department bureau commission or office thereof or by any county, municipality township or school district shall not be deemed or held to have resigned or abandoned their offices or employments by reason of enlistment, enrollment or draft in the military or naval service of the United States or any branch or unit thereof in time of war or contemplated war; * * *' by more fully defining amounts payable, limiting the time such amounts are payable and limiting the conditions of resumption of office or employment."

Respectfully submit the following bill as our report:

O. J. TALLMAN,
J. ALBERT REED,
FRED'K L. HOMSHER,
(Committee on the part of the Senate)

ALBERT S. READINGER,
FRED MARKS,
ARTHUR P. BRETHERICK,
(Committee on the part of the House of Representatives)

An Act to further amend section two of and to add Sections four and five to the act approved the seventh day of June one thousand nine hundred seventeen (Pamphlet Laws 600) entitled "An act providing that appointive officers and employes employed by the Commonwealth of Pennsylvania in its civil service or by any department bureau commission or office thereof or by any county municipality township or school district shall not be deemed or held to have resigned or abandoned their offices or employments by reason of enlistment enrollment or draft in the military or naval service of the United States or any branch or unit thereof in time of war or contemplated war prohibiting the removal from their offices or employments of such officers and employes during the period of their service in the Army or Navy directing that one-half of the salaries or wages of such officers or employes as have dependent wives children or parents and not exceeding two thousand dollars per annum be paid during the term of their service in the Army or Navy to such dependents authorizing the employment during said term of substitutes to perform the duties theretofore performed by such officers or employes respectively and providing for the compensation of such substitutes" by more fully defining amounts payable limiting the time such amounts are payable and limiting the conditions of resumption of office or employment

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section two of the act approved the seventh day of June one thousand nine hundred seventeen (P. L. 600) entitled "An act providing that appointive officers and employes employed by the Commonwealth of Pennsylvania in its civil service or by any department bureau commission or office thereof or by any county municipality township or school district shall not be deemed or held to have resigned or abandoned their offices or employments by reason of enlistment enrollment or draft in the military or naval service of the United States or any branch or unit thereof in time of war or contemplated war prohibiting the removal from their offices or employments of such officers and employes during the period of their service in the Army or Navy directing that one-half of the salaries or wages of such officers or employes as have dependent wives children or parents and not exceeding two thousand dollars per annum be paid during the term of their service in the Army or Navy to such dependents authorizing the employment during said term of substitutes to perform the duties theretofore performed by such officers or employes respectively and providing for the compensation of such substitutes" as amended by the act approved the twenty-fifth day of June one thousand nine hundred forty-one (P. L. 207) is hereby further amended to read as follows

Section 2 Any said officer or employe so enlisting enrolling or drafted and having a dependent or dependents as aforesaid may at the time of his enlistment enrollment or draft or immediately thereafter file with the head or chief of the department bureau commission or office in which he is employed a statement in writing executed under oath setting forth the fact and date of his enlistment enrollment or draft his intention to retain

his said office or employment and to resume the duties thereof after the expiration of his service in the military or naval service or any branch or unit thereof and the names and addresses of his dependent wife children and [dependent] parent or parents if any such he have and requesting and directing that one-half of the salary or wages of his said office or employment not exceeding two thousand ($2,000.00) dollars per annum shall be paid during his service in the military or naval service or any branch or unit thereof as follows

If he is a member of the States Employes' Retirement Association or the Pennsylvania Motor Police Retirement System he may direct the State Treasurer to pay into the State Employes' Retirement Fund an amount certified to the State Treasurer by the State Employes' Retirement Board in a manner now or hereafter provided by law The balance thereof if he have a dependent wife to his wife for her use and that of his children if he have dependent children and no wife then to such person as he may designate for the use and benefit of his children If he have a dependent parent or parents then he shall direct such sum as he has theretofore been accustomed to contribute to their support to be paid to them and the amount payable to his wife or children if any he have shall be proportionately decreased If he have no dependent wife or children he may direct [the entire one-half of his said salary or wages not exceeding two thousand ($2,000.00) dolars per annum to be paid to his dependent parent or parents if any such he have] such sums as he has heretofore been accustomed to contribute to his dependent parent or parents to be paid to such parent or parents and no more all sums so directed to be paid shall be paid to the Commonwealth agency and/or the person designated in the same proportional instalments as nearly as may be as the salary or wages of such person were theretofore paid to him Provided however That the amount of benefits paid under the provisions of this act shall in no case exceed an amount which added to the aggregate amount paid to such officer or employe by the United States as compensation and dependency allowances if any and when such officer or employe is quartered with the aforesaid dependents allowances for rentals and subsistence provided in money or facilities totals more than the salary or wages paid to such officer or employe by the Commonwealth or by any county municipality or township within the Commonwealth at the time of his entry into such military or naval service and Provided further That no benefits under this act shall be paid to any dependent or dependents as herein defined in excess of such sum or sums as such officer or employe has been paying such dependent or dependents under order of a court of competent jurisdiction Provided That the benefits payable hereunder shall be computed solely upon such portion of the salary or wages of such employes as is paid by the Commonwealth county municipality or township and not upon any portion thereof which is derived from funds contributed to the Commonwealth or any political subdivision thereof by the Government of the United States or any agency thereof Provided further That if the Government of the United States or any agency thereof at any time makes provision for the payment of contributions or benefits to the dependents of such employes such contributions or benefits shall be payable to such dependents but no payments by the Commonwealth or any political subdivision when added to the contribution made by the Government of the United States or any agency thereof shall exceed in the aggregate the payments permited by this act With such statement that he shall also file powers of attorney authorizing the Commonwealth agency and/or the proper dependents to receive their proportion of said salary or wages as aforesaid

Section 2 Said act is hereby amended by adding the following new sections

Section 4 The amounts payable under this act shall cease to be payable to the dependent or dependents of any such officer or employe who voluntarily continues in the military or naval service or any branch or unit thereof after the termination of the period of war or contemplated war during which he entered the service

Section 5 No such officer or employe who is seperated from the service by undesirable bad conduct or dishonorable discharge shall be permitted to resume his said office or employment after separation from the service in such manner

Section 3 This act shall become effective immediately upon final enactment

SENATE ADOPTS CONFERENCE REPORT ON HOUSE BILL No. 8.

Mr. GELTZ. Mr. President, I move that the Senate do now adopt Report of Conference Committee on House Bill No. 8.

Mr. MILLER. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. EDMONDS. Mr. President, does the printed report appear in our file, and if so what is the printer's number?

The PRESIDENT. The Chair is informed the printer's number is 74.

And the question recurring.

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Barr,	Dent,	Kephart,	Snowden,
Bartlett,	DiSilvestro,	Lanius,	Stevenson,
Becker,	Ealy,	Letzler,	Stiefel,
Carr,	Edmonds,	Mallery,	Tallman,
Cavalcante,	Farrell,	McCreesh,	Thomas,
Chapman,	Frey,	McGinnis,	Wade,
Coleman,	Geltz,	McQuiddy,	Walker,
Cox,	Haluska,	Miller,	Watkins,
Crider,	Homsher,	Reed,	Wilson, H. I.,
Crowe,	James,	Ruth,	Wilson, T. B.,
Deitrick,	Jaspan,	Shapiro,	Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

HOUSE ADOPTS REPORT OF CONFERENCE COMMITTEE ON HOUSE BILL No. 68

He also informed the Senate that the House had adopted report of the Conference Committee on House Bill No. 68, entitled:

An Act to amend section two of the act approved the tenth day of July one thousand nine hundred thirty-five (P. L. 645) entitled "An act imposing certain requirements on certain hospitals receiving State aid authorizing the withholding of appropriations and imposing duties on the Department of Welfare" by providing that during the present war and six months thereafter funds shall not be withheld from hospitals for violation of such act if the Secretary of Welfare determines that the constant attendance of a licensed physician or resident interne cannot be secured by such hospitals because of the war emergency

SENATE ADOPTS REPORT ON CONFERENCE COMMITTEE ON HOUSE BILL No. 68

Mr. GELTZ. Mr. President, I move that the Senate do now proceed to the consideration of the Report of the Conference Committee on House Bill No. 68.

Mr. MILLER. Mr President, I second the motion.

The motion was agreed to.

SUSPENSION OF RULE 21

Mr GELTZ. Mr. President. I move that Rule 21, which requires Conference Committee Reports to be noted on the Calendar, be in this case dispensed with, and that the Senate proceed to the consideration of the Report of the Committee of Conference made by the House to the foregoing bill.

Mr. MILLER. Mr. President, I second the motion.

The motion was agreed to.

The report was read as follows:

REPORT OF THE COMMITTEE OF CONFERENCE ON HOUSE BILL No. 68

To the Members of the Senate and House of Representatives:

We, the undersigned, Committee of Conference on the part of the Senate and House of Representatives for the purpose of considering House Bill No. 68, entitled: "An Act to amend section two of the act, approved the tenth day of July, one thousand nine hundred thirty-five (Pamphlet Laws 645), entitled 'An act imposing certain requirements on certain hospitals receiving State aid; authorizing the withholding of appropriations; and imposing duties on the Department of Welfare,' by providing that during the present war and six months thereafter, funds shall not be withheld from hospitals for violation of such act, if the Secretary of Welfare determines that the constant attendance of a licensed physician or resident interne cannot be secured by such hospital because of the war emergency."

Respectfully submit the following bill as our report:

CHARLES A. P. BARTLETT,
CLARENCE D. BECKER,
JOHN FREMONT COX,
(Committee on the Part of the Senate.)

GEORGE J. SARRAF,
W. W. SERRILL,
(Committee on the part of the House of Representatives.)

An Act to amend section two of the act approved the tenth day of July one thousand nine hundred thirty-five (P. L. 645) entitled "An act imposing certain requirements on certain hospitals receiving State aid authorizing the withholding of approprations and imposing duties on the Department of Welfare" by providing that during the present war and six months thereafter funds shall not be withheld from hospitals for violation of such act if the Secretary of Welfare determines that the constant attendance of a licensed physician or resident interne cannot be secured by such hospitals because of the war emergency

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section two of the act approved the tenth day of July one thousand nine hundred thirty-five (P. L. 645) entitled "An act imposing certain requirements on certain hospitals receiving State aid authorizing the withholding of appropriations and imposing dutes on the Department of Welfare" is hereby amended to read as follows

Section 2 The Department of Welfare shall enforce the provisions of this act and shall withhold the payment of all the money or the unpaid balance thereof appropriated or alloted to any hospital failing to comply with the provisions of this act Provided however That during the continuation of the state of war between the United States of America and any foreign country and for six months thereafter no funds appropriated or allotted to any hospital shall be withheld under this act if the Secretary of Welfare determines that he constant attendance of a licensed physician or resident interne cannot be secured by such hospital because of the war emergency

SENATE ADOPTS CONFERENCE COMMITTEE REPORT ON SENATE BILL No. 68

Mr. GELTZ. Mr. President, I move that the Senate do now adopt the report of the Committee of Conference on Senate Bill No. 68.

Mr. MILLER. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as folows, viz:

YEAS—43

Bartlett,	DiSilvestro,	Lanius,	Stevenson,
Becker,	Ealy,	Letzler,	Stiefel,
Carr,	Edmonds,	Mallery,	Tallman,
Cavalcante,	Farrell,	McCreesh,	Thomas,
Chapman,	Frey,	McGinnis,	Wade,
Coleman,	Geltz,	McQuiddy,	Walker,
Cox,	Haluska,	Miller,	Watkins,
Crider,	Homsher,	Reed,	Wilson, H. I.,
Crowe,	James,	Ruth,	Wilson, T. B.,
Deitrick,	Jaspan,	Scarlett,	Ziesenheim,
Dent,	Kephart,	Snowden,	

NAYS—1

Shapiro,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

SENATE BILL No. 49 RETURNED WITH AMENDMENTS

He also returned to the Senate, Senate Bill No. 49, entitled:

An Act authorizing in certain cases the drawing of agricultural machinery and wagons on the highways in this Comonwealth by tractors and motor vehicles without such machinery or wagons being registered and the temporary suspension of existing laws requiring the registration thereof

with the information that the house has passed the same with amendments, in which the concurrence of the Senate is requested.

Mr. GELTZ. Mr. President, I move that Rule 21, which requires amended bills to be noted on the calendar, be in this case dispensed with, and that the Senate proceed to the consideration of the amendments made by the House of Representatives to the foregoing bill.

Mr. FARRELL. Mr. President, I second the motion.

The motion was agreed to.

SENATE CONCURS IN HOUSE AMENDMENTS TO SENATE BILL No. 49

Mr. GELTZ. Mr. President, I move that the Senate concur in the amendments made by the House to Senate Bill No. 49, Printer's No. 72.

Mr. FARRELL. Mr. President, I second the motion.

On the question,

Will the Senate concur in the amendments made by the House?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as folows, viz:

YEAS—43

Bartlett,	DiSilvestro,	Lanius,	Stevenson,
Becker,	Ealy,	Letzler,	Stiefel,
Carr,	Edmonds,	Mallery,	Tallman,
Cavalcante,	Farrell,	McCreesh,	Thomas,
Chapman,	Frey,	McGinnis,	Wade,
Coleman,	Geltz,	McQuiddy,	Walker,
Cox,	Haluska,	Miller,	Watkins,
Crider,	Homsher,	Reed,	Wilson, H. I.,
Crowe,	James,	Ruth,	Wilson, T. B.,
Deitrick,	Jaspan,	Scarlett,	Ziesenheim,
Dent,	Kephart,	Snowden,	

NAYS—1

Shapiro,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

BILLS SIGNED

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) announced that the Chief Clerk having reported that the following bills had passed both houses of the General Assembly and the same being correct, the titles were publicly read as follows:

House Bill No. 69, entitled:

An Act to further amend section two of the act approved the seventh day of June, one thousand nine hundred seventeen (P. L. 600), entitled "Status of Public Officers and Employes in Military Service in Time of War or Contemplated War Act" by providing for the payment into the School Employes' Retirement Fund of certain amounts of the salaries or wages of certain officers or employes under certain circumstances.

House Bill No. 71, entitled:

A Supplement to the act, approved the eighteenth day of July, one thousand nine hundred seventeen (P. L. 1043), entitled "School Employes Retirement Law" defining the rights and obligations of certain members of the School Employes' Retirement Association engaged in active military service.

House Bill No. 84, entitled:

An Act to conserve metal by suspending the provisions of article five of the act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," and its amendments, in so far as they require the issuance and use of more than one registration plate.

Whereupon,

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the presence of the Senate signed the same.

SENATE BILL No. 90 (HOUSE BILL No. 58) ON FINAL PASSAGE CALLED UP

Mr. GELTZ. Mr. President, I now call up Senate Bill No. 90, (House Bill No. 58), on final passage, page 2 of the Calendar.

Mr. MILLER. Mr. President, I second the motion.

The motion was agreed to.

BILL ON FINAL PASSAGE

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 90, (House Bill No. 58), as follows:

An Act to suspend existing laws providing for and requiring certain contracts or purchases made by the Commonwealth or any political subdivision thereof to be made with and from the lowest responsible bidder after notice by advertisement insofar as they apply to certain contracts and purchases and regulating the letting of contracts and the making of purchases by political subdivisions.

And the amendments made thereto having been printed as required by the Constitution.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—41

Barr,	DiSilvestro,	Kephart,	Snowden,
Bartlett,	Ealy,	Lanius,	Stevenson,
Carr,	Edmonds,	Letzler,	Stiefel,
Cavalcante,	Farrell,	Mallery,	Tallman,
Chapman,	Frey,	McCreesh,	Wade,
Coleman,	Geltz,	McQuiddy,	Walker,
Cox,	Haluska,	McGinnis,	Watkins,
Crider,	Homsher,	Miller,	Wilson, H. I.,
Crowe,	James,	Ruth,	Wilson, T. B.,
Deitrick,	Jaspan,	Shapiro,	Ziesenheim,
Dent,			

NAYS—3

Becker,	Reed,	Thomas,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

SENATE BILL No. 96 (HOUSE BILL No. 113) ON THIRD READING AND FINAL PASSAGE CALLED UP

Mr. GELTZ. Mr. President, I now call up Senate Bill No. 96, (House Bill No. 113), on third reading and final passage, page 3 of the Calendar.

Mr. MILLER. Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 96, (House Bill No. 113), as follows:

An Act creating a joinnt legislative committee to study partial unemployment as related to unemployment compensation defining its powers and duties authorizing the employment of counsel and employes and making an appropriation

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 A joint legislative committee of six members of the General Assembly is hereby created to study the subject of partial unemployment as affecting unemployment compensation and the provisions that should be made therefor in the Unemployment Compensation Law The committee shall be composed of three members of the House (one of whom shall be a member of the minority party) to be appointed by the Speaker of the House and three members of the Senate (one of whom shall be a member of the minority party) to be appointed by the President Pro Tempore of the Senate The members of the committee shall serve without compensation but shall be allowed their necessary expenses in connection with their duties as such members

Section 2 The committee may employ and fix the compensation of such counsel experts clerks and assistants as may be deemed necessary for the proper conduct of the work of the committee

Section 3 The committee shall have power to issue subpoenas under the hand and seal of its chairman requesting and commanding any person or persons to appear before them and to answer such questions touching matters properly being inquired into by the committee and to produce such books papers records and documents as the committee may deem necessary Such subpoena may be served upon any person and shall have the force and effect of subpoenas issued out of the courts of this Commonwealth Each member of said committee shall have power to administer oaths and affirmations to witnesses appearing before the committee Any person who shall wilfully neglect or refuse to testify before said committee or to produce any books papers records or documents shall be subject to the penalties provided by the laws of the Commonwealth in such cases

Section 4 The committee shall have power to act during the interim between legislative sessions It shall submit its report to both houses of the General Assembly at its regular session in one thousand nine hundred forty-three The report of the committee shall embody its findings and conclusions together with its recommendations and such drafts of legislation as it shall deem necessary

Section 5 The sum of ten thousand dollars ($10,000) or as much thereof as shall be necessary is hereby appropriated to the committee for the payment of the expenses of the members and for the payment of the compensation and expenses of counsels experts clerks and assistants of the committee for the postage telephone and telegraph charges for the use of automobiles for witness fees allowed by the committee for supplies and printing and for all other expenses deemed necessary and proper by the committee

And the bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Barr,	Dent,	Kephart,	Snowden,
Bartlett,	DiSilvestro,	Lanius,	Stevens
Becker,	Ealy,	Letzler,	Stiefel,
Carr,	Edmonds,	Mallery,	Tallman,
Cavalcante,	Farrell,	McCreesh,	Thomas,
Chapman,	Frey,	McGinnis,	Wade,
Coleman,	Geltz,	McQuiddy,	Walker,
Cox,	Haluska,	Miller,	Watkins,
Crider,	Homsher,	Reed,	Wilson, H. I.,
Crowe,	James,	Ruth,	Wilson, T. B.,
Deitrick,	Jaspan,	Shapiro,	Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

REPORT OF COMMITTEE OF CONFERENCE ON SENATE BILL No. 19 CALLED UP

Mr. GELTZ. Mr. President, I now call up the Report of the Committee of Conference on Senate Bill No. 19, and move that the Senate adopt it.

Mr. MILLER. Mr. President, I second the motion.

The Report was read as follows:

REPORT OF THE COMMITTEE OF CONFERENCE ON SENATE BILL No. 19

To the Members of the Senate and House of Representatives:

We, the undersigned, Committee of Conference on the part of the Senate and House of Representatives for the purpose of considering Senate Bill No. 19, entitled: "An Act to protect property and prevent sabotage by prohibiting for a limited period of time certain intentional injuries to and interferences with real and personal property prohibiting certain intentional defects in workmanship limiting the privileges of certain witnesses and providing penalties."

Respectfully submit the following bill as our report:

GEORGE B. STEVENSON,
MONTGOMERY F. CROWE,
FRANK W. RUTH,
(Committee on the Part of the Senate.)

ALBERT S. READINGER,
JAMES E. LOVETT,
CHAS. H. BRUNNER, Jr.,
(Committee on the part of the House of Representatives.)

An Act to protect property and prevent sabotage by prohibiting for a limited period of time certain intentional injuries to and interferences with real and personal property prohibiting certain intentional defects in workmanship limiting the privileges of certain witnesses prohibiting certain entries upon real property and waters authorizing the closing of highways or the regulation or restriction of travel thereon conferring powers on the Water and Power Resources Board and providing penalties

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Short Title This act shall be known and may be cited as "The Sabotage Prevention Act"

Section 2 Destroying or Injuring Real or Personal Property Whoever with intent to injure interfere with or obstruct the United States any associate nation this State or any other state in defense or in preparing for or carrying on war or whoever with reason to believe that his act may injure interfere with or obstruct the United States any associate nation this State or any other state in defense or in preparing for or carrying on war shall wilfully injure or destroy or shall attempt to so injure or destroy any real or personal property within this State is guilty of a felony and upon conviction thereof shall be sentenced to pay a fine not exceeding ten thousand dollars ($10,000) or to undergo imprisonment not exceeding ten (10) years or both

Section 3 Making or Causing Articles to be Made in Defective Manner Whoever with intent to injure interfere with or obstruct the United States any associate nation this State or any other state in defense or in preparing for or carrying on war or whoever with reason

to believe that his act may injure interfere with or obstruct the United States any associate nation this State or any other state in defense or in preparing for or carrying on war shall wilfully make or cause to be made in a defective manner or attempt to make or cause to be made in a defective manner any article or thing which he has reasonable grounds to believe is intended to be used in connection with defense or with the prosecution of war is guilty of a felony and upon conviction thereof shall be sentenced to pay a fine not exceeding ten thousand dollars ($10,000) or to undergo imprisonment not exceeding ten (10) years or both

Section 4 Witnesses' Privileges No person shall be excused from attending and testifying or producing any books papers or other documents before any court magistrate referee or grand jury upon any investigation proceeding or trial for or relating to or concerned with a violation of any section of this act or attempt to commit such violation upon the ground or for the reason that the testimony or evidence documentary or otherwise required of him by the state may tend to convict him of a crime or to subject him to a penalty or forfeiture but no person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction matter or thing concering which he may so testify or produce evidence documentary or otherwise and no testimony so given or produced shall be received against him upon any criminal investigation proceeding or trial except upon a prosecution for perjury or contempt of court based upon the giving or producing of such testimony

Section 5 Unlawful Entry on Property Any individual partnership association or corporation or any political subdivision engaged in or preparing to engage in the manufacture transportation or storage of any product to be used in the defense of the United States or of this state or for the prosecution of war by the United States or the manufacture transportation distribution or storage of gas oil coal electricity or water or any of said natural or artificial persons owning or operating or both any public utility whose property except as hereinafter otherwise provided is surrounded by a fence or wall or a fence or wall and buildings may post around such property at each gate entrance dock or railway entrance a sign reading "No Entry Without Permission" Provided That the following kind of property may be similarly posted in the manner hereinafter provided without the necessity of fencing

(a) Property fronting on water at intervals of not more than three hundred feet along the water front

(b) Dams or breasts dikes and similar structures at both ends of such structures and also on such structures at suitable intervals

(c) Ponds and reservoirs created by dams breasts or similar structures at inervals of not more than three hundred feet on each side of the pond or reservoir

(d) Streams or other property immediately below dams or breasts d s and similar structures at intervals of not more than three hundred feet on each side of such stream or property

(e) Water conduits flumes canals races waterways and electric telephone telegraph gas oil and water trasmission or distribution lines at intervals of not more than one thousand feet

Whoever without permission of such individual partnership association corporation or political subdivision or its or their representative shall wilfully enter upon premises so posted or shall wilfully destroy deface or remove any such sign shall on conviction thereof in a summary proceeding be sentenced to pay a fine not exceeding fifty dollars ($50.00) or to undergo imprisonment not exceeding ten (10) days or both

Section 6 Where any dam breast ramp power house or other structure located on any navigable stream or river or on any stream or river declared by law to be a public highway and the pond or reservoir created thereby is used or being prepared to be used by any individual partnership association or corporation of or authorized to do business in this state or by the Commonwealth or any political subdivision thereof for the generation manufacture transportation and distribution of electricity or for the storage of water for domestic industrial or water power purposes the Water and Power Resourcese Board of the Department of Forests and Waters with the approval of the Governor may at the request of and at the expense of such individual partnership association corporation or political subdivision or at the expense of the Commonwealth where no private interest is involved post along each side of the pond or reservoir created by such dam or breast at intervals of not more than three hundred feet of water front from such dam or breast or any ramp and at intervals of not more than three hundred feet of water front on each bank of the river or stream below such dam breast ramp power house or other structure as the case may be signs reading "No Entry on these waters or property without Permission Commonwealth of Pennsylvania Water and Power Resources Board"

Whoever without permission of the Water and Power Resources Board shall wilfully enter or approach upon any dam or breast or on the waters of the pond or reservoir so posted shall on conviction thereof in a summary proceeding be sentenced to pay a fine not exceeding fifty dollars ($50.00) or to undergo imprisonment not exceeding ten (10) days or both

Section 7 Any individual partnership association corporation or political subdivision engaged in or perparing to engage in the manufacture transportation or storage of any product to be used directly or indirectly in the defense of the United States or of this state or in the prosecution of war by the United States or in the manufacture transportation distribution or storage of gas oil coal electricity or water or any of said natural or artifical persons operating any public utility who has property so used which he or it believes will be endangered if public use and travel is not regulated restricted or prohibited on one or more highways or parts of highways may petition the proper authorities of the Commonwealth or of any political subdivision thereof to close one or more of said highways or parts of highways to public use and travel or to regulate or restrict by regulation the use and travel upon one or more of said highways or parts of highways Upon receipt of such petition the proper authorities of the Commonwealth or of any political subdivision thereof as the case may be shall set a day for hearing and give notice thereof by publication in a newspaper having general circulation in the political subdivision in which such property is located such notice to be at least seven days prior to the date set for hearing If after hearing the proper authorities of the Commonwealth or of any political subdivision thereof determine that the public safety and the safety of the property of the petitioner requires it they may by regulation close to public use and travel or may by regulation restrict or regulate the use and travel upon one or more of said highways or parts of highways provided however that the proper authorities of the Commonwealth or of any political subdivision thereof may issue written permits to travel over the premises so closed to responsible and creditable persons for such term under such conditions and in such form as the public authorities may prescribe Notices in letters at least three inches high containing the following "Closed by Order of — — — Passing Prohibited under Penalty" or "public travel on this highway restricted or regulated by order of — — — Penalty for violation" shall be posted conspicuously at each end of the premises closed or regulated or restricted by such order The proper authorities of the Commonwealth or of any political subdivision thereof may at any time revoke or modify any regulation they have made

Whoever violates any regulation made under this section shall upon conviction thereof in a summary proceeding be sentenced to pay a fine not more than fifty dollars ($50.00) or to undergo imprisonment for not exceeding ten (10) days or both

Section 8 Rights of Labor Nothing in this act shall be construed to impair curtail or destroy the rights of employes and their representatives to self-organization to form join or assist labor organizations to bargain collectively through representatives of their own choosing

and to engage in concerted activities for the purpose of collective bargaining or other mutual aid or protection

Section 9 Effective Period This act shall become effective immediately upon final enactment and shall remain in effect so long as a state of war exists between the United States and any foreign country

On the question,

Will the Senate agree to the motion?

Mr. CAVALCANTE. Not having a copy of the report, and therefore being unable to vote intelligently I wish to be recorder as being "present."

The PRESIDENT. The Chair is informed the report of the Committee of Conference, Printer's No. 74, is in the files of the Senators.

Mr. CAVALCANTE. Mr. President, as the report of the committee does not show what points of difference were adjusted by the conferrees, I still wish to be recorder as "present."

The PRESIDENT. The gentleman from Fayette will be so recorded.

And the quesetion recurring,

Will the Senate agree to the report?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—39

Bartlett,	DiSilvestro,	Kephart,	Stevenson,
Becker,	Ealy,	Lanius,	Tallman,
Carr,	Edmonds,	Letzler,	Thomas,
Chapman,	Farrell,	Mallery,	Wade,
Coleman,	Frey,	McCreesh,	Walker,
Cox,	Geltz,	McGinnis,	Watkins,
Crider,	Haluska,	Miller,	Wilson, H. I.,
Crowe,	Homsher,	Ruth,	Wilson, T. B.,
Deitrick,	James,	Scarlett,	Ziesenheim,
Dent,	Jaspan,	Snowden,	

NAYS—4

McQuiddy,	Reed,	Shapiro,	Stiefel,

PRESENT—1

Cavalcante,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

BILLS ON FINAL PASSAGE

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 80, (House Bill No. 76), as follows:

An Act suspending and modifying for the period of the present war and for a time thereafter the provisions of section one of the act, approved the eighth day of July, one thousand nine hundred and nineteen (P. L. 737), entitled "A supplement to an act, entitled 'An act to establish a Board of Commissioners of Navigation for the River Delaware and its navigable tributaries; regulating their jurisdiction over ships, vessels, and boats, and wharves, piers, bulkheads, docks, slips, and basins; and exempting cities of the first class from certain of its provisions; and making an appropriation therefor,' approved the eighth day of June, Anno Domini one thousand nine hundred and seven; authorizing and directing the commissioners to provide and maintain a nautical school for the education and training of pupils from the various counties of the Commonwealth of Pennsylvania in the science and practice of navigation; and making an appropriation for two years from the first day of June, Anno Domini one thousand nine hundred and nineteen, towards its maintenance," and its amendments, in so far as they require, the furnishing of accommodations on board a proper vessel for the nautical school, when no such vessel is available and imposing upon the State Council of Defense the duty of furnishing other accommodations.

And the amendments made thereto having been printed as required by the Constitution.

On the question,

Shall the bill pass finally?

Mr. JASPAN. Mr. President, I ask for a verification of the roll.

The PRESIDENT. The roll will be so verified. The affirmative roll will be called.

The Clerk called the names of those voting in the affirmative as follows:

Barr,	Edmonds,	Kephart,	Ruth,
Cavalcante,	Farrell,	Lanius,	Scarlett,
Coleman,	Frey,	McCreesh,	Shapiro,
Cox,	Haluska,	McGinnis,	Stiefel,
Deitrick,	Homsher,	McQuiddy,	Tallman,
Dent,	James,	Miller,	Watkins,
DiSilvestro,	Jaspan,	Reed,	

The PRESIDENT. Are there any corrections? The Chair hears none. The affirmative roll will stand as verified.

The Clerk called the namese of those voting in the negative as follows:

Bartlett,	Crider,	Letzler,	Walker,
Becker,	Crowe,	Mallery,	Wilson, H. I.,
Carr,	Ealy,	Stevenson,	Wilson, T. B.,
Chapman,	Geltz,	Thomas,	Ziesenheim,

The PRESIDENT. Are there any corrections? The Chair hears none. The negative roll will stand as verified.

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—27

Barr,	Edmonds,	Kephart,	Ruth,
Cavalcante,	Farrell,	Lanius,	Scarlett,
Coleman,	Frey,	McCreesh,	Shapiro,
Cox,	Haluska,	McGinnis,	Stiefel,
Deitrick,	Homsher,	McQuiddy,	Tallman,
Dent,	James,	Miller,	Watkins,
DiSilvestro,	Jaspan,	Reed,	

NAYS—16

Bartlett,	Crider,	Letzler,	Walker,
Becker,	Crowe,	Mallery,	Wilson, H. I.,
Carr,	Ealy,	Stevenson,	Wilson, T. B.,
Chapman,	Geltz,	Thomas,	Ziesenheim,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

SENATE BILL No. 94 (HOUSE BILL No. 101) ON THIRD READING AND FINAL PASSAGE CALLED UP

Mr. GELTZ. Mr. President, I now call up Senate Bill No. 94, (House Bill No. 101) on third reading and final passage, page 3 of the Calendar.

Mr. MILLER. Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 94, (House Bill No. 101), as follows:

An Act to amend the appropriation to the Department of Military Affairs in section two of the act approved the sixteenth day of June one thousand nine hundred and forty-one (Appropriation Act No. 12-A) entitled "An act to provide for the ordinary expenses of the Executive Legislative and Judicial Departments of the Commonwealth interest on the public debt and the support of the public schools for two years beginning June first one thousand nine hundred and forty-one and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first one thousand nine hundred and forty-one" by providing specifically for the expenses of the State Council of Defense for the maintenance of a nautical school

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The appropriation to the Department of Military Affairs contained in section two of the act approved the sixteenth day of June one thousand nine hundred and forty-one (Appropriation Act No. 12-A) entitled "An act to provide for the ordinary expenses of the Executive Legislative and Judicial Departments of the Commonwealth interest on the public debt and the support of the public schools for two years beginning June first one thousand nine hundred and forty-one and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first one thousand nine hundred and forty-one" is hereby amended to read as follows

Section 2 The following sums or as much thereof as may be necessary are hereby specifically appropriated from the General Fund to the several hereinafter named agencies of the Executive Legislative and Judicial Departments of the Commonwealth for the purposes hereinafter set forth for the two years beginning June first one thousand nine hundred and forty-one and for the payment of the bills incurred by said agencies and remaining unpaid at the close of the fiscal year ending May thirty-first one thousand nine hundred and forty-one

I EXECUTIVE DEPARTMENT

* * * * *

To the Department of Military Affairs

For the payment of the salary of the Adjutant General the sum of twenty thousand dollars ($20,000)

For the payment of salaries wages or other compensation of a deputies adjutant general the Division Commander and other employes for the payment of general expenses supplies printing and equipment necessary for the proper conduct of the work of the department including Division Headquarters the United States Property and Disbursing Office State Arsenal State Military Reservation and advisory commissions connected with the department for the making of improvements additions or repairs to existing buildings roads and utilities on the State Military Reservation and State Arsenal and for the acquisition by purchase or condemnation of additional lands to be used for or in connection with the Military Reservation at Indiantown Gap for the purpose of placing at the disposal of the Governor and making the same available for replacement or repair of such military stores and supplies issued to the Commonwealth of Pennsylvania by the Federal Government as may be destroyed or damaged in whole or in part by fire flood storm or any other unavoidable cause for the payment of transportation pay of officers and enlisted men horse hire subsistence quartermaster stores and other proper and necessary expenses incident to field service rendered by the Pennsylvania National Guard under orders of the Governor in repelling invasion subduing insurrection riot tumult or disorder or the prevention of the same and when such Pennsylvania National Guard may be placed on duty under orders of the Governor under extraordinary circumstances for the protection of property or human life and in the event of all or any portion of said Pennsylvania National Guard being called into active service of the United States by the President of the United States or in furnishing the quota of volunteers from the Commonwealth of Pennsylvania under a call made by the President of the United States and for the equipment and maintenance of a Pennsylvania Reserve Defense Corps in the event of the Pennsylvania National Guard being called into active service of the United States and for the payment of mileage and lawful expenses of commissioners to take the vote of Pennsylvania soldiers in Federal or State service when in the field on active duty for the payment of any and all expenses incident to furnishing men material and equipment to relieve unemployment or drought conditions throughout the State or when a disaster occurs for payment of claims against the Commonwealth of Pennsylvania for damages incurred by the operation or training of the Pennsylvania National Guard or the Pennsylvania Reserve Defense Corps as provided by law for the payment of all necessary expenses supplies printing and equipment including annual allowances for maintenance and armory rent individual pay officers' annual allowances passenger and freight transportation telegrams telephone toll charges subscriptions to The Pennsylvania National Guardsman for distribution to officers and men of the Pennsylvania National Guard in either State or Federal service and the Pennsylvania Reserve Defense Corps the expenses of operating and maintaining automobiles and other motor equipment the payment of mileage charges to the Department of Property and Supplies for the use of automobiles and other expenses necessary for the maintenance training government discipline and equipment of the Pennsylvania National Guard or the Pennsylvania Reserve Defense Corps for the payment of claims made by the War Department based upon approved reports of survey covering loss damage or destruction of Federal property for the payment of salaries of members and inspectors of the Armory Board of the State of Pennsylvania for the payment of salaries wages or other compensation of employes for the payment of general expenses supplies printing and equipment necessary for the proper conduct of the work of the Armory Board of the State of Pennsylvania for the maintenance and repair of armories and for the expenses of inspection of armories the sum of one million eight hundred eighty-eight thousand dollars ($1,888,000) Provided however That there is hereby appropriated for the same purposes the full amount of all rentals and all other monies paid into the State Treasury in connection therewith of armories and receipts from public or private sources in payment of costs and material expenses by the Pennsylvania National Guard and the Pennsylvania Reserve Defense Corps in furnishing relief from disaster and all receipts from the Federal Government or other public or private sources for or in connection with services performed by employes in the Department of Military Affairs or for or in connection with the use of property under the control of said department which shall be collected as heretofore and paid into the General Fund and credited to the appropriation made by this paragraph The expenditure of such rentals of armories and other monies received in connection therewith is hereby authorized for the purchase of furniture furnishings and recreational equipment which may at the discretion of the Armory Board of the State of Pennsylvania be considered essential for the benefit betterment and welfare of the Pennsylvania National Guard or the Pennsylvania Reserve Defense Corps

Provided further That the Department of Military Affairs shall upon the direction of the Governor allocate from this appropriation from time to time such amounts as he shall deem necessary to defray the expenses of the State Council of Defense and this appropriation is hereby appropriated for such purposes Provided further however That it shall be the mandatory duty of the Governor to allocate from this appropriation the sum of one hundred

thousand dollars ($100,000) or so much thereof as may be necessary to defray the expenses of the State Council of Defense for the acquisition operation and maintenance by the Navigation Commission for the Delaware River and its navigable tributaries of the necessary quarters and accommodations for the Pennsylvania Nautical School as provided by law and this appropriation is hereby appropriated for such purposes

For the payment of salaries wages or other compensation of the superintendent and other employes for the payment of general expenses supplies and printing and equipment for improvements to land for repairs alterations and improvements to plant and equipment for the purchase of equipment furniture furnishings and live stock for expenses of the Board of Trustees and incidental expenses for burial expenses and for all other expenses of maintenance and operation necessary for the proper conduct of the work of the Soldiers' and Sailors' Home at Erie as may be authorized and approved by the Adjutant General the sum of two hundred two thousand dollars ($202,000) Provided That all moneys received from the United States Government by the Governor of Pennsylvania on account of maintenance of the honorably discharged soldiers and sailors or marines in the Pennsylvania Soldiers' and Sailors' Home at Erie shall be paid into the State Treasury through the Department of Revenue

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

Mr. FARRELL. Mr. President, I ask for a verification of the roll.

The PRESIDENT. The roll will be so verified. The affirmative roll will be called.

The Clerk called the names of those voting in the affirmative as follows:

Barr,	DiSilvestro,	Jaspan,	Reed,
Bartlett,	Edmonds,	Kephart,	Ruth,
Cavalcante,	Farrell,	Lanius,	Scarlett,
Coleman,	Frey	McCreesh,	Shapiro,
Cox,	Haluska,	McGinnis,	Stiefel,
Deitrick,	Homsher,	McQuiddy,	Tallman,
Dent,	James,	Miller,	Watkins,

The PRESIDENT. Are there any corrections? The Chair hears none. The affirmative roll will stand as verified.

The Clerk called the names of those voting in the negative as follows:

Becker,	Crowe,	Mallery,	Walker,
Carr,	Ealy,	Snowden,	Wilson, H. I.,
Chapman,	Geltz,	Stevenson,	Wilson, T. B.,
Crider,	Letzler,	Thomas,	Ziesenheim

The PRESIDENT. Are there any corrections? The Chair hears none. The negative roll will stand as verified.

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—28

Barr,	DiSilvestro,	Jaspan,	Reed,
Bartlett,	Edmonds,	Kephart,	Ruth,
Cavalcante,	Farrell,	Lanius,	Scarlett,
Coleman,	Frey,	McCreesh,	Shapiro,
Cox,	Haluska,	McGinnis,	Stiefel,
Deitrick	Homsher,	McQuiddy,	Tallman,
Dent,	James,	Miller,	Watkins,

NAYS—16

Becker,	Crowe,	Mallery,	Walker,
Carr,	Ealy,	Snowden,	Wilson, H. I.,
Chapman,	Geltz,	Stevenson,	Wilson, T. B.,
Crider,	Letzler,	Thomas,	Ziesenheim,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

SENATE BILL No. 89 ON THIRD READING CALLED UP

Mr. GELTZ. Mr. President, I now call up Senate Bill No. 89, on third reading, page 2 of the Calendar.

Mr. MILLER. Mr. President, I second the motion.

The motion was agreed to.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 89, (House Bill No. 57), entitled:

An Act authorizing the secretary of the board of health in the various cities of the third class throughout the Commonwealth during the continuation of the present war and for six months thereafter to search and issue certified copies of birth and death records maintained by such cities after the State-wide system for registering vital statistics was established requiring that such birth and death records be made available to the secretary of the board of health for the purposes of this act and authorizing the respective city councils to prescribe fees for such services.

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill?

Mr. CHAPMAN. Mr. President, I am about to make a motion relative to this bill, but before doing so I wish to make a few remarks upon the subject of birth certificates which is a very important subject.

A birth certificate, to be effective and legal, must receive the approval of the Federal Bureau of Statistics. During the last session, with the aid of the gentleman from Fayette, Senator Cavalcante, we prepared very carefully a bill, which took weeks to prepare, in order to meet the approval of this bureau at Washington.

As you all know, all men who are employed in defense plants for the Federal government, working on war material, must receive birth certificates, and in order that such a birth certificate may be approved, it must be legal. This is a bill that does not conform with those requirements.

There has been a bottleneck in the Department of Vital Statistics at Harrisburg. That bottleneck has been greatly relieved of late, equipment has been furnished, and I understand that beginning just last week mail is opened the same day it is received, the first time since this order was issued by the Federal Government relative to birth certificates.

This bill is analogous or similar to a bill in the State of Connecticut.

We all remember reading a short time ago how an ordinary newspaper man from New York, who had never previously been in Connecticut, obtained a birth certificate in Connecticut merely by paying two dollars, and I am afraid with the enactment of this bill there might

be a great possibility of fraud in the issuing of these birth certificates.

In that connection I cite Purden's Pennsylvania Statutes, as follows:

"534. Vital Statistics. The Department of Health shall have the power, and its duty shall be:

"(1) To establish such districts for the registration of vital statistics, and appoint such registrars, deputies, and sub-registrars, as may be necessary, properly to obtain, collect, compile and preserve the statistics which the department is required to obtain, collect, compile and preserve. All local registrars, deputies, and sub-registrars, appointed under this section, shall perform such duties as shall be required of them by the department, and shall receive such compensation as may now or hereafter be fixed by law."

So you can see the Department of Health has this power and that it is the duty of the Department to establish such bureaus wherever feasible, which would be legal and comply with the requirements of the Federal Bureau of Vital Statistics.

BILL RECOMMITTED

Mr. CHAPMAN. Mr. President, I move that Senate Bill No. 89, (House Bill No. 57), on third reading be recommitted to the Committee on Public Health.

Mr. FARRELL. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. WALKER. Mr. President, I desire to speak on the motion just made by the distinguished Senator from Warren, Dr. Chapman, and I would like to call the attention of the Senate to this portion of the act which is now before us for consideration. In many of the industrial areas of Pennsylvania we have experienced a great deal of serious difficulty in the procurement of adequate information to enable the Department of Public Health to issue birth certificates. All the members of the Senate who come from industrial areas, or who have industrial areas in their senatorial districts, have experienced this difficulty, and in many instances the heartaches that go with it, and it has been stated repeatedly off the record and officially on the floor of this Senate that the procurement or the non-procurement of a birth certificate is, in the eyes of many of our constituents, a lot more important than any of the legislation which has been before us for consideration, and many of the good folks back home measure your statesmanship qualities and your ability on your enthusiasm in getting birth certificates out of the Bureau of Vital Statistics here in Harrisburg. There is not one of us who publicly and privately has not muttered into our beards concerning this department, and the wrath that we have called down on the head of the innocent Director of that bureau has certainly been plenteous.

In some of the cities of the third class, which are directly affected by this bill, there were provisions made at times to continue to keep a copy of the records of the births and the deaths in that particular municipality. They have doctors' certificates which are just as comprehensive as the doctors' certificates which are on file over here in the Department of Vital Statistics.

In a city of the third class, which happens to be in my senatorial district, we have over fifty thousand complete accurate birth records which could be made available to the many employes of the vast industries that are in and about the City of McKeesport. In Allegheny County we have long considered that we were the very heart of the industrial war being carried on at this time, and in Allegheny County I would say the Forty-fourth Senatorial District is the very heart of the industrial war that is being carried on there in Allegheny County, and the City of McKeesport is indeed the arsenal of Allegheny County in the preparation of war materials. Thousands and thousands of the citizens of this municipality and of the townships or the contiguous boroughs to McKeesport are working in those vast industries, and it has become the rule that in order to continue employment, you must procure a birth certificate. Inside of a few hours, and for the payment of a small fee, the records that are available in the Department of Health in the City of McKeesport could be made available to that employe and his employment could be continued or perhaps started, if he could have access to those records.

If we send this bill back, of course, to the Committee on Public Health, it will be a very sick patient and it will die within the course of the day, and that we all know full well.

I say to you in all seriousness that the dangers that might be incurred by the passage of this bill are not any more so than the dangers that are encountered in getting a birth certificate from the Department of Vital Statistics.

There has been some suggestion made that perhaps by payment of a small fee someone who is not entitled to a birth certificate could procure one, but may I say, Mr. President, that there would be less danger of inaccurate information emanating from the records of one of these cities of the third class than there would be from the inescapable hodgepodge incident to giving into the Bureau of Vital Statistics to secure a birth certificate.

Those of us who have made a visit over there have been appalled at the disorder that exists over there. They have filing cabinets stacked in the hallways, there is not a desk available that is not jammed with many money orders, checks and applications for birth certificates, and a heterogeneous assortment of affidavits once used as supporting data for applications for birth certificates is scattered far and wide throughout that bureau. How in heaven's name they ever work it out will always be a mystery to those of us who come from rural districts and who do not understand big city ways, but the danger that you might be able to forge an affidavit and get your certificate from the Secretary of the Board of Health in the City of McKeesport is not any greater than the danger that something might go awry in the Bureau of Vital Statistics, and in the name of those who are needing these birth affidavits, in the hope that we might be able to relieve slightly the pressure that is being placed upon employment, upon employer and upon personnel, this bill was introduced in the House, and I say to my colleagues, do not send this bill back to committee to be killed; if you do not have faith in the merits of this bill, defeat it on its merits, but let us not deny these employes the right to continue their employment by a subterfuge.

Mr. SHAPIRO. Mr. President, I have two objections to this bill. In the first place, I do not understand why

we spent so much time setting up a procedure last session for the purpose of enabling those who are entitled to birth certificates to get them from a central body under proper safe guarding measures—we were very much concerned about the fact that people going into defense jobs should be people who are reliable, and who would in no way sabotage the defense effort.

Looking at this bill, first of all, one of the first reasons I find fault with, is that it applies only to third class cities. If this jam occurs, if this inability to get certificates today is occurring, it does not occur only in third class cities, it occurs in first and second class cities as well. I know many of our people in Philadelphia have the same difficulty as they have elsewhere throughout he state.

Looking at this provision of the bill, it states that the Secretary of the Board of Health—I assume it means the Secretary of the Board of Health of a third class city although it does not say so—may issue a certificate if he has a record, but he may go further; the Secretary of the Board of Health is authorized to make correction in such birth or death records, whenever upon the submission of satisfactory evidence and affidavits such corrections are found to be necessary and proper. Corrections to records upon evidence satisfactory to whom? To the clerk? What kind of evidence? What kind of safeguarding do you call that? If we were so much agitated over the safety of defense workers and over avoiding sabotage in the defense industries, what will this do? It strikes me, just because there happens to be an emergency where somebody may not get a job, that is not sufficient excuse to offset the danger that somebody may get a job that will create sabotage that we will all regret. It seems to me if there is an emergency of this kind, before you upset legislation that we have passed and before you create dangers of this kind, you ought to be very careful and very slow about it.

This bill has no right to be here as it is, unless, first of all, it were an amendment to the main act. If this was intended for relief, it should be general relief, it should not be confined to the so-called rural district of Pittsburgh. Philadelphia is just as industrial as Pittsburgh, and it seems to me this is class legislation in a dangerous way, and I am going to vote for this motion to send it back, and if it does not go back, I am going to vote against the bill for those reasons.

Mr. EDMONDS. Mr. President, may I ask one of the Senators who is more informed than myself if it is not true that the Federal Government has refused to recognize certificates that were issued legally in the State of Connecticut, and if that be so, and if that were to apply to this particular bill, then what good is the bill?

Mr. CARR. Mr. President, I have listened with considerable interest to the remarks of my colleague from Allegheny County, Mr. Walker, with regard to the conditions that exist in the Bureau of Vital Statistics, and may I say that, personally, I have had difficulty with but one application. In the course of my endeavors I went to the Bureau of Vital Statistics just a few days ago, and in company with Mr. Dorning, who has been assigned to that duty out of the Highway Department, made a personal tour of inspection of the entire set-up there. I was amazed to find the improvement in conditions which has been made under his direction, and I am confident that if given just a little more time, we are going to see the effectiveness of the workings of a man of business in that connection.

Mr. Dorning has had considerable experience along that line of work, and the way he is rearranging the forces there, and has rearranged them, has changed the working conditions of the forces entirely. There is a different feeling among the people that work there at the present time, and I am confident if we just let this thing alone as this session closes, by recommitting this bill, that the Bureau of Vital Statistics will come through, and we will have certificates issued from there that will be worthy of having.

Mr. President, the bill which is before us, it seems to me, provides a sham certificate, for which somebody might pay two, three or ten dollars, and then awake to the fact that they have no certificate or anything whatsoever as far as defense industry is concerned.

Mr. CHAPMAN. Mr. President, the fault is not with the bill that was passed, but with the certificates themselves. Names have been misspelled. Very frequently doctors are very much in a hurry; I know I myself frequently am in that position and instead of Mary I may put down May or vice versa, and the real difficulty at the present time is in deciphering various names on these birth certificates, and that is the bottleneck.

Mr. McGINNIS. Mr. President, I understand that the Army and the Navy of the United States accept these certificates and the mills accept them.

We do know there is a bottleneck here in Harrisburg on these certificates, and if this bill will help industry and help getting jobs for men in the third class cities, it ought to be passed.

Mr. WALKER. Mr. President, I would just like to say two things, first, it is the good doctor's contention that the records are illegible, but that, of course, was beyond the concept of the drafter of the legislation. I appreciate the fact that there is where a lot of the bottleneck comes from, that doctors do not make out the original birth certificates so that they can be read by the ordinary human being, and that is also true of doctors' prescriptions. Secondly, I would like to say that my visit to the Department of Vital Statistics, as suggested by the gentleman from Butler, Senator Carr, was not made with the Chief of Staff, Mr. Dorning; I made it in company with other members of this Senate, who were also seeking some help in getting birth certificates, and we went around from door to door, all by ourselves, and what we saw, as I have said before, was a beautiful state of confusion.

I appreciate the fact that eventually Mr. Dorning will work it out, because I have confidence in his ability, and I am not criticizing the Bureau of Vital Statistics, because I appreciate the tremendous burden placed upon it. Senator Carr suggested that in a few weeks they will have it worked out, but in a few hours we will have departed and gone to our respective homes and then we are once more confronted with the problem of attempting to get these birth certificates by correspondence, and those of us who have been trying to get them by personal contact will appreciate how redoubled will be our difficulties during the weeks that this thing is being straightened out, and all the time Mr. Dorning is installing this marvelous efficiency that will come about,

the employables in those industrial areas will be standing around waiting for birth certificates so they can go to work. Not so long ago somebody stated "too little, too late," and that is just the same kind of thing we are running into with birth certificates.

Mr. President, I think the gentleman from Allegheny, Senator McGinnis, is entirely right, that if this is going to help just a little in accelerating the placing of men in employment, I think we should give this bill serious consideration. The idea that there could be skullduggery merely because the director of the Bureau of Health in a third class city has the opportunity to issue birth certificates, becomes a ghost just like Banco's ghost in the background, but the idea there might be skullduggery perhaps by some innocent clerk over in the Bureau of Vital Statistics is immediately wiped out of our minds because the state, like caesar's wife, is above suspicion.

Mr. GELTZ. Mr. President, like my colleague from Allegheny, Senator Walker, I agree that my worthy colleague from Allegheny, Senator McGinnis, is right, but, in a difficult way. I am going to vote for this motion to recommit. Senator McGinnis, I think, gave us one of the best arguments why this bill should be recommitted and not passed, when he said that he understands the mills will accept birth certificates of this kind.

Mr. President, we all have the same difficulties in our districts, in connection with birth certificates, and I think if we look at it in a fair-minded way we can appreciate why we are having difficulties, because the applications they have in that department were absolutely undreamed of and unheard of ever before. However, because of these difficulties, I can see no reason why we should open the door to the greatest dangers that ever could befall us or ever could befall a nation. We have working in many of our plants and our mills in dangerous occupations, thousands upon thousands of Pennsylvania workmen, and to pass a bill of this kind, Mr. President, that would open the door and permit to come in and work with those decent, honest Pennsylvania working men, saboteurs and individuals who want to ruin our country and ruin our plants, is something that we certainly should not permit. If we were to pass this bill, allowing secretaries of health in the various third class cities, or clerks under them, to make whatever corrections they think should be made, then birth certificates in Pennsylvania would not be worth the paper on which they are written, and for that reason I am urging my colleagues to vote to recommit this bill.

Mr. REED. Mr. President, I believe that the issuance of birth certificates in the Department of Health is just as slow as it was during the regular session. We had the same arguments advanced at that time that if we just gave it a little more time it would work itself out.

I am of this opinion, if we can get a good birth certificate, a good birth record or a good death record from the Secretary of Health in any third class city, I say that will be much easier and much more convenient for the people than to require them to spend much time in traveling to Harrisburg. That is a very cumbersome procedure. I can not see why we can not get a good record in a third class city. If my people in the city of Washington can go to the Board of Health and get a proper certificate or a proper record, I say it is much better, much more convenient, much easier than requiring those people to come to Harrisburg or to send someone to Harrisburg to get a certificate for them.

I believe that the local authorities in third class cities are in a better position to run down the record of a birth or a death than the people at Harrisburg. The people at Harrisburg are handling thousands of records, and the authorities in third class cities would be handling just a comparatively few records, and I think that the record there would be just as good as the record that you would obtain in Harrisburg.

Mr. President, I can hardly agree with some of the gentlemen who have stated that a record obtained under this bill would not be received outside by some of the other authorities.

There is a provision in this bill which I think takes care of that situation, which reads as follows: "Any certified copy of a birth or death record furnished under the provisions of this act shall be afforded the same recognition as a birth or death certificate duly issued by the Department of Health of the Commonwealth of Pennsylvania. It shall be prima facie evidence of all matters therein contained and shall be admissible in all judicial proceedings."

Will not this alleviate a lot of the presure that is now found in the Department of Vital Statistics? If it does, then I think a bill of this nature should be enacted and later on, perhaps, we can enact a similar bill to take care of other cities, or perhaps to take care of townships or the other various sub-divisions of the Commonwealth, so that every last person living back in one of the remote sections of the state can get a birth certificate at home, without going to all the trouble and all the expense and all the inconvenience that he now must run into by getting it through the authorities at Harrisburg.

Mr. President, believing that it will do a lot to alleviate the pressure now existing at Harrisburg, I will vote against recommitting the bill and will vote for the passage of the bill for those reasons.

Mr. CAVALCANTE. Mr. President, I want to confess that this afternoon I have heard here on the floor of this Senate the first real sound argument for or against a bill. It is very unpleasant to think that we had to wait until the close of this session before we settled down to discussing the merits or demerits of a bill without passion, sensibly, with the desire to accomplish a good purpose.

Mr. President, I am not altogether at odds with the gentleman from Washington, Mr. Reed, on the section of the act that he read, but I still want to point out this, that we have now on the statute books of this state a law which reads practically the same, the very same way, relative to the records kept by bona fide ecclesiastical bodies. That act provides that the records of bona fide ecclesiastical bodies, shall be prima facie evidence as to all matters therein contained, and shall be admissible in all judicial proceedings.

I do not think there is a single member of this Senate who has yet gone to the Bureau of Vital Statistics with a properly drawn up and certified baptismal record of a bona fide ecclesiastical organization in this state, in which the Bureau of Vital Statistics has refused to accept the contents of that baptismal record as prima facie evidence of its contents, and proceeded to record the birth as stated in that baptismal record but now the Bureau

of ital Statistics itself has refused to honor a statute of this Commonwealth containing a provision of that kind, without having refused to accept the birth records of bona fide ecclesiastical bodies, and what right do we have to ask any other state or any state agency in the United States of America to accept a birth certificate issued under the provisions of this act?

The gentleman from Allegheny, Mr. Geltz, cited the statement of his colleague from the same county, Mr. McGinnis, as proof why we should not deliberate honestly on this bill and send it back to committee. I say to you, Mr. President, that the gentleman from Allegheny, Mr. Geltz, has made a statement here that has greatly impressed me and that is this, that the mere possession of a birth certificate is a guarantee against the commission of sabotage in the war industries of this nation. Mr. President, talking as sincerely as I can, I believe that notion is absolutely untenable, unsound, that is, the proposition that only people who have birth certificates can be loyal and good working men and women in the war industries of America.

Mr. President, if that were true, imagine the millions of men and women of foreign birth who are today naturalized citizens who can not show a birth certificate, yet they are engaged in nearly every coal mine in our land, you find them engaged in every steel mill, you find them engaged in practically every shop in the United States in which war work is being done, and are we to believe that those millions of naturalized citizens, naturalized aliens, who can not show a birth certificate that they were born here in America, that they can not be loyal workers in the war industries of America?

So, Mr. President, I tell you that his motion, this idea, that the mere posession of a birth certificate will insure the loyalty of a worker in a war industry does not hold true at all and is not sound.

I fought that same notion with Dr. Chapman, the gentleman from Warren, in the last session, that what we vere trying to do was to make it possible for those who were born here to have their births registered, if they were not registered, and that the mere possession of a birth certificate had nothing to do with the war effort or naturalization or anything else.

Then, Mr. President, I have also heard here today criticism concerning the bottleneck in the Bureau of Vital Statistics. Well, there is a bottleneck there, I agree with that, and that bottleneck is caused because of some poor judgment in many of the rules and regulations over there. Here is one instance: I make an application for a certified copy of my birth certificate; in that application I state my name the date of my birth the place of my birth, the name of my father, the name of my mother, the doctor who attended at birth. To that I attach a dollar, it goes to the Bureau of Vital Statistics, and in a short time I receive from them a certified copy of the birth certificate. That certificate contains the date of my birth correctly, the place where I was born, the name of my father correctly, the name of my mother correctly, and the name of the doctor correctly, but lo and behold, it only has my last name and not my first name. Yet they send it to me and say, this is your birth registration.

I say to them, why send me a certificate like that; you have taken my dollar, you know that registration represents my birth; why do you not put on there my first name before you send it to me? They will not do that, but they clutter the office up with more red tape, they will give you a bundle of affidavits and send you back home and tell you to gather up all the school records you can, leters from here and affidavits from there, and why, in the name of common sense, should I be required to do that, when they have already given my a birth certificate and say, this is yours, it contains everything, it says it is your certificate? Why not put my name on it without creating that bottleneck?

Then, Mr. President, there is still this to say about the whole situation in this state: the reports that we get from the Department of Public Assistance show that the relief roll has been reduced tremendously throughout the state, yet in spite of that, if you look at the administrative costs, if you go through the Department of Public Assistance offices here in Harrisburg, you will still see there the same amount of employes being paid the same amount of money, while down in the Bureau of Vital Statistics, those poor employes are swamped, they are unable to keep up with their work, while there is this squandering, waste, indolence and idleness in the other department. That could have been corrected a long time ago, if a lot of those clerks from the Department of Public Assistance would have been shifted over to the Department of Health to take care of this bottleneck that has existed for nearly two years. That is just simply another instance of that inefficiency, that waste that the gentleman from Washington, Mr. Reed, brought to the attention of this body another day of this week.

Mr. President, I am satisfied that this bill, although it may want to accomplish a laudable purpose, nevertheless would add confusion to the already muddled situation that we have. I am not going to vote to send it back to committee, because I have the courage of my convictions to vote against the bill here on the floor of the Senate, and I have been always opposed to sending a bill back to committee when it is here on the floor of the Senate. We can vote against it and get rid of it, and permit every person to vote as he might think fit on the bill.

Mr. DENT. Mr. President, I am not going to add much to this argument, I am only going to say this: last year the members of this Senate voted for a bill to allow Orphan's Court Judges to name any Tom, Dick or Harry, that might be a member of the profession of law or the Bar, to sit in and hand out birth certificates, for all persons born prior to 1906, and all you need is to know the attorney pretty well or the Orphan's Court judge.

I said then that it would create a racket, and I say now that it has created a racket. One attorney in my county received in less than three months, six thousand dollars, paid at the rate of seven dollars for every birth certificate that his clerk handed out to some person who came in. Since that time, we have elected a new Orphan's Court judge, and he has cut it down to two dollars per certificate, and it only takes about five minutes to perform the work.

Mr. President, you talk about saboteurs, and I would say that there are more chances of finding saboteurs in that group whose ages would have them born prior to 1906, than you would in the group that was born after 1906. It is more difficult to trace birth records prior to

1906, because records were not kept in all communities.

All this bill allows is for a third class city Board of Health Director to give a certificate, when that certificate is upon the birth records of that community, and yet you voted for a bill last year that allows some lawyer, who is not an elective public official, to give a birth certificate without any previous records whatsoever. He can go out and give a birth certificate to anybody, so long as he is satisfied that person is a person who is representing himself correctly.

I say this bill will definitely be a help in the defense industries, it will be a definite help because of the so-called bottleneck here in Harrisburg. Everyone of us has had constituents come down here, and they have stayed three or four days trying to get birth certificates, and as far as the last names, the first names or the middle names are concerned, I know of one particular family group, with four children applying for birth certificates, and all four children had their names spelled differently, and they were all attended by the same doctor.

Those things cause a lot of trouble for the director of that department, and he has my sympathy and not my criticism. I do not see how he can possibly do the work that is alloted to him, with the amount of help he has to perform the work with, or with the system that he has at his command. What they need over there, and I think anybody that knows anything about business administration knows they need to make up more copies of the records. If more than one person wants to look at the file over there, there is only one file, and I do not care how many persons line up at the window, you can only get certificates as fast as they can look at the same file, and this would be a definite help in those communities where they have the records. In my district of Westmoreland, I have five third class cities and where they have birth records, there is certainly no harm if a person has worked in a steel mill for two or five years and needs a certificate, there is no harm in that man going to the Director of Public Health of that community and getting a certified copy of the record that now appears upon the books.

Talk about saboteurs and decentralization, why, you passed the worst possible bill last year when you allowed some attorney to get a political gravy job at seven dollars a head to hand out birth certificates, and now you will not allow a community that has birth certificates upon its records to issue a record.

Mr. STEVENSON. Mr. President, I would like to interrogate the gentleman from Washington County, Mr. Reed.

The PRESIDENT. Will the gentleman from Washington permit himself to be interrogated?

Mr. REED. I will, Mr. President.

Mr. STEVENSON. Mr. President, I would like to ask the Senator from Washington County if he can name the third class city that would qualify under this bill.

Mr. REED. Mr. President, in answer to the gentleman from Clinton, I have not studied the bill from that angle, but if there are any third class cities in the state that keep such records, then I can see no reason why those records should not be certified as this bill provides. It would make it much easier for a person in a third class city to go to the Department of Health and get a certified copy of the record kept there, than it would be to take the time to come to Harrisburg.

Mr. STEVENSON. Mr. President, for the information of the gentleman from Washington, a survey has shown that there are only two cities in Pennsylvania, possibly three, that would qualify, which have kept continuous records; McKeesport is one, Williamsport is another, and possibly Erie. No other cities in the Commonwealth could avail themselves of the provisions of this bill.

Mr. REED. Mr. President, those are cities of some size, and if they keep these records and can issue certificates under this statute, then I say that will help that much to relieve the congestion at Harrisburg and will make it much more convenient for the people in those three cities, and that fact will not change my opinion one bit on the merits of this bill.

On the question,

Will the Senate agree to the motion?

POINT OF INFORMATION

Mr. WALKER. Mr. President, I rise on a point of information.

The PRESIDENT. The gentleman from Allegheny will proceed.

Mr. WALKER. Mr. President, I understand a vote in the affirmative will be a vote to recommit the bill, is that correct?

The PRESIDENT. That is correct

And the question recurring,

Will the Senate agree to the motion to recommit Senate Bill No. 89, (House Bill No. 67), to the Commitee on Public Health?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz.

YEAS—31

Bartlett,	Ealy,	Letzler,	Tallman,
Becker,	Edmonds,	McQuiddy,	Thomas,
Carr,	Farrell,	Miller,	Wade,
Chapman,	Geltz,	Scarlett,	Watkins,
Crider,	Homsher,	Shapiro,	Wilson, H. I.,
Crowe,	James,	Snowden,	Wilson, T. B.,
Deitrick,	Jaspan,	Stevenson,	Ziesenheim,
DiSilvestro,	Kephart,	Stiefel,	

NAYS—14

Barr,	Dent,	Mallery,	Reed,
Cavalcante,	Frey,	McCreesh,	Ruth,
Coleman,	Haluska,	McGinnis,	Walker,
Cox.	Lanius,		

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

INTERROGATION

Mr. WALKER. Mr. President, I desire to interrogate the gentleman from Warren.

The PRESIDENT. Will the gentleman from Warren permit himself to be interrogated?

Mr. CHAPMAN. I will Mr. President.

Mr. WALKER. I understand, Mr. President, the gentleman from Warren is acting chairman of the Committee on Public Health in which this bill has just been interred and I would like to ask the gentleman from Warren if

there will be a meeting of that committee this week.

Mr. CHAPMAN. The first Monday in 1943, Mr. President.

RECESS

Mr. GELTZ. Mr. President, I move that the Senate do now take a recess for fifteen minutes.

Mr. WALKER. Mr. President, I second the motion.

The motion was agreed to

AFTER RECESS

The PRESIDENT. The time of recess having elapsed the Senate will be in order.

NOMINATIONS BY THE GOVERNOR

NOTARIES PUBLIC

The Secretary to the Governor being introduced, presented in writing from His Excellency, the Governor of the Commonwealth, nominations for appointment as Notaries Public.

CONSIDERATION OF NOTARIES PUBLIC

Mr. JAMES. Mr. President, I move that the Senate do now proceed to the consideration of nominations for appointment as Notaries Public, sent to the Senate, April 10, 1942, by His Excellency, the Governor of the Commonwealth.

Mr. MILLER. Mr. President, I second the motion.

The motion was agreed to.

The nominations were read as follows:

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 10, 1942.

To the Honorable the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Fred B. Vought, 123 West Front Street, Berwick, Columbia County, for appointment as a Notary Public in the Borough of Berwick, Columbia County, for the term of four years to compute from the date of confirmation.

ARTHUR H JAMES.

NOMINATIONS FOR NOTARIES PUBLIC

A motion was made by Mr. JAMES and Mr. FARRELL,

That the Senate do advise and consent to said nominations.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Barr,	Dent,	Lanius,	Stevenson,
Bartlett,	DiSilvestro,	Letzler,	Stiefel,
Becker,	Ealy,	Mallery,	Tallman,
Carr,	Edmonds,	McCreesh,	Taylor,
Cavalcante,	Farrell,	McGinnis,	Thomas,
Chapman,	Geltz,	McQuiddy,	Wade,
Coleman,	Haluska,	Miller,	Walker,
Cox,	Homsher,	Reed,	Watkins,
Crider,	James,	Ruth,	Wilson, H. I.,
Crowe,	Jaspan,	Scarlett,	Wilson, T. B.,
Deitrick,	Kephart,	Snowden,	Ziesenheim,

NAYS—0

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

CONFERENCE COMMITTEE ON SENATE BILL No. 41 DISCHARGED

Mr. HEYBURN. Mr. President, the Committee of Conference appointed on the part of the Senate to consider Senate Bill No. 41, having come to a harmonious agreement, I now move that said Committee of Conference be discharged.

Mr. GELTZ. Mr President, I second the motion.

The motion was agreed to.

REPORT OF COMMITTEE OF CONFERENCE ON SENATE BILL No. 46 CALLED UP

Mr. GELTZ. Mr. President, I now call up Report of Committee of Conference on Senate Bill No. 46, on page 1 of the Calendar.

Mr. EALY. Mr. President, I second the motion.

The motion was agreed to

The report was read as follows:

REPORT OF THE COMMITTEE OF CONFERENCE ON SENATE BILL No. 46

To the Members of the Senate and House of Representatives:

We, the undersigned, Committee of Conference on the part of the Senate and House of Representatives for the purpose of considering Senate Bill No. 46, entitled:

An Act to suspend for a limited time the operation of laws regulating or relating to the movement loading lightering docking and anchorage of vessels carrying or having on board certain explosives insofar as the same relate to the handling or stowing of small arms ammunition or ammunition which contains the projectile and the explosive in one container or shell to from or in such vessels docking or anchoring in the Delaware River and its navigable tributaries.

Respectfully submit the following bill as our report:

FRANKLIN SPENCER EDMONDS,
LOUIS H. FARRELL,
JOHN FREMONT COX.
(Committee on the part of the Senate.)

JAMES H. J. TATE,
CHARLES MELCHIORRE,
EDWIN A. LEE,
(Committee on the part of the House of Representatives)

An Act to suspend for a limited time the operation of laws regulating or relating to the movement loading lightering docking and anchorage of vessels carrying or having on board certain explosives insofar as the same relate to the handling or stowing of small arms ammunition or ammunition which contains the projectile and the explosive in one container or shell to from or in such vessels docking or anchoring in the Delaware River and its navigable tributaries and authorizing the framing of rules and regulations in certain cases by the Chairman of the Delaware River Navigation Commission and the Department of Wharves Docks and Ferries of the City of Philadelphia

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 In order to facilitate the movement and

transportation of certain explosives during the continuance of the war in which the United States is now engaged and for six months thereafter any laws or parts of laws of the Commonwealth and any regulations thereunder regulating or relating to the movement loading lightering docking or anchorage of vessels in the Delaware River and its navigable tributaries carrying or having on board gunpowder guncotton or other explosive insofar as the same regulates or relates to the movement loading lightering handling or storing of small arms ammunition or ammunition which contains the projectile and the explosive in one container or shell to from or in such vessels are hereby suspended

Provided that to insure the safety of the public reasonable rules and regulations in furtherance of the objects of this act shall be framed by the Chairman of the Delaware River Navigation Commission and the Department of Wharves Docks and Ferries of the City of Philadelphia when the Port of Philadelphia is concerned

On the question,

Will the Senate agree to the report?

SENATE ADOPTS REPORT OF COMMITTEE OF CONFERENCE ON SENATE BILL No. 46

Mr. GELTZ. Mr. President, I move that the Senate do now adopt he Report of the Commitee of Conference on Senate Bill No. 46.

Mr. EALY. Mr. President, I second the motion.

On the question,

Will the Senate adopt the report?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Barr,	Dent,	Lanius,	Snowden,
Bartlett,	DiSilvestro,	Letzler,	Stevenson,
Becker,	Ealy,	Mallery,	Stiefel,
Carr,	Edmonds,	McCreesh,	Tallman,
Cavalcante,	Farrell,	McGinnis,	Thomas,
Chapman,	Geltz,	McQuiddy,	Wade,
Coleman,	Haluska,	Miller,	Walker,
Cox,	Homsher,	Reed,	Watkins,
Crider,	James,	Ruth,	Wilson, H. I.,
Crowe,	Jaspan,	Scarlett,	Wilson, T. B.,
Deitrick,	Kephart,	Shapiro,	Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

SENATE BILL No. 97, (HOUSE BILL No. 112), ON THIRD READING AND FINAL PASSAGE CALLED UP

Mr. GELTZ. Mr. President, I now call up Senate Bill No. 97, (House Bill No. 112), on third reading and final passage, page 4 of the Calendar.

Mr. MILLER. Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 97, (House Bill No. 112), as follows:

An Act to amend subsection (a) and to further amend subsection (b) of section nine of the act approved the first day of June one thousand nine hundred thirty-seven (P. L. 1168) entitled "An act to protect the right of employes to organize and bargain collectively creating the Pennsylvania Labor Relations Board conferring powers and imposing duties upon the Pennsylvania Labor Relations Board officers of the State government and courts providing for the right of employes to organize and bargain collectively declaring certain labor practices by employers to be unfair further providing that representatives of a majority of the employes be the exclusive representatives of all the employes authorizing the board to conduct hearings and elections and certify as to representatives of employes for purposes of collective bargaining empowering the board to prevent any person from engaging in any unfair labor practice and providing a procedure for such cases including the issuance of a complaint the conducting of a hearing and the making of an order empowering the board to petition a court of common pleas for the enforcement of its order and providing a procedure for such cases providing for the review of an order of the board by a court of common pleas on petition of any persons aggrieved by such order and establishing a procedure for such cases providing for an appeal from the common pleas court to the Supreme Court providing the board with investigatory powers including the power to issue subpoenas and the compelling of obedience to them through application to the proper court providing for service of papers and process of the board prescribing certain penalties" fixing the rights and standing of the Pennsylvania Labor Relations Board as a party and as appellant in the courts in matters originating before the board and defining the jurisdiction of the Supreme Court on appeal

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Subsection (a) of section nine of the act approved the first day of June one thousand nine hundred thirty-seven (P. L. 1168) entitled "An act to protect the right of employes to organize and bargain collectively creating the Pennsylvania Labor Relations Board conferring powers and imposing duties upon the Pennsylvania Labor Relations Board officers of the State government and courts providing for the right of employes to organize and bargain collectively declaring certain labor practices by employers to be unfair further providing that representatives of a majority of the employes be the exclusive representatives of all the employes authorizing the board to conduct hearings and elections and certify as to representatives of employes for purposes of collective bargaining empowering the board to prevent any person from engaging in any unfair labor practice and providing a procedure for such cases including the issuance of a complaint the conducting of a hearing and the making of an order empowering the board to petition a court of common pleas for the enforcement of its order and providing a procedure for such cases providing for the review of an order of the board by a court of common pleas on petition of any person aggrieved by such order and establishing a procedure for such cases providing for an appeal from the common pleas court to the Supreme Court providing the board with investigatory powers including the power to issue subpoenas and the compelling of obedience to them through application to the proper court providing for service of papers and process of the board prescribing certain penalties" and subsection (b) thereof as amended by the act approved the ninth day of June one thousand nine hundred thirty-nine (P. L. 295) are hereby further amended to read as follows

Section 9 Judicial Review (a) The board shall have power to petition the court of common pleas of any county wherein the unfair labor practice in question occurred or wherein any person charged with the commission of any unfair labor practice resides or transacts business for the enforcement of such order and for appropriate temporary relief or restraining order and shall certify and file in the court a transcript of the entire record in the proceeding including the pleadings and testimony upon which such order was entered and the findings and order of the board Upon such filing the court shall cause notice thereof to be served upon such person

and thereupon shall have jurisdicton of the proceeding and of the question determined thereon and shall have power to grant such temporary relief or restraining order as it deems just and proper and to make and enter upon the pleadings testimony and proceedings set forth in such transcript a decree enforcing modifying and enforcing as so modified or setting aside in whole or in part the order of the board The parties before the court shall be the board and the person charged with the commission of any unfair labor practice No objection that has not been urged before the board its members or agent shall be considered by the court unless the failure or neglect to urge such objection shall be excused because of extraordinary circumstances The findings of the board as to the facts if supported by evidence shall be conclusive If [either] any party shall apply to the court for leave to adduce additional evidence and shall show to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence at the hearing before the board its members or agent the court may order such additional evidence to be taken before the board its members or agent and to be made a part of the transcript The board may modify its findings as to the facts or make new findings by reason of additional evidence so taken and filed and it shall file such modified or new findings which if supported by evidence shall be conclusive and shall file its recommendations if any for the modification or setting aside of its original order The jurisdiction of the court of common pleas shall be exclusive and its judgment and decree shall be final except that the same shall be subject to review by the Supreme Court on appeal by [either party] the board or the person charged with the commission of any unfair labor practice irrespective of the nature of the decree or judgment or the amount involved Such appeal shall be taken and prosecuted in the same manner and form and with the same effect as is provided in other cases of appeal to the Supreme Court and shall not be restricted to questions of jurisdiction and those relating to the regularity of the proceedings and the record so certified shall contain all that was before the court of common pleas

(b) Any person aggrieved by a final order of the board granting or denying in whole or in part the relief sought may obtain a review of such order in the court of common pleas of any county where the unfair labor practice in question was alleged to have been engaged in or wherein such person resides or transacts business by filing in such court a written petition praying that the order of the board be modified or set aside A copy of such petition shall be forthwith served upon the board and the board shall file in the court a transcript of the entire record in the proceeding certified by the board including the pleadings and testimony and order of the board Upon such filing the court shall proceed in the same manner as in the case of an application by the board under subsection (a) and shall have the same exclusive jurisdiction to grant to the board such temporary relief or restraining order as it deems just and proper and in like manner to make and enter a decree enforcing modifying and enforcing as so modified or setting aside in whole or in part the order of the board and the findings of the board as to the facts if supported by substantial and legally credible evidence shall in like manner be conclusive The parties before the court shall be any person aggrieved by a final order of the board as aforesaid and the board In all cases of review to the Supreme Court of Pennsylvania by any person aggrieved or by the board under this act the appellant may print a transcript containing an abridgement of the record in narrative form as far as necessary to present the questions for decisions Such printed transcript shall refer to the page of the original transcript and record certified by the board which original transcript shall be filed with the Supreme Court

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

(During the calling of the roll the following occurred.)

Mr. EDMONDS. Mr. President, I ask for a verification of the roll.

The PRESIDENT. The roll will be verified.

The Clerk called the names of those voting in the affirmative as follows:

Barr,	Farrell,	Mallery,	Snowden,
Bartlett,	Frey,	McCreesh,	Stevenson,
Carr,	Geltz,	McGinnis,	Stiefel,
Cavalcante,	Haluska,	McQuiddy,	Tallman,
Coleman,	Jaspan,	Miller,	Walker,
Cox,	Kephart,	Reed,	Watkins,
Deitrick,	Lanius,	Shapiro,	Ziesenheim,
DiSilvestro,	Letzler,		

The PRESIDENT. Are there any corrections? The Chair hears none. The affirmative vote will stand as verified.

The Clerk called the names of those voting in the negative as follows:

Becker,	Ealy,	Homsher,	Thomas,
Chapman,	Edmonds,	James,	Wilson, H. I.,
Crider,	Heyburn,	Scarlett,	Wilson, T. B.,

The PRESIDENT. Are there any corrections? The Chair hears none. The negative vote will stand as verified.

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—30

Barr,	Farrell,	Mallery,	Snowden,
Bartlett,	Frey,	McCreesh,	Stevenson,
Carr,	Geltz,	McGinnis,	Stiefel,
Cavalcante,	Haluska,	McQuiddy,	Tallman,
Coleman,	Jaspan,	Miller,	Walker,
Cox,	Kephart,	Reed,	Watkins,
Deitrick,	Lanius,	Shapiro,	Ziesenheim,
DiSilvestro,	Letzler,		

NAYS—12

Becker,	Ealy,	Homsher,	Thomas,
Chapman,	Edmonds,	James,	Wilson, H. I.,
Crider,	Heyburn,	Scarlett,	Wilson, T. B.,

A majority of all the Senators having voted "aye" the question was determined in the affirmatvie.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

HOUSE MESSAGES

COMMITTEE TO INVESTIGATE WASTE AND INEFFICIENCY

The Clerk of the House of Representatives being introduced informed the Senate that the House has concurred in resolution from the Senate as follows:

In the Senate, April 8, 1942.

Whereas, The United States is now engaged in what would appear to be a long and devastating world war; and

Whereas, To save the Republic is the solemn desire and sincere purpose of every true American; and

Whereas, The American people are being admonished daily to sacrifice and constantly urged by those in authority to return to the practice of strict economy; and

Whereas, Economy in government is vitally essential to its preservation and should at all times be practiced

and particularly during periods of national stress and war; and

Whereas, Waste, inefficiency, indolence, and disintegration are in existence, in various forms and degrees, in almost every branch and department of our government; and

Whereas, To locate and eliminate these evils is the patriotic duty of every loyal citizen, especially those paid servants of the people employed as law makers in these legislative halls; Therefore, To that end, Be it

Resolved, That, if the House of Representative concurs, a Committee, consisting of three Senators, appointed by the President Pro Tempore of the Senate, and three members of the House of Representatives, appointed by the Speaker of the House of Representatives, be created, to investigate and explore, impartially and fearlessly, all departments, boards, and agencies of the Commonwealth, including, if advisable, Counties, Cities, Boroughs, Townships, and School Districts, for the purpose of ascertaining whether waste, inefficiency, indolence or disintegration are present, and if so, to study ways and means of eradicating and/or correcting the same, and to make report to the General Assembly of the Commonwealth at its regular meeting in January, 1943, with its recommendations.

Such committee shall have the power to compel the appearance of witnesses and the production of books, papers and records, and to issue proper subpoenas for the attendance of witnesses and the production of books, papers, records, and any and all other writings deemed necessary for the fulfillment of the duties prescribed by this resolution.

COMPENSATION AND MILEAGE FOR HOUSE AND SENATE EMPLOYES

He also presented an extract from the Journal of the House of Representatives, which was twice read:

In the House of Representatives, April 10, 1942.

Resolved (if the Senate concur), That the State Treasurer be and is hereby authorized to pay upon warrant of the Auditor General to each Member of the General Assembly, the compensation and mileage to and from their homes at the rate of five cents a mile circular for each week a Member was in actual attendance at the sessions of the Extraordinary Session of the General Assembly, (convened in session on call of the Governor February 17th, 1942), by virtue of the provisions of the Act of Assembly approved the tenth day of May, 1927, P. L. 880;

Resolved, That the State Treasurer be and is hereby authorized to pay upon warrant of the Auditor General to each employe of the Senate and House of Representatives, the salary or per diem compensation and mileage to their homes at the rate of five cents per mile circular, to which they are entitled under law for an Extraordinary Session of the General Assembly by virtue of the provisions of the Acts of Assembly under which they are elected or appointed.

On the question,

Will the Senate agree to the resolution?

Mr. CHAPMAN. Mr. President, I ask unanimous consent to present an amendment to the resolution.

The Clerk read the resolution as amended as follows:

In the House of Representatives, April 10, 1942.

Resolved (if the Senate concur), That the State Treasurer be and is hereby authorized to pay upon warrant of the Auditor General to each Member of the General Assembly, the compensation and mileage to and from their homes at the rate of five cents a mile circular for each week a Member was in actual attendance at the sessions of the Extraordinary Session of the General Assembly, (convened in session on call of the Governor February 17th, 1942), by virtue of the provisions of the Act of Assembly approved the tenth day of May, 1927, P. L. 880;

Resolved, That the State Treasurer be and is hereby authorized to pay upon warrant of the Auditor General to each employe of the Senate and House of Representatives, the salary or per diem compensation and mileage to their homes at the rate of [five] ten cents per mile circular, to which they are enttiled under law for an Extraordinary Session of the General Assembly by virtue of the provisions of the Acts of Assembly under which they are elected or appointed.

On the question,

Will the Senate adopt the resolution as amended?

SENATE ADOPTS RESOLUTION AS AMENDED

Mr. CHAPMAN. Mr. President, I move that the Senate do now adopt the resolution as amended.

Mr. GELTZ. Mr. President, I second the motion.

The motion was agreed to.

Ordered, That the Clerk inform the House of Representatives that the Senate has passed the resolution with amendment in which the concurrence of the House is requested.

POST-WAR PLANNING COMMISSION

He also presented an extract from the Journal of the House of Representatives which was twice read as follows and referred to the Committee on Public Health.

Whereas, The war production program is calling for extraordinary productive effort involving major adjustments in the productive organization of Pennsylvania manufacturing, mining, and agricultural industry, to meet the demand for essential military and civilian goods and services, and

Whereas, Future major adjustments must be made when the extraordinary requirement of the war effort is terminated, and

Whereas, This situation involves radical shifts in employment for a large sector of Pennsylvania's population, with the danger of large scale unemployment in the post-war period, and

Whereas, The current and the postwar situation require emergency research, publicity, and field promotional efforts to assist the citizens in the conservation and the wide use of their resources and the ultimate use of existing production resources in order to minimize unwise labor migration, plant closing, and the attendant suffering and privation that follow post-war readjustments, therefore be it

Resolved, If the Senate concur, that a Post-War Planning Commission be created, to be composed of fourteen members, and consisting of the Secretary of Commerce; Director of the State Planning Board of the Department of Commerce; the Secretary of Agriculture; the Secretary of Labor and Industry; the Secretary of Forests and Waters; the Speaker of the House of Representatives; and the President Pro Tempore of the Senate; two Members of the House of Representatives and one citizen, appointed by the Speaker of the House; two Members of the Senate and one citizen appointed by the President Pro Tempore of the Senate; two citizens appointed by the Governor, for the purpose of making special studies and performing research pertinent to the extraordinary economic adjustment with which the Commonwealth is now confronted, and which will be intensified greatly by the demands of the post-war period, and to disseminate the results thereof in terms of both public works and private productive enterprise suitable to the needs of the people and their fullest possible employment in the various industrial and agricultural areas of the Commonwealth; and

Be It Further Resolved, That a report shall be made to the regular session of the General Assembly of 1943,

setting forth the full results of its studies, with recommendations as to remedial measures or necessary legislation, including an itemized program of public works in the order of priority of need and usefulness in providing employment in subsequent periods of diminished industrial activity, as well as the development of industrial opportunity through the full use of State products and bi-products, and methods for increasing opportunities for commerce in the products produced in this Commonwealth, both by manufacturers and agriculture.

NOMINATION BY THE GOVERNOR

NOTARY PUBLIC

The Secretary to the Governor being introduced, presented in writing from His Excellency, the Governor of the Commonwealth, a nomination for appointment as Notary Public.

CONSIDERATION OF NOTARY PUBLIC

Mr. JAMES. Mr. President, I move that the Senate do now proceed to the consideration of the nomination for appointment as Notary Public, sent to the Senate, April 10, 1942, by His Excellency, the Governor of the Commonwealth.

Mr. MILLER. Mr. President, I second the motion.

The motion was agreed to.

The nomination was read as follows:

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 10, 1942.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Paul J. Durkay, First National Bank, 200 Westinghouse Avenue, Wilmerding, Allegheny County, for appointment as a Notary Public in the Borough of Wilmerding, Allegheny County, for the term of four years to compute from the date of confirmation.

ARTHUR H. JAMES.

NOMINATION FOR NOTARY PUBLIC

A motion was made by Mr. JAMES and Mr. GELTZ,

That the Senate do advise and consent to said nomination.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Barr,	Dent,	Lanius,	Stevenson,
Bartlett,	DiSilvestro,	Letzler,	Stiefel,
Becker,	Ealy,	Mallery,	Tallman,
Carr,	Edmonds,	McCreesh,	Taylor,
Cavalcante,	Farrell,	McGinnis,	Thomas,
Chapman,	Geltz,	McQuiddy,	Wade,
Coleman,	Haluska,	Miller,	Walker,
Cox,	Homsher,	Reed,	Watkins,
Crider,	James,	Ruth,	Wilson, H. I.,
Crowe,	Jaspan,	Scarlett,	Wilson, T. B.,
Deitrick,	Kephart,	Snowden,	Ziegenheim,

NAYS—0

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

HOUSE MESSAGE

SENATE BILL No. 35 RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives being introduced, returned to the Senate, Senate Bill No. 35, entitled:

An Act authorizing the Department of Highways to construct, replace or repair bridges in cities of the third class which form connecting links on State highways necessary for National defense in cases where Federal funds and city funds are available for such purposes and authorizing the Secretary of Highways to enter into agreements with the proper Federal authorities and the authorities of cities of the third class covering the construction, replacement or repair of such bridges; and making an appropriation.

with the information that the House has passed the same with amendments, in which the concurrence of the Senate is requested.

Mr. GELTZ. Mr. President, I move that Rule 21, which requires amended bills to be noted on the calendar, be in this case dispensed with, and that the Senate proceed to the consideration of the amendments made by the House of Representatives to the foregoing bill.

Mr. MILLER. Mr. President, I second the motion.

The motion was agreed to.

SENATE NON-CONCURS IN HOUSE AMENDMENTS TO SENATE BILL No. 35 AND APPOINTS COMMITTEE OF CONFERENCE

Mr. GELTZ. Mr. President, I move that the Senate non-concur in the amendments made by the House of Representatives to Senate Bill No. 35, and appoint a Committee of Conference.

Mr. MILLER. Mr. President, I second the motion.

The motion was agreed to.

The PRESIDENT. The President Pro Tempore appoints Messrs. Tallman, Bartlett and Cavalcante to be said committee on the part of the Senate.

Ordered, that the Clerk inform the House of Representatives accordingly.

SENATE BILL No. 64 RETURNED WITH AMENDMENTS

He also returned to the Senate, Senate Bill No. 64, entitled:

A Supplement to the act approved March eleventh, one thousand nine hundred forty-two entitled "An act to provide for the expenses of the Extraordinary Session of the Legislature assembled February seventeenth, one thousand nine hundred forty-two in pursuance of the proclamation of the Governor of the Commonwealth dated February tenth, one thousand nine hundred forty-two, and the supplement thereto."

with the information that the House has passed the same with amendments, in which the concurrence of the Senate is requested.

Mr. GELTZ. Mr. President, I move that Rule 21, which requires amended bills to be noted on the calendar, be in this case dispensed with, and that the Senate proceed to the consideration of the amendments made by the House of Representatives to the foregoing bill.

Mr. MILLER. Mr. President, I second the motion.

The motion was agreed to.

SENATE CONCURS IN AMENDMENTS MADE BY THE HOUSE TO SENATE BILL No. 64

Mr. GELTZ. Mr. President, I move that the Senate do now concur in the amendments made by the House of Representatives to Senate Bill No. 64.

Mr. MILLER. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Barr,	Dent,	Lanius,	Stevenson,
Bartlett,	DiSilvestro,	Letzler,	Stiefel,
Becker,	Ealy,	Mallery,	Tallman,
Carr,	Edmonds,	McCreesh,	Taylor,
Cavalcante,	Farrell,	McGinnis,	Thomas,
Chapman,	Geltz,	McQuiddy,	Wade,
Coleman,	Haluska,	Miller,	Walker,
Cox,	Homsher,	Reed,	Watkins,
Crider,	James,	Ruth,	Wilson, H. I.,
Crowe,	Jaspan,	Scarlett,	Wilson, T. B.,
Deitrick,	Kephart,	Snowden,	Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

SENATE BILL No. 21 RETURNED WITH AMENDMENTS

He also returned to the Senate, Senate Bill No. 21, entitled:

An Act authorizing certain political subdivisions to make appropriations for the payment of expenses of local or district councils of defense within said political subdivisions and for the protection or preparation for the protection of the health, welfare and safety of the civilian population of said political subdivision during emergencies resulting from air raids, blackouts or sabotage; regulating the manner of payment of expenses of local and district councils of defense; authorizing such political subdivisions to borrow money under certain conditions for such purposes providing for the repayment thereof and ratifying confirming and validating appropriations heretofore made for said purposes.

with the information that the House has passed the same with amendments, in which the concurrence of the Senate is requested.

Mr. GELTZ. Mr. President, I move that Rule 21, which requires amended bills to be noted on the calendar, be in this case dispensed with, and that the Senate proceed to the consideration of the amendments made by the House of Representatives to the foregoing bill.

Mr. SCARLETT. Mr. President, I second the motion.

The motion was agreed to.

SENATE CONCURS IN HOUSE AMENDMENTS TO SENATE BILL No. 21

Mr. GELTZ. Mr. President, I move that the Senate do now concur in the amendments made by the House of Representatives to Senate Bill No. 21.

Mr. SCARLETT. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Barr,	Dent,	Lanius,	Stevenson,
Bartlett,	DiSilvestro,	Letzler,	Stiefel,
Becker,	Ealy,	Mallery,	Tallman,
Carr,	Edmonds,	McCreesh,	Taylor,
Cavalcante,	Farrell,	McGinnis,	Thomas,
Chapman,	Geltz,	McQuiddy,	Wade,
Coleman,	Haluska,	Miller,	Walker,
Cox,	Homsher,	Reed,	Watkins,
Crider,	James,	Ruth,	Wilson, H. I.,
Crowe,	Jaspan,	Scarlett,	Wilson, T. B.,
Deitrick,	Kephart,	Snowden,	Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

HOUSE ADOPTS REPORT OF CONFERENCE COMMITTEE ON SENATE BILL No. 19

He also informed the Senate that the House of Representatives has adopted the report of the Conference Committee on Senate Bill No. 19, entitled:

An Act to protect property and prevent sabotage by prohibiting for a limited period of time certain intentional injuries to and interferences with real and personal property prohibiting certain intentional defects in workmanship limiting the privileges of certain witnesses prohibiting certain entries upon real property and waters authorizing the closing of highways or the regulation or restriction of travel thereon conferring powers on the Water and Power Resources Board and providing penalties

HOUSE CONCURS IN AMENDMENTS TO HOUSE BILL No. 76

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 76, entitled:

An Act suspending and modifying for the period of the present war and for a time thereafter the provisions of section one of the act approved the eighth day of July one thousand nine hundred and nineteen (P. L. 737) entitled "A supplement to an act entitled 'An act to establish a Board of Commissioners of Navigation for the River Delaware and its navigable tributaries regulating their jurisdiction over ships vessels and boats and wharves piers bulkheads docks slips and basins and exempting cities of the first class from certain of its provisions and making an appropriation therefor' approved the eighth day of June Anno Domini one thousand nine hundred and seven authorizing and directing the commissioners to provide and maintain a nautical school for the education and training of pupils from the various counties of the Commonwealth of Pennsylvania in the science and practice of navigation and making an appropriation for two years from the first day of June Anno Domini one thousand nine hundred and nineteen towards its maintenance" and its amendments in so far as they require the furnishing of accommodations on board a proper vessel for the nautical school when no such vessel is available and imposing upon the State Council of Defense the duty of furnishing other accommodations.

HOUSE NON-CONCURS IN AMENDMENTS TO HOUSE BILL No. 58

He also presented communication from the House of

Representatives informing the Senate that the House has non-concurred in amendments made by the Senate to House Bill No. 58, entitled:

An Act authorizing the Department of Property and Supplies, with the approval of the Board of Commissioners of Public Grounds and Buildings to adopt certain rules and regulations governing purchases, sales and contracts of the Department of Property and Supplies on behalf of the Commonwealth during the continuation of the present war, and for six months thereafter, and suspending certain statutory provisions inconsistent with such rules and regulations.

SENATE INSISTS UPON ITS AMENDMENTS NON-CONCURRED IN BY THE HOUSE TO HOUSE BILL No. 58, AND APPOINTS COMMITTEE OF CONFERENCE

Mr. GELTZ. Mr. President, I move that the Senate insist upon its amendments non-concurred in by the House to Senate Bill No. 58 and that a Committee of Conference be appointed to confer with a similar committee of the House of Representatives (if the House of Representatives shall appoint such a committee) to consider the differences existing between the two houses in relation to said bill.

Mr. MILLER. Mr. President, I second the motion.

The motion was agreed to.

The PRESIDENT. The President Pro Tempore appoints Messrs. Thomas B. Wilson, Miller and Jaspan to be said committee on the part of the Senate.

Ordered, that the Clerk inform the House of Representatives accordingly.

SUBSTITUTION IN COMMITTEE OF CONFERENCE ON SENATE BILL No. 35

The PRESIDENT. On behalf of the President Pro Tempore, the Chair announces the appointment of the Senator from Clearfield, Mr. Letzler to be a conferee to consider the differences between the two houses in relation to Senate Bill No. 35, in lieu of the Senator from Northampton, Mr. Bartlett, at the request of the latter.

RECESS

Mr. GELTZ. Mr. President, I move that the Senate do now take a recess for ten minutes.

Mr. WALKER. Mr. President, I second the motion.

The motion was agreed to.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed the Senate will be in order.

COMMUNICATION TO THE CHAIR

The PRESIDENT. The Chair is in receipt of a communication which the Clerk will read and which if there is no objection will be spread upon the Journal.

The Clerk read the telegram as follows:

April 10, 1942.

Hon. Samuel S. Lewis,

President of the Senate, Harrisburg, Pa.

Express my thanks to Senators for confirming Civil Service appointment.

JOHN A. M. McCARTHY.

REPORT FROM COMMITTEE ON EXECUTIVE NOMINATIONS

Mr. JAMES. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

JUSTICE OF THE PEACE

Mr. JAMES from the Committee on Executive Nominations reported with a favorable recommendation the following nominations, made by His Excellency, the Governor of the Commonwealth:

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 10, 1942.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Henry Price, Cresco, Monroe County, for appointment as Justice of the Peace in and for the Township of Barrett, Monroe County, until the first Monday in January, 1944, to fill a vacancy.

ARTHUR H. JAMES

EXECUTIVE SESSION

By unanimous consent,

A motion was made by Mr. JAMES and Mr. THOMAS B. WILSON,

That Rule 38, which requires nominations made by the Governor, to lie on the table one day be dispensed with, and the Senate do now resolve itself into Executive Session, for the purpose of acting upon all nominations reported at today's session.

Which was agreed to.

Whereupon,

A motion was made by Mr. JAMES and Mr. LETZLER,

That the Senate do advise and consent to the nominations reported.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Barr,	Dent,	Kephart,	Snowden,
Bartlett,	DiSilvestro,	Lanius,	Stevenson,
Becker,	Ealy,	Letzler,	Stiefel,
Carr,	Edmonds,	Mallery,	Tallman,
Cavalcante,	Farrell,	McCreesh,	Thomas,
Chapman,	Geltz,	McGinnis,	Wade,
Coleman,	Haluska,	McQuiddy,	Walker,
Cox,	Heyburn,	Miller,	Watkins,
Crider,	Homsher,	Reed,	Wilson, H. I.,
Crowe,	James,	Ruth,	Wilson, T. B.,
Deitrick,	Jaspan,	Scarlett,	Ziesenheim,

NAYS—0

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

Mr. JAMES. Mr. President, I move that the Executive Session do now rise.

Mr. LETZLER. Mr. President, I second the motion.

The motion was agreed to.

HOUSE MESSAGES

HOUSE APPOINTS CONFEREES ON HOUSE BILL No. 58

The Clerk of the House of Representatives being introduced, informed the Senate that the House has appointed Messrs. Achterman, Presley N. Jones and Weingartner as a Committee of Conference to confer with a similar committee of the Senate (already appointed) to consider the differences existing between the two houses in relation to House Bill No. 58.

HOUSE APPOINTS CONFEREES ON SENATE BILL No. 35

He also informed the Senate that the House has appointed Messrs. Brown, Presley N. Jones and Lichtenwalter as a Committee of Conference to confer with a similar committee of the Senate (already appointed) to consider the differences existing between the two houses in relation to Senate Bill No. 35.

CONFERENCE COMMITTEE ON SENATE BILL No. 35 DISCHARGED

Mr. TALLMAN. Mr. President, I move that the Committee of Conference on the part of the Senate, considering Senate Bill No. 35, be discharged.

Mr. THOMAS B. WILSON. Mr. President, I second the motion.

The motion was agreed to.

SENATE RECEDES FROM ITS NON-CONCURRENCE IN HOUSE AMENDMENTS TO SENATE BILL No. 35

Mr. GELTZ. Mr. President, I move that the Senate do now recede from its non-concurrence and concur in the amendments made by the House to Senate Bill No. 35.

Mr. FARRELL. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Barr,	Dent,	Kephart,	Snowden,
Bartlett,	DiSilvestro,	Lanius,	Stevenson,
Becker,	Ealy,	Letzler,	Stiefel,
Carr,	Edmonds,	Mallery,	Tallman,
Cavalcante,	Farrell,	McCreesh,	Thomas,
Chapman,	Geltz,	McGinnis,	Wade,
Coleman,	Haluska,	McQuiddy,	Walker,
Cox,	Heyburn,	Miller,	Watkins,
Crider,	Homsher,	Reed,	Wilson, H. I.,
Crowe,	James,	Ruth,	Wilson, T. B.,
Deitrick,	Jaspan,	Scarlett,	Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

HOUSE MESSAGES

HOUSE CONCURS IN AMENDMENTS TO HOUSE BILL No. 113

The Clerk of the House of Representatives being introduced, presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 113, entitled:

An Act creating a joint legislative committee to study partial unemployment as related to unemployment compensation defining its powers and duties authorizing the employment of counsel and employes and making an appropriation.

HOUSE ADOPTS REPORT OF CONFERENCE COMMITTEE ON SENATE BILL No. 46

He also informed the Senate that the House of Representatives has adopted the report of the conference committee on Senate Bill No. 46, entitled:

An Act to suspend for a limited time the operation of laws regulating or relating to the movement loading lightering docking and anchorage of vessels carrying or having on board certain explosives insofar as the same relate to the handling or stowing of small arms ammunition or ammunition which contains the projectile and the explosive in one container or shell to from or in such vessels docking or anchoring in the Delaware River and its navigable tributaries and authorizing the framing of rules and regulations in certain cases by the Chairman of the Delaware River Navigation Commission and the Department of Wharves Docks and Ferries of the City of Philadelphia

HOUSE CONCURS IN SENATE AMENDMENTS TO HOUSE RESOLUTIONS

He also informed the Senate that the House has concurred in the amendments made by the Senate to House Resolution, as follows:

In the House of Representatives, April 10, 1942.

Resolved (if the Senate concur), That the State Treasurer be and is hereby authorized to pay upon warrant of the Auditor General to each Member of the General Assembly, the compensation and mileage to and from their homes at the rate of five cents a mile circular for each week a Member was in actual attendance at the sessions of the Extraordinry Session of the General Assembly, (convened in session on call of the Governor February 17, 1942), by virtue of the provisions of the Act of Assembly approved the tenth day of May, 1927, P. L. 880;

Resolved, That the State Treasurer be and is hereby authorized to pay upon warrant of the Auditor General to each employe of the Senate and House of Representatives, the salary or per diem compensation and mileage to their homes at the rate of [five] ten cents per mile circular, to which they are entitled under law for an Extraordinary Session of the General Assembly by virtue of the provisions of the Acts of Assembly under which they are elected or appointed.

BILLS SIGNED

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis), announced that the Chief Clerk having reported that the following bills had passed both houses of the General Assembly and the same being correct, the titles were publicly read as follows:

House Bill No. 8, entitled:

An Act to further amend section two of the act, approved the seventh day of June, one thousand nine hundred seventeen (P. L. 600), entitled "Status of Public Officers and Employes in Military Service in Time of War

or contemplated War Act," by more fully defining amounts payable.

House Bill No. 68, entitled:

An Act to amend section two of the act approved the tenth day of July one thousand nine hundred thirty-five (P. L. 645) entitled "An act imposing certain requirements on certain hospitals receiving State aid authorizing the withholding of appropriations and imposing duties on the Department of Welfare" by providing that during the present war and six months thereafter funds shall not be withheld from hospitals for violation of such act if the Secretary of Welfare determines that the constant attendance of a licensed physician or resident interne cannot be secured by such hospitals because of the war emergency.

House Bill No. 76, entitled:

An Act suspending and modifying for the period of the present war and for a time thereafter the provisions of section one of the act, approved the eighth day of July, one thousand nine hundred and nineteen (P. L. 737), entitled "A supplement to an act, entitled 'An act to establish a Board of Commissioners of Navigation for the River Delaware and its navigable tribuarties; regulating their jurisdiction over ships. vessels, and boats, and wharves, piers, bulkheads, docks, slips, and basins; and exempting cities of the first class from certain of its provisions; and making an appropriation therefor' approved the eighth day of June, Anno Domini one thousand nine hundred and seven; authorizing and directing the commissioners to provide and maintain a nautical school for the education and training of pupils from the various counties of the Commonwealth of Pennsylvania in the science and practice of navigation; and making an appropriation for two years from the first day of June, Anno Domini one thousand nine hundred and nineteen, towards its maintenance," and its amendments, in so far as they require, the furnishing of accommodations on board a proper vessel for the nautical school, when no such vessel is available and imposing upon the State Council of Defense the duty of furnishing other accommodations.

House Bill No. 101, entitled:

An Act to amend the appropriation to the Department of Military Affairs in section two of the act, approved the sixteenth day of June, one thousand nine hundred and forty-one (Appropriation Act No. 12-A), entitled "An act to provide for the ordinary expenses of the Executive, Legislative and Judicial Departments of the Commonwealth, interest on the public debt, and the support of the public schools for two years beginning June first, one thousand nine hundred and forty-one and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first, one thousand nine hundred and forty-one," by providing specifically for the expenses of the State Council of Defense for the maintenance of a nautical school.

Senate Bill No. 19, entitled:

An Act to protect property and prevent sabotage by prohibiting, for a limited period of time, certain intentional injuries to, and interferences with, real and personal property; prohibiting certain intentional defects in workmanship; limiting the privileges of certain witnesses, and providing penalties.

Senate Bill No. 21, entitled:

An Act authorizing certain political subdivisions to make appropriations for the payment of expenses of local or district councils of defense within said political subdivisions and for the protection or preparation for the protection of the health welfare and safety of the civilian population of said political subdivisions during emergencies resulting from air raids blackout or sabotage regulating the manner of payment of expenses of local and district councils of defense authorizing such political subdivisions to levy taxes and borrow money under certain conditions for such purposes providing for the repayment thereof and ratifying confirming and validating appropriations heretofore made for said purposes.

Senate Bill No. 49, entitled:

An Act suspending for a limited time all laws of the Commonwealth requiring the registration of trailers insofar as they require the registration of certain wagons or agricultural machinery drawn by a motor driven vehicle for certain purposes.

Senate Bill No. 64, entitled:

A Supplement to the act approved March eleventh, one thousand nine hundred forty-two, entitled "An act to provide for the expenses of the Extraordinary Session of the Legislature assembled February seventeenth, one thousand nine hundred forty-two in pursuance of the proclamation of the Governor of the Commonwealth dated February tenth, one thousand nine hundred forty-two, and the supplement thereto."

Whereupon,

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis), in the presence of the Senate signed the same.

PERMISSION TO ADDRESS SENATE

Mr. MILLER. In order to take advantage of this slight lull, Mr. President, I ask permission to address the Senate.

The PRESIDENT. The gentleman from Luzerne may proceed.

Mr. MILLER. Mr. President, on Wednesday last, at the time Senate Bill No. 84 was considered on third reading and final passage, I stated that it was to be regretted that there were not enough legislative days remaining in this Special Session to enact this bill into legislation.

I happily was informed by my illustrious colleague, Senator Ealy, who dashed to my side and said that there were still enough legislative days, and after the members of this body saw fit to vote favorably on the bill, I immediately went to the House, and through the influence, I will say, of several friends, had the bill reported out of the select committee.

Mr. President, today I was certainly gratified to learn that the House of Representatives had passed by a vote of 180 to 0, Senate Bill No. 84, authorizing the Secretary of Revenue and the Secretary of Highways to suspend the law requiring the use of two registration plates on each motor vehicle, and to use one instead, thereby making available vital war materials in the form of steel that could be used in the manufacture of guns and shells.

The measure, as I understand, is now in the hands of the Governor for his action. I sincerely trust that the Governor of this Commonwealth will see fit to enact this measure into law, and that the Secretary of Revenue and the Secretary of Highways will suspend the present law and request all motor car owners to return one license plate.

This is the time for all out war; this is the time to have every automobile owner return one of the tags

to be made into guns and shells to help win this all out war.

You, my colleagues, have supported this bill, which will greatly aid in the defeat of the Japs and Hitler. The return of one tag will not harm anyone, as there is no need for two; one is enough. Let us place the weights of tons of this most valuable metal around the necks of Hirohito and Hitler, and let there be no mistake, Uncle Sam needs every bit of material in this war. Let us do our part in keeping them flying. I know every automobile owner will be pleased, as his contribution, to comply and deliver up one of his tags. The American Legion of the Department of Pennsylvania in the respective communities will, I know, assume the collection, as they have willingly done in the collection of discarded license tags, in the event the present law is suspended.

SENATE ADOPTS REPORT OF CONFERENCE COMMITTEE ON SENATE BILL No. 65

Mr. GELTZ. Mr. President, I move that the Senate do now proceed to the consideration of the Conference Committee Report on Senate Bill No. 65, Printer's No. 78.

Mr. JAMES. Mr. President, I second the motion.

The motion was agreed to.

SUSPENSION OF RULE 21

Mr. GELTZ. Mr. President, I move that Rule 21, which req[illegible] Conference Committee Reports to be noted on the Calendar, be in this case dispensed with, and that the Senate proceed to the consideration of the Report of the Committee of Conference made by the House to the foregoing bill.

Mr. JAMES. Mr. President, I second the motion.

The motion was agreed to.

The report was read as follows:

REPORT OF THE COMMITTEE OF CONFERENCE ON SENATE BILL No. 65

To the Members of the Senate and House of Representatives:

We, the undersigned, Committee of Conference on the part of the Senate and House of Representatives for the purpose of considering Senate Bill No. 65, entitled:

An Act to amend section twenty-one as amended of the act approved the seventh day of June one thousand nine hundred and fifteen (P. L. 900) entitled "An act to provide for the immediate registration of all births and deaths throughout the Commonwealth of Pennsylvania by means of certificates of births and deaths and burial or removal permits requiring prompt returns to the Central Bureau of Vital Statistics as required to be established by the State Department of Health and in order to secure prompt and faithful registration of births marriages deaths and diseases of practitioners of medicine and surgery or midwives nurses and undertakers and of all persons whose occupation is deemed to be of importance in obtaining complete registration of births deaths marriages and diseases throughout the State as provdied in section ten of an act entitled 'An act creating the Department of Health and defining its powers and duties' approved the twenty-seventh day of April nineteen hundred and five and providing penalties for violation of this act" by further regulating the giving of certified copies of birth certificates to soldiers sailors and marines and war nurses.

Respectfully submit the following bill as our report:

ROBERT M. MILLER,
CHARLES R. MALLERY,
EDWARD J. COLEMAN,
(Committee on the part of the Senate.)

WILLIAM J. YESTER,
JOHN E. VAN ALLSBURG,
(Committee on the part of the House of Representatives.)

An Act to amend section twenty-one as amended of the act approved the seventh day of June one thousand nine hundred and fifteen (P. L. 900) entitled "An act to provide for the immediate registration of all births and deaths throughout the Commonwealth of Pennsylvania by means of certificates of births and deaths and burial or removal permits requiring prompt returns to the Central Bureau of Vital Statistics as required to be established by the State Department of Health and in order to secure prompt and faithful registration of births marriages deaths and diseases of practitioners of medicine and surgery or midwives nurses and undertakers and of all persons whose occupation is deemed to be of importance in obtaining complete registration of births deaths marriages and diseases throughout the State as provided in section ten of an act entitled 'An act creating the Department of Health and defining its powers and duties' approved the twenty-seventh day of April nineteen hundred and five and providing penalties for violations of this act" by further regulating the giving of certified copies of birth certificates to soldiers sailors and marines and war nurses and their dependents

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section twenty-one of the act approved the seventh day of June one thousand nine hundred and fifteen (P. L. 900) entitled "An act to provide for the immediate registration of all births and deaths throughout the Commonwealth of Pennsylvania by means of certificates of births and deaths and burial or removal permits requiring prompt returns to the Central Bureau of Vital Statistics as required to be established by the State Department of Health and in order to secure prompt and faithful registration of births marriages deaths and diseases of practitioners of medicine and surgery of midwives nurses and undertakers and of all persons whose occupation is deemed to be of importance in obtaining complete registration of births deaths marriages and diseases throughout the State as provided in section ten of an act entitled 'An act creating the Department of Health and defining its powers and duties' approved the twenty-seventh day of April nineteen hundred and five and providing penalties for violations of this act" as last amended by the act approved the twenty-second day of April one thousand nine hundred and thirty-seven (P. L. 309) is hereby further amended to read as follows

Section 21 The Department of Health shall upon request and the payment of the fee as hereinafter provided furnish any applicant a certified copy of the record of any birth death or marriage registered under provisions of this act Provided however That no certified copy of an illegitimate birth record nor any information relative thereto except as herein otherwise provided shall be furnished to any person other than the illegitimate child or the mother of the child or upon an order of a court of competent jurisdiction When a certified copy is furnished of a birth certificate which was not filed within ten days from the birth there shall be furnished with such copy a true copy of any affidavit or affidavits or other papers filed with such birth certificate When a request is made for a birth certificate of any person who has been adopted by any other person pursuant to the provisions of any law and there is filed with such request a certified copy of the decree of the court in such adoption proceedings the department shall upon special request therefor issue in lieu of a certified copy of the original record a certificate showing only (a) the

name of the adopted person as changed by the decree of adoption if changed (b) the date and place of birth (c) the names of the adopting parent or parents and (d) the permanent file number of the original birth certificate Such special certificate shall be accepted by all school authorities as evidence of the child's age for all purposes connected with employment or school attendance For the making and certification of each certified copy of the record of any birth death or marriage or of any special birth certificate the department shall be entitled to a fee of one dollar to be paid by the applicant and any such copy of the record of a birth or death or marriage when properly certified by the Department of Health to be a true copy thereof shall be prima facie evidence in all courts and places of the facts therein stated Provided That certified copies of the record of any birth death or marriage shall be furnished to honorably discharged soldiers sailors marines war nurses and their dependents and to the dependents of soldiers sailors marines and war nurses who have lost their lives while in the service of the United States during any war in which the United States is engaged without the payment of any fee [for] For any search of the files and records when no certified copy is made the Department of Health shall be entitled to a fee of fifty cents for each hour or fractional hour of time of search to be paid by the applicant And the Department of Health shall keep a true and correct account of all fees by it received under these provisions and pay the same into the State Treasury through the Department of Revenue

SENATE ADOPTS REPORT OF CONFERENCE COMMITTEE ON SENATE BILL No. 65

Mr. GELTZ. Mr. President, I move that the Senate adopt the report of the Committee of Conference on Senate Bill No. 65, (Printer's No. 78).

Mr. JAMES. Mr. President, I second the motion.

On the question,

Will the Senate adopt the report?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Barr,	Dent,	Kephart,	Snowden,
Bartlett,	DiSilvestro,	Lanius,	Stevenson,
Becker,	Ealy,	Letzler,	Stiefel,
Carr,	Edmonds,	Mallery,	Tallman,
Cavalcante,	Farrell,	McCreesh,	Thomas,
Chapman,	Geltz,	McGinnis,	Wade.
Coleman,	Haluska,	McQuiddy,	Walker,
Cox,	Heyburn,	Miller,	Watkins,
Crider,	Homsher,	Reed,	Wilson, H. I.,
Crowe,	James,	Ruth,	Wilson, T. B.,
Deitrick,	Jaspan,	Scarlett,	Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

BILLS SIGNED

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) announced that the Chief Clerk having reported that the following bills had passed both houses of the General Assembly and the same being correct, the titles were publicly read as follows:

Senate Bill No. 35, entitled:

An Act authorizing the Department of Highways to construct, replace or repair bridges in cities of the third class which form connecting links on State highways necessary for National defense in cases where Federal funds and city funds are available for such purposes and authorizing the Secretary of Highways to enter into agreements with the proper Federal authorities and the authorities of cities of the third class covering the construction, replacement or repair of such bridges; and making an appropriation.

Senate Bill No. 46, entitled:

An Act to suspend for a limited time the operation of laws regulating or relating to the movement loading lightering docking and anchorage of vessels carrying or having on board certain explosives insofar as the same relate to the the handling or stowing of small arms ammunition or ammunition which contains the projectile and the explosive in one container or shell to from or in such vessels docking or anchoring in the Delaware River and its navigable tributaries

House Bill No. 112, entitled:

An Act to amend subsection (a) and to further amend subsection (b) of section nine of the act, approved the first day of June, one thousand nine hundred thirty-seven (P. L. 1168), entitled "Pennsylvania Labor Relations Act," fixing the rights and standing of the Pennsylvania Labor Relations Board as a party and as appellant in the courts in matters originating before the board and defining the jurisdiction of the Supreme Court on appeals

House Bill No. 113, entitled:

An Act creating a joint legislative committee to study partial unemployment as related to unemployment compensation; defining its powers and duties; authorizing the employment of counsel and employes; and making an appropriation.

Whereupon,

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the presence of the Senate signed the same.

HOUSE MESSAGE

The Clerk of the House of Representatives being introduced, informed the Senate that the House has adopted the Report of the Committee of Conference on Senate Bill No. 65, entitled:

An Act to amend section twenty-one as amended of the act approved the seventh day of June one thousand nine hundred and fifteen (P. L. 900) entitled "An act to provide for the immediate registration of all births and deaths throughout the Commonwealth of Pennsylvania by means of certificates of births and deaths and burial or removal permits requiring prompt returns to the Central Bureau of Vital Statistics as required to be established by the State Department of Health and in order to secure prompt and faithful registration of births marriages deaths and diseases of practioners of medicine and surgery or midwives nurses and undertakers and of all persons whose occupation is deemed to be of importance in obtaining complete registration of births deaths marriages and diseases throughout the State as provided in section ten of an act entitled 'An act creating the Department of Health and defining its powers and duties' approved the twenty-seventh day of April nineteen hundred and five and providing penalties for violations of this act" by further regulating the giving of certified copies of birth certificates to soldiers sailors and marines and war nurses and their dependents

HOUSE HAS DISCHARGED COMMITTEE OF CONFERENCE AND HAS RECEDED FROM ITS AMENDMENTS NON-CONCURRED IN BY THE SENATE TO SENATE BILL No. 41

He also informed the Senate that the House has discharged its committee of conference and has receded from its amendments non-concurred in by the Senate to Senate Bill No. 41, entitled:

An Act to further amend the act approved the fifth day of December, one thousand nine hundred and thirty-six (P. L. 2897, 1937), entitled "An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry and its existing and newly created agencies, with personnel (with certain exceptions) selected on a civil service basis, requiring employers to keep records and make reports and certain employers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons, providing procedure and administrative details for the determination, payment and collection of such contributions and the payment of such compensation, providing for cooperation with the Federal Government and its agencies, creating certain special funds in the custody of the State Treasurer and prescribing penalties," changing the provisions thereof and the rights, obligations and procedure thereunder.

POINT OF INFORMATION

Mr. HEYBURN. Mr. President, I rise to a point of information.

The PRESIDENT. The Senator from Delaware will proceed.

Mr. HEYBURN. Mr. President, I desire to inquire the Printer's number of copy of Senate Bill No. 41 now in possession of the Chair, and which I understand the Chair is about to sign. I make that inquiry in view of the fact there were so many printings of this bill.

The PRESIDENT. The Printer's number is 38.

BILLS SIGNED

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) announced that the Chief Clerk having reported that the following bills had passed both houses of the General Assembly and the same being correct, the titles were publicly read as follows:

Senate Bill No. 41, entitled:

An Act to further amend the act approved the fifth day of December, one thousand nine hundred and thirty-six (P. L. 2897, 1937), entitled "An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry and its existing and newly created agencies, with personnel (with certain exceptions) selected on a civil service basis, requiring employers to keep records and make reports and certain employers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons, providing procedure and administrative details for the determination, payment and collection of such contributions and the payment of such compensation, providing for cooperation with the Federal Government and its agencies, creating certain special funds in the custody of the State Treasurer and prescribing penalties," changing the provisions thereof and the rights, obligations and procedure thereunder.

Senate Bill No. 65, entitled:

An Act to amend section twenty-one as amended, of the act, approved the seventh day of June, one thousand nine hundred and fifteen (P. L. 900), entitled "An act to provide for the immediate registration of all births and deaths throughout the Commonwealth of Pennsylvania, by means of certificates of births and deaths, and burial or removal permits; requiring prompt returns to the Central Bureau of Vital Statistics, as required to be established by the State Department of Health; and, in order to secure prompt and faithful registration of births, marriages, deaths, and diseases of practitioners of medicine, and surgery, or midwives, nurses, and undertakers, and of all persons whose occupation is deemed to be of importance in obtaining complete registration of births, deaths, marriages, and diseases throughout the State, as provided in section ten of an act, entitled 'An act creating the Department of Health and defining its powers and duties,' approved the twenty-seventh day of April, nineteen hundred and five, and providing penalties for violations of this act," by further regulating the giving of certified copies of birth certificates to soldiers, sailors and marines and war nurses.

Whereupon,

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the presence of the Senate signed the same.

RECESS

Mr. GELTZ. Mr. President, I move that the Senate do now take a recess for fifteen minutes.

Mr. MILLER. Mr. President, I second the motion.

The motion was agreed to.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed the Senate will be in order.

CONFERENCE COMMITTEE ON HOUSE BILL No. 58 DISCHARGED

Mr. MILLER. Mr. President, I desire to report on behalf of the Senate conferrees on House Bill 58, entitled:

An Act authorizing the Department of Property and Supplies, with the approval of the Board of Commissioners of Public Grounds and Buildings to adopt certain rules and regulations governing purchases, sales and contracts of the Department of Property and Supplies on behalf of the Commonwealth during the continuation of the present war, and for six months thereafter, and suspending certain statutory provisions inconsistent with such rules and regulations.

And state that the conferrees are unable to agree and I therefore move that the committee be discharged.

Mr. EDMONDS. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—30

Bartlett,	Farrell,	Mallery,	Tallman,
Becker,	Geltz,	McGinnis,	Thomas,
Carr,	Heyburn,	Miller,	Wade,
Cavalcante,	Homsher,	Reed,	Walker,
Chapman,	James,	Scarlett,	Watkins,
Crider,	Jaspan,	Snowden,	Wilson, H. I.,
Ealy,	Kephart,	Stevenson,	Wilson, T. B.,
Edmonds,	Letzler,		

NAYS—8

Barr,	Cox,	Haluska,	McQuiddy,
Coleman,	Dent,	McCreesh,	Stiefel,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

PERMISSION TO ADDRESS SENATE

Mr. DENT. Mr. President, I ask permission to address the Senate.

The PRESIDENT. The gentleman from Westmoreland may proceed.

Mr. DENT. Mr. President, before we finally pull the curtain down, on my own behalf, and I believe I speak also for the members of the Senate on the Democratic side, who have been in the minority since the Presiding Officer has been in the Chair, I would like to say to the members of the Senate that in my young life, I have had occasion to be in many meeting halls of all descriptions and I have yet to spend an hour in debate where I carried any personal feelings beyond the debate, although at times it has been my unhappy lot to find the Presiding Officer take deliberate sides, and by his action caused not only myself but many others on the floor embarrassment and discomfiture.

I believe the Senate of Pennsylvania has been most fortunate during the past three and one-half years, in having the present Lieutenant-Governor in the Chair, for as he said yesterday, we in Pennsylvania have a Democratic and a Republican Party, each divided into factions. I could go a little further and say since Haluska has announced his party, that we are divided into fractions.

Mr. President, it is always an unhappy occasion to have to say farewell, no matter if you agree or do not agree with the fellow that is alongside of you, and when it comes to the time that you know you are no longer going to serve with him, you get a little bit soft and feel a lump come up in your throat, and you feel a little—oh I do not know—just sort of something like the fellow that has kis. his wife goodbye in the morning, and is not sure will be there when he comes back—I mean will be back.

I am thinking now, as I speak, of Bob Miller of Luzerne. I have not voted the same as he has on more than a dozen occasions in all of the years I have been here I suppose, but I knew Bob was only doing what the Republican Caucus told him to do, the same as I was doing what I told the Democratic Caucus to do. We are going to miss Bob here—I mean that in all seriousness—and we are also going to miss a fellow like Al Reed, substantial straight-forward and straight-shooting, honest and honorable and Ed Frey from Pittsburgh, men like that, who have come here and given of their time to, I believe, the least appreciated job in the whole State of Pennsylvania, and then again, some of us feel that we may be sad next year when we do not have John Walker with us again.

Mr. President, in all seriousness, I think that John has done the best job he could under the circumstances.

There are fellows over on this side who have had personal disputes with Tony Cavalcante, and they feel if Tony gets a pretty good drubbing out there this time they will not feel too bad, but we will miss Tony.

Mr. President, there are some things that we try to do honestly, and there is one thing I want to do honestly and seriously, I want to say to the Presiding Officer of this Senate; when you first came here as Presiding Officer, I came in and I thought I was about the best parliamentarian and was going to tell you what to do, but you know, it did not take me long to learn that you were President of the Senate and I was only a Senator. You have never taken advantage of the fact that you could, by your position, take sides; you have treated the Democrats in this Senate of Pennsylvania—you have treated them—that is all I can say—to the nice fish fry that we had with you at York last year. I have heard you addressed as the "providing" officer of the Senate.

The newspaper men gather around here night after night looking for a story, and it is difficult for them to distinguish between a good story and a bad one, because they know whatever they write has to agree with what the publisher back home, the owner, thinks they ought to write, and instead of coming here, he sends them down here to get stories, but where are they going to get a story here?

One of the members of the press once said to me, not long ago, he said, I understand you are a former newspaperman, and I said, yes; he said, why did you not stay in the business? I said, I will tell you the truth about the matter, I could not get big advertisers, because I always had an opinion.

Kermit McFarland once told me I ought to go out to Pittsburgh to a show and I did, the Gridiron Show—this if for the information of the press—and they had a sketch in this show and in this sketch the city editor of one of the newspapers was telling the copyright man just what the paper's makeup ought to be, and they got a telephone call from Kauffman's in Pittsburgh. Kauffman said, what is the matter with you, you are predicting rain tomorrow? The editor said, that is what the weatherman says. Then he said, yes, but I got a big sale, and so the editor said, O. K., tear up the copy—fair weather and sunshine all day, and that is what happens here in the Senate, but it is not fair weather and sunshine with the President of the Senate. We are only sorry, sir, that the Republican Party could not get together, be harmonious and go along and sponsor a real honest-to-goodness Democrat for Governor.

REPORT OF CONFERENCE COMMITTEE ON SENATE BILL No. 60

Mr. WADE. Mr. President, I am directed by the Committee of Conference on Senate Bill No. 60, to submit the following report:

SUSPENSION OF RULE 21

Mr. WADE. Mr. President, I move that Rule 21, which requires Conference Committee reports to be noted on the Calendar, be in this case dispensed with, and that the Senate proceed to the consideration of the Report of the Committee of Conference made by the House to the foregoing bill.

Mr. MILLER. Mr. President, I second the motion.

The motion was agreed to.

The report was read as follows:

REPORT OF THE COMMITTEE OF CONFERENCE ON SENATE BILL No. 60

To the Members of the Senate and House of Representatives:

We, the undersigned, Committee of Conference on the part of the Senate and House of Representatives for the purpose of considering Senate Bill No. 60, entitled: An Act to modify existing law of the Commonwealth regulating the operation of motor driven vehicles which limits the gross weight or length of such vehicles as are permitted to be operated upon the highways roads and streets within the Commonwealth by authorizing the Secretary of the Department of Highways to issue permits for the use of over weight and over length vehicles in the actual transportation of materials and commodities necessary in the prosecution of the war

Respectfully submit the following bill as our report:

GEORGE N. WADE,
JOHN G. SNOWDEN,
JOSEPH M. BARR,
(Committee on the part of the Senate).

FRANCIS X. McCLANAGHAN,
GEORGE L. BAUGHER,
W. W. MUIR,
(Committee on the part of the House of Representatives).

An Act to modify existing law of the Commonwealth regulating the operation of motor driven vehicles which limits the gross weight or length of such vehicles as are permitted to be operated upon the highways roads and streets within the Commonwealth by authorizing the Secretary of Highways to issue permits for the use of over weight and over length vehicles in certain cases

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 In order to facilitate and expedite the movement and transportation over the highways roads and streets within the Commonwealth of materials articles and commodities necessary in the prosecution of the war in which the United States is now engaged and to remove any legal impediment that might interfere therewith the Secretary of Highways in his discretion is hereby authorized to issue for such period as deemed advisable a permit or permits in writing to the owner or owners of vehicles or combinations of vehicles for the use and operation of the same on such routes on the highways roads and streets within the Commonwealth of over weight or over size vehicles or combinations of vehicles transporting materials articles and commodities used in the prosecution of the present war without the payment of any fee for such over weight or over-size permit upon presentation of an application showing that the movement of such over weight or oversize vehicles or combinations of vehicles on and over the highways roads and streets within the Commonwealth as the Secretary of Highways may designate is necessary in the interests of national defense Provided that the foregoing provisions shall not otherwise be construed to limit the power of the Secretary of Highways to issue special hauling permits for the use and operation of over-weight or over-size vehicles in the manner now prescribed by law

Section 2 The provisions of this act shall remain in force only during the continuance of any war in which the United States is now engaged and for a period of sixty days thereafter

On the question,

Will the Senate agree to the report?

Mr. HALUSKA. Mr. President, what is the number of that bill.

The PRESIDENT. Senate Bill No. 60.

Mr. HALUSKA. Mr. President, is that Senate Bill No. 60, a plain 60, or sixty at sixty?

Mr. EDMONDS. Mr. President, what is the printer's number of the bill finally submitted.

The PRESIDENT. Printer's No. 79. The Chair is advised that a copy of the report has been placed on each member's desk.

Mr. WADE. Before consideration of the report, I should like to make a few brief remarks regarding it.

This Conference Committee, as you know, has met repeatedly during the day trying to reach an agreement on this bill. As you know, this is a bill commonly known as a permit bill and there is a great deal of difference of opinion. As a matter of fact, we have tried hard to draw this bill so that it will accomplish the purpose and at the same time meet the likes and dislikes of the individual members. It is not a partisan bill, neither is the controversy one between the House and the Senate; it is a matter of trying to satisfy the different likes and dislikes of the individual members, some of whom have constituents representing different modes of transportation, such as the canal system, airplane and freight, horses and wagons, Conestoga wagons.

However, the report of the Committee of Conference, as it now is submitted, is not to me a very satisfactory one. As a matter of fact, we have visited back and forth with the members of the House, and I believe that we do have a bill—not the one that appears on the Conference Report—that would be satisfactory to the majority of the members of this Senate.

However, because of the impatience of the House, it is not going to be our privilege to consider it in that form but I would like, Mr. President, if I may, to present to the official reporter this copy of that bill, as we have approved it, at least, a number of the members of the Senate

An Act to modify existing law of the Commonwealth regulating the operation of motor driven vehicles which limits the gross weight or length of such vehicles as are permitted to be operated upon the highways roads and streets within the Commonwealth by authorizing the Secretary of Highways to issue permits for the use of over weight and over length vehicles in certain cases

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1. In order to facilitate and expedite the movement and transportation over the highways roads and streets within the Commonwealth of materials articles and commodities necessary in the prosecution of the war in which the United States is now engaged and to remove any legal impediment that might interfere therewith the Secretary of Highways in his discretion is hereby authorized to issue, for such period as deemed advisable, a permit or permits in writing to the owner or owners of vehicles or combinations of vehicles when duly licensed for the use and operation of the same, on such routes on the highways roads and streets within the Commonwealth, of over weight or over size vehicles or combinations of vehicles effective when exclusively transporting materials articles and commodities to be used in the prosecution of the present war, without the payment of any fee for such over weight or over-size permit, upon presentation of an application showing that the movement of such over weight or over size vehicles or combinations of vehicles on and over the highways roads and streets within the Commonwealth as the Secretary of Highways may designate is necessary in the interests of national defense, Provided that the foregoing provisions shall not otherwise be construed to limit the power of the Secretary of Highways to issue special hauling permits for the use and operation of over-weight or over-size vehicles in the manner now prescribed by law.

Section 2. Penalty. Any person violating any of the provisions of this act shall, upon summary conviction

before a magistrate, be sentenced to pay a fine of twenty-five ($25.00) and costs of prosecution, and, in default of the payment thereof, shall undergo imprisonment for not more than ten (10) days.

Section 3. The provisions of this act shall remain in force only during the continuance of any war in which the United States is now engaged and for a period of sixty days thereafter

In its present form, as we consider this report, I should not be disappointed at all if many of the members, as a matter of fact, if the majority of the members, would not approve it.

And the question recurring.

Will the Senate agree to the Conference Report?

POINT OF INFORMATION

Mr. BARR. Mr. President, I rise on a point of information.

The PRESIDENT. The gentleman from Allegheny will state his point of information.

Mr. BARR. Mr. President, do I understand we are about to act on the report of the Committee of Conference on Senate Bill No. 60?

The PRESIDENT. That is correct.

And the question recurring,

Will the Senate agree to Conference Report?

During the calling of the roll the following occurred:

Mr. MALLERY. Mr. President, I ask for a verification of the roll.

The PRESIDENT. The roll will be so verified.

The Clerk called the names of those voting in the affirmative as follows:

Barr,	Haluska,	McGinnis,	Stevenson,
Coleman,	Heyburn,	McQuiddy,	Stiefel,
Cox,	Jaspan,	Miller,	Tallman,
Dent,	Kephart,	Scarlett,	Wade,
DiSilvestro,	McCreesh,	Snowden,	Walker,
			Watkins,

The PRESIDENT. Are there any corrections? The Chair hears none. The affirmative vote will stand as verified.

The Clerk called the names of those voting in the negative as follows:

Becker,	Ealy,	Homsher,	Reed,
Carr,	Edmonds,	James,	Thomas,
Cavalcante,	Farrell,	Letzler,	Wilson, H. I.,
Crider,	Geltz,	Mallery,	Wilson, T. B.,

The PRESIDENT. Are there any corrections? The Chair hears none. The negative vote will stand as verified.

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—21

Barr,	Heyburn,	McQuiddy,	Stiefel,
Coleman,	Jaspan,	Miller,	Tallman,
Cox,	Kephart,	Scarlett,	Wade,
Dent,	McCreesh,	Snowden,	Walker,
DiSilvestro,	McGinnis,	Stevenson,	Watkins,
Haluska,			

NAYS—16

Becker,	Ealy,	Homsher,	Reed,
Carr,	Edmonds,	James,	Thomas,
Cavalcante,	Farrell,	Letzler,	Wilson, H. I.,
Crider,	Geltz,	Mallery,	Wilson, T. B.,

Less than a constitutional majority of all the Senators having voted "aye" the question was determined in the negative.

COMMITTEE APPOINTED TO NOTIFY THE HOUSE THAT THE SENATE IS READY TO ADJOURN SINE DIE

The PRESIDENT. The President Pro Tempore appoints as members of the committee to notify the House that the Senate is ready to adjourn sine die, the Senator from Blair, Mr. Mallery and the Senator from Philadelphia, Mr. DiSilvestro.

COMMITTEE APPOINTED TO NOTIFY GOVERNOR THAT THE SENATE IS READY TO ADJOURN SINE DIE

The PRESIDENT. The Chair is requested by the President Pro Tempore to announce appointment of the Senator from Luzerne, Mr. Miller, the Senator from Jefferson, Mr. Henry I. Wilson and the Senator from Philadelphia, Mr. McCreesh, as members of the committee on behalf of the Senate to notify His Excellency, the Governor, that the Senate is now ready to adjourn and to inquire if he has any further communications to address to the Senate.

The Committee will proceed to carry out its instructions.

REPORT OF COMMITTEE ON THE PART OF THE SENATE TO NOTIFY THE HOUSE THAT THE SENATE IS READY TO ADJOURN

Mr. MALLERY. Mr. President, the Committee on the part of the Senate, appointed to inform the House that the Senate is ready to adjourn sine die, has performed that duty.

The PRESIDENT. The committee is discharged with the thanks of the Senate.

POINT OF INFORMATION

Mr. BARR. Mr. President, I rise to a point of information.

The PRESIDENT. The gentleman from Allegheny will state his point of information.

Mr. BARR. Mr. President, I would like to know who the members of the Committee on the part of the Senate talked to in the House.

The PRESIDENT. The Committee reported that they visited the House Chamber and found they were not in session and so reported to the Senate, and the Committee was discharged with the thanks of the Senate.

Mr. BARR. Mr. President, I would like to have their report read aloud by the reporter.

The PRESIDENT. Does the gentleman mean the stenographic report?

Mr. BARR. That is correct, Mr. President.

(Report of the committee repeated as follows):

"Mr. MALLERY. The Committee on the part of the Senate, appointed to inform the House that the Senate is ready to adjourn sine die, has performed that duty."

Mr. BARR. Mr. President, I still do not follow their report. To whom did they talk in the House?

The PRESIDENT. The Senator should address his inquiry to a member of the Committee. The Chair can not answer the interrogation of the gentleman from Allegheny.

Mr. BARR. Mr. President, I would like to interrogate the Senator from Blair, Mr. Mallery.

The PRESIDENT. Will the gentleman from Blair permit himself to be interrogated?

Mr. MALLERY. I will, Mr. President.

Mr. BARR. Mr. President, I would like to ask the gentleman from Blair, Mr. Mallery, who you addressed when you went to the Hall of the House?

Mr. MALLERY. Mr. President, the Committee addressed the Chair.

Mr. BARR. I would like to further interrogate the gentleman from Blair.

The PRESIDENT. The gentleman from Allegheny may proceed.

Mr. BARR. I would like to know, Mr. President, who was presiding in the Chair.

Mr. MALLERY. The Chair was bare, Mr. President.

The PRESIDENT. Are there any further remarks?

Mr. BARR. No, Mr. President, that is enough.

QUESTION OF PERSONAL PRIVILEGE

Mr. CARR. Mr. President, I rise on a question of personal privilege.

The PRESIDENT. The gentleman from Butler will state his question of personal privilege.

Mr. CARR. Mr. President, in order that the time we are wasting may not be entirely wasted on this fine assemblage, I would like to read a rhyme that I wrote at the request of a member of the House a few days ago, who asked me if I could briefly sum up the Special Session.

The PRESIDENT. If there is no objection, the Senator from Butler may proceed.

Mr. CARR:

SPECIAL SESSION

Let's dilly dally and shilly shally,
Let's rant and rave and roar,
Let's save the State,
Let's all orate,
Let's rant and rave some more,
Let's not adjourn, each take his turn,
Let's make a great big show,
Let's fool the folk, let's laugh and joke,
Let's spend a lot more dough,
Let's fool the voters, the far remoters,
And make them think we're wise;
Let's keep her going; our hot air blowing,
Until the darn thing dies.

QUESTION OF PERSONAL PRIVILEGE

Mr. TALLMAN. Mr. President, I arise on a question of personal privilege.

The PRESIDENT. The gentleman from Lehigh may proceed.

Mr. TALLMAN. Mr. President, while we are delaying I desire to make an observation before we adjourn, to this effect only:

There has been levity about the matter of what has taken place here tonight, and I merely wish to observe that with all the sincerity of purpose with which this session of the Legislature was called, it seems to me that the precipitant action of the House tonight and what has occurred in this last day of the session, is a matter that all persons ought to mark very seriously in their minds, not only the members of the Legislature, but the people throughout the state.

There was a great deal of debate, there was a great deal of serious and honest discussion about a bill which was proposed to be passed at this session of the Legislature giving the Governor, or the State Council of Defense, certain war powers, and it seems to me that there is not a man on the floor of this Senate, nor any serious thinking member of the House of Representatives of the Commonwealth of Pennsylvania, who should not mark in his mind this night as being one of the reasons why democracy is failing, because it seems to me we have not met that issue; it seems to me we have not met the duties that have been placed upon us by the people of the Commonwealth of Pennsylvania with the thing that has happened here in these dying moments of the session.

Mr. President, I only trust that the members of both political parties will mark in their minds that the thing that has happened here today is the wrong kind of a thing for the preservation of what men are giving their lives for.

REPORT OF THE CHIEF CLERK ON COMPARING BILLS

Mr. TALLMAN. Mr. President, on behalf of the Chief Clerk, I desire to report having compared and found correct bills numbered and entitled as follows as having passed both branches of the Legislature and signed by the presiding officers thereof:

Senate Bill No. 16, entitled:

An Act to provide relief in cases where fiduciaries are in military service authorizing the court to appoint a substituted fiduciary pro tem in such cases or to allow the remaining fiduciaries to act authorizing security to be entered by and compensation paid to such substituted fiduciaries pro tem and regulating the powers and liabilities of the fiduciary in military service and of the substituted fiduciary pro tem.

Senate Bill No. 19, entited:

An Act to protect property and prevent sabotage by prohibiting, for a limited period of time, certain intentional injuries to, and interferences with, real and personal property; prohibiting certain intentional defects in workmanship; limiting the privileges of certain witnesses, and providing penalties.

Senate Bill No. 21, entitled:

An Act authorizing certain political subdivisions to make appropriations for the payment of expenses of local or district councils of defense within said political subdivisions and for the protection or preparation for the protection of the health welfare and safety of the civilian population of said political subdivision during emergencies resulting from air raids blackouts or sabotage regulating the manner of payment of expenses of local and district councils of defense authorizing such political subdivisions to levy taxes and borrow money under certain conditions

for such purposes providing for the repayment thereof and ratifying confirming and validating appropriations heretofore made for said purposes.

Senate Bill No. 26, entitled:

A Joint Resolution proposing an amendment to article eight section eleven of the Constitution of the Commonwealth of Pennsylvania.

Senate Bill No. 27, entitled:

An Act to provide for the expenses of the Extraordinary Session of the Legislature assembled February seventeenth, one thousand nine hundred forty-two, in pursuance of the proclamation of the Governor of the Commonwealth dated February tenth, one thousand nine hundred forty-two, and the supplement thereto.

Senate Bill No. 28, entitled:

An Act to further amend Section 801 of the act, approved the fifth day of May, one thousand nine hundred and thirty-three (P. L. 457), entitled "An act relating to the business of building and loan associations, providing for the organization and voluntary dissolution of such associations; defining the rights, powers, duties, liabilities, and immunities of such associations, and of their officers, directors, shareholders, solicitors, and other employes; prohibiting the transaction of business in this Commonwealth by foreign building and loan associations; conferring powers and imposing duties upon the courts, recorders of deeds, and certain State departments, commissions, and officers; establishing limitations of actions; imposing penalties; and repealing certain acts and parts of acts". by authorizing building and loan associations to act as fiscal agents of the United States Government for the sale of United States Defense Bonds and Defense Stamps, or obligations of the United States Government of a similar character and purpose and permitting such associations to pledge their assets for the faithful performance of their duties as such agents.

Senate Bill No. 31, entitled:

An Act making available the services of recipients of general assistance under certain conditions by permitting them to earn a limited amount of money in work essential to the prosecution of the existing war in which the United States of America is engaged without forfeiting their right to assistance or any part thereof.

Senate Bill No. 35, entitled:

An Act authorizing the Department of Highways to construct, replace or repair bridges in cities of the third class which form connecting links on State highways necessary for National defense in cases where Federal funds and city funds are available for such purposes and authorizing the Secretary of Highways to enter into agreements with the proper Federal authorities and the authorities of cities of the third class covering the construction replacement or repair of such bridges; and making appropriation.

Senate Bill No. 36, entitled:

An Act making an appropriation to the Committee appointed pursuant to Senate Concurrent Resolution number one hundred forty of the Regular Session of one thousand nine hundred forty-one adopted July fifteenth one thousand nine hundred forty-one to report recommendations for Congressional reapportionment.

Senate Bill No. 41, entitled:

An Act to further amend the act approved the fifth day of December, one thousand nine hundred and thirty-six (P. L. 2897, 1937). entitled, "An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry and its existing and newly created agencies, with personnel (with certain exceptions) selected on a civil service basis, requiring employers to keep records and make reports and certain employers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons, providing procedure and administrative details for the determination, payment and collection of such contributions and the payment of such compensation, providing for cooperation with the Federal Government and its agencies, creating certain special funds in the custody of the State Treasurer and prescribing penalties," changing the provisions thereof and the rights, obligations and procedure thereunder.

Senate Bill No. 42, entitled:

An Act to suspend and modify existing law providing for and requiring the use of plates or tags as evidence of (1) the payment of any license or registration fee or (2) in compliance with any other legal requirement insofar as such laws require the use of plates or tags manufactured of metal and by authorizing the use of other material in whole or in part.

Senate Bill No. 46, entitled:

An Act to suspend for a limited time the operation of laws regulating or relating to the movement loading lightering docking and anchorage of vessels carrying or having on board certain explosives insofar as the same relate to the handling or stowing of small arms ammunition or ammunition which contains the projectile and the explosive in one container or shell to from or in such vessels docking or anchoring in the Delaware River and its navigable tributaries.

Senate Bill No. 49, entitled:

An Act suspending for a limited time all laws of the Commonwealth requiring the registration of trailers insofar as they require the registration of certain wagons or agricultural machinery drawn by a motor driven vehicle for certain purposes.

Senate Bill No. 58, entitled:

An Act to further amend section seven hundred two to amend section seven hundred nineteen and to further amend section eight hundred and six of the act approved the third day of June one thousand nine hundred and thirty-seven (P. L. 1225) entitled "An act concerning game and other wild birds and wild animals and amending revising consolidating and changing the law relating thereto" by vesting in the Pennsylvania Game Commission the power to adjust hours for hunting training of dogs and carrying certain firearms and ammunition

Senate Bill No. 64, entitled:

A Supplement to the act approved March eleventh, one thousand nine hundred forty-two, entitled "An act to provide for the expenses of the Extraordinary Session of the Legislature assembled February seventeenth, one thousand nine hundred forty-two in pursuance of the proclamation of the Governor of the Commonwealth dated February tenth, one thousand nine hundred forty-two, and the supplement thereto."

Senate Bill No. 65, entitled:

An Act to amend section twenty-one as amended, of the act, approved the seventh day of June, one thousand nine

hundred and fifteen (P. L. 900), entitled "An act to provide for the immediate registration of all births and deaths throughout the Commonwealth of Pennsylvania, by means of certificates of births and deaths, and burial or removal permits; requiring prompt returns to the Central Bureau of Vital Statistics, as required to be established by the State Department of Health; and, in order to secure prompt and faithful registration of births, marriages, deaths, and diseases of practitioners of medicine, and surgery, or midwives, nurses, and undertakers, and of all persons whose occupation is deemed to be of importance in obtaining complete registration of births, deaths, marriages, and diseases throughout the State, as provided in section ten of an act, entitled 'An act creating the Department of Health and defining its powers and duties,' approved the twenty-seventh day of April, nineteen hundred and five, and providing penalties for violations of this act," by further regulating the giving of certified copies of birth certificates to soldiers, sailors and marines and war nurses.

Senate Bill No. 84, entitled:

An Act to conserve metal by suspending the provisions of article five of the act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," and its amendments, in so far as they require the issuance and use of more than one registration plate.

House Bill No. 1, entitled:

An Act concerning the election of representatives of the people of Pennsylvania to serve in the House of Representatives of the Congress of the United States providing for the apportionment of the Commonwealth into Congressional districts and for the election of one representative in Congress at large.

House Bill No. 8, entitled:

An Act to further amend section two of the act, approved the seventh day of June, one thousand nine hundred seventeen (P. L. 600), entitled "Status of Public Officers and Employes in Military Service in Time of War or contemplated War Act," by more fully defining amounts payable.

House Bill No. 10, entitled:

An Act to further amend section six hundred twenty-eight, and to amend section six hundred twenty-nine of the act approved the third day of June, one thousand nine hundred thirty-seven (P. L. 1333), entitled "Pennsylvania Election Code," extending the time within which writs of election may issue for holding special elections to fill vacancies occurring in either house of the General Assembly, and the time within which nominations therefor may be filed.

House Bill No. 11, entitled:

An Act to further amend section eight hundred twenty-eight of the act, approved the first day of May, one thousand nine hundred twenty-nine (P. L. 905), entitled "Vehicle Code," authorizing the Secretary of Revenue, during the period of national emergency, to suspend the operation of certain provisions of this act relating to school buses, when such provisions conflict with priority claims for material.

House Bill No. 24, entitled:

An Act relating to air raid precautions, including blackouts; conferring certain powers and duties upon the State Council of Defense, local and district Councils of Defense, political subdivisions, members of certain municipal and volunteer agencies and civilians necessary for the safety, defense and protection of civilians and property in the Commonwealth; providing for the mobilization, coordination and use of certain municipal agencies and volunteer agencies, including their personnel and equipment; providing for immunity from liability for injury or death to persons or damage to property under certain circumstances; and providing penalties.

House Bill No. 28, entitled:

An Act to further amend clause (g) as added to section one thousand one hundred and ten of the act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "Vehicle Code," suspending during the period of present hostilities and for one year thereafter, the requirement that all electrically operated traffic signals shall be made to conform with provisions of said act and the regulations of the Secretary of Highways.

House Bill No. 42, entitled:

An Act to further amend section eight of the act, approved the nineteenth day of March, one thousand nine hundred nine (P. L. 46), entitled "Osteopathic Practice Law" by further regulating the time necessary for graduation and for admission to practice as osteopathic physicians and surgeons in this State.

House Bill No. 68, entitled:

An Act to amend section two of the act, approved the tenth day of July, one thousand nine hundred thirty-five (P. L. 645), entitled "An act imposing certain requirements on certain hospitals receiving state aid; authorizing the withholding of appropriations; and imposing duties on the Department of Welfare," by providing that, during the present war and six months thereafter, funds shall not be withheld from hospitals for violation of such act, if the Secretary of Welfare determines that the constant attendance of a licensed physician or resident interne cannot be secured by such hospitals because of the war emergency.

House Bill No. 69, entitled:

An Act to further amend section two of the act approved the seventh day of June one thousand nine hundred seventeen (P. L. 600), entitled "Status of Public Officers and Employes in Military Service in Time of War or Contemplated War Act" by providing for the payment into the School Employes' Retirement Fund of certain amounts of the salaries or wages of certain officers or employes under certain circumstances.

House Bill No. 71, entitled:

A Supplement to the act, approved the eighteenth day of July, one thousand nine hundred seventeen (P. L. 1043), entitled "School Employes Retirement Law" defining the rights and obligations of certain members of the School Employes' Retirement Association engaged in active military service.

House Bill No. 75, entitled:

An Act authorizing the Executive Director of the Pennsylvania Game Commission, with the unanimous approval of the commission and for a certain limited period of time, to lease lands to political subdivisions or to Federal agencies for use as aviation landing fields; conferring certain powers upon political subdivisions relative to the acceptance and development of such lands; and suspending certain inconsistent legislation.

House Bill No. 76, entitled:

An Act suspending and modifying for the period of the present war and for a time thereafter the provisions of section one of the act, approved the eighth day of July, one thousand nine hundred and nineteen (P. L. 737), entitled "A supplement to an act entitled 'An act to establish a Board of Commissioners of Navigation for the River Delaware and its navigable tributaries; regulating their jurisdiction over ships, vessels, and boats, and wharves, piers, bulkheads, docks, slips, and basins; and exempting cities of the first class from certain of its provisions; and making an appropriation therefor,' approved the eighth day of June, Anno Domini one thousand nine hundred and seven; authorizing and directing the commissioners to provide and maintain a nautical school for the education and training of pupils from the various counties of the Commonwealth of Pennsylvania in the science and practice of navigation; and making an appropriation for two years from the first day of June, Anno Domini one thousand nine hundred and nineteen, towards its maintenance," and its amendments, in so far as they require, the furnishing of accommodations on board a proper vessel for the nautical school, when no such vessel is available and imposing upon the State Council of Defense the duty of furnishing other accommodations.

House Bill No. 78, entitled:

An Act to amend section six of the act approved the twenty-fourth day of June one thousand eight hundred ninety-five (P. L. 212) entitled "An act to establish an intermediate court of appeal regulating its constitution officers jurisdiction powers practice and its relation to the Supreme Court and other courts providing for the reports of its decisions the compensation of the judges and other officers and the practice and costs on appeal from its judgments" by making further provision as to the preparation custody and disposition of plates used in the printing of Superior Court Reports.

House Bill No. 79, entitled:

An Act authorizing citizens committees during the war in which the United States is now engaged, to solicit and collect money and other property from the public for the use of air raid wardens, fire wardens and auxiliary police in defense activities; defining certain powers and duties of the chairmen of local defense councils, and suspending the operation of inconsistent laws.

House Bill No. 101, entitled:

An Act to amend the appropriation to the Department of Military Affairs in section two of the act approved the sixteenth day of June one thousand nine hundred and forty-one (Appropriation Act No. 12-A) entitled "An act to provide for the ordinary expenses of the Executive Legislative and Judicial Departments of the Commonwealth interest on the public debt and the support of the public schools for two years beginning June first one thousand nine hundred and forty-one and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first one thousand nine hundred and forty-one" by providing specifically for the expenses of the State Council of Defense for the maintenance of a nautical school

House Bill No. 112, entitled:

An Act to amend subsection (a) and to further amend subsection (b) of section nine of the act, approved the first day of June, one thousand nine hundred thirty-seven (P. L. 1168), entitled "An act to protect the right of employes to organize and bargain collectively; creating the Pennsylvania Labor Relations Board; conferring powers and imposing duties upon the Pennsylvania Labor Relations Board, officers of the State government, and courts; providing for the right of employes to organize and bargain collectively; declaring certain labor practices by employers to be unfair; further providing that representatives of a majority of the employes be the exclusive representatives of all the employes; authorizing the board to conduct hearings and elections, and certify as to representatives of employes for purposes of collective bargaining; empowering the board to prevent any person from engaging in any unfair labor practice, and providing a procedure for such cases, including the issuance of a complaint, the conducting of a hearing, and the making of an order empowering the board to petition a court of common pleas for the enforcement of its order, and providing a procedure for such cases; providing for the review of an order of the board by a court of common pleas on petition of any person aggrieved by such order, and establishing a procedure for such cases; providing for an appeal from the common pleas court to the Supreme Court; providing the board with investigatory powers, including the power to issue subpoenas and the compelling of obedience to them through application to the proper court; providing for service of papers and process of the board; prescribing certain penalties," fixing the rights and standing of the Pennsylvania Labor Relations Board as a party and as appellant in the courts in matters originating before the board; and defining the jurisdiction of the Supreme Court on appeal.

House Bill No. 113, entitled:

An Act creating a joint legislative committee to study partial unemployment as related to unemployment compensation defining its powers and duties authorizing the employment of counsel and employes and making an appropriation

REPORT OF COMMITTEE APPOINTED TO NOTIFY GOVERNOR SENATE IS READY TO ADJOURN SINE DIE

Mr. MILLER. Mr. President, the Committee directed by the Senate to wait upon the Governor, to notify him that the Senate is ready to adjourn sine die, and ask if he has any further communications, has performed its duty.

The Governor has accepted the report and advises that there are no further communications.

The PRESIDENT. The Committee is discharged with the thanks of the Senate.

ADJOURNMENT SINE DIE

Mr. GELTZ. Mr. President, I now call for the Order of the Day.

The PRESIDENT. The Order of the Day having been called and this being the day and hour fixed by concurrent resolution for final adjournment, and the hour of four o'clock, p. m. having arrived, the Chair hereby declares this Extraordinary Session of 1942 of the Senate of Pennsylvania adjourned sine die.

HOUSE OF REPRESENTATIVES

FRIDAY, April 10, 1942

The House met at 11 a. m.
The SPEAKER (Elmer Kilroy) in the Chair.

PRAYER

The Chaplain Rev. Donald McFall offered the following prayer:

Our Heavenly Father, as we come to the last day of this Extraordinary Session, we pause to thank Thee for Thy goodness toward each one of us. We know that changes have been wrought in the lives of the men assembled within this House of Representatives—some have lost loved ones, new friends have been made, boys have left home in the service of their country, yea, Lord we are not only a bit older but perhaps a bit wiser. May each man feel that he has worked well, that he has lived clean, that he has been a worthy servant of the people of Pennsylvania.

While, our Father, there are those who shall leave the political arena, may they never forget the pleasant events that have helped them to appreciate the true meaning of friendship. For those who seek re-election, or attain toward a higher office, we would ask that in all their campaigning, they may remember that although success may not crown their every effort, that they never cease to serve Thee.

Give us Victory as a Nation. As individuals, realizing we travel this way but once, may each one of us say:

"You to the left and I to the right
For the ways of men must sever—
And it well may be for a day and a night,
And it well may be forever.
But whether we meet or whether we part
For our ways are past our knowing,
A pledge from the heart to its fellow heart
On the ways we all are going."

O God, Our Father, in the words of Tiny Tim, "God Bless Us Every One." Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of yesterday.

The Clerk proceeded to read the Journal of yesterday, when, on motion of Mr. NUNEMACHER, unanimously agreed to, the further reading was dispensed with and the Journal approved.

RESOLUTION

THANKING CHAPLAIN

Messrs. ELLWOOD B. WELSH and WILLIAMS offered a resolution and asked and obtained unanimous consent for its immediate consideration.

The resolution was twice read, considered and unanimously adopted by a rising vote:

In the House of Representatives, April 10, 1942.

Whereas, It has always been the custom of this House to open its daily sessions with a prayer by the Chaplain thereof; and

Whereas, It is heartening, particularly in these troubled times, to know that Almighty God is giving us aid and strength in our serious deliberations; and

Whereas, The Reverend Donald McFall, our official Chaplain, has since his appointment, offered us each day divine blessings with fervor, zeal, understanding and with every indication of deep reflection and serious preparation; therefore be it

Resolved, That this House hereby acknowledges and compliments its official Chaplain, the Rev. Donald McFall, for his unfailing attention to duty, his appropriate choice of subject, his skillful blending of logic and common sense, and for the comprehensive manner in which he has presented enduring Biblical and Divine truth; and be it further

Resolved, That a copy of this resolution be submitted to the Rev. Donald McFall as a token of the sincere appreciation of this House for his fine service.

HONORABLE SAM LUMPKIN INTRODUCED

The SPEAKER. The House is indeed highly honored this morning with the presence of the Honorable Samuel Lumpkin, Speaker of the House of Representatives of the great state of Mississippi. Lieutenant Lumpkin has a splendid record as a lawyer and a statesman and we know he will distinguish himself as a soldier.

The Chair appoints the gentlemen from Philadelphia, Mr. Monks; the majority leader, Mr. Achterman, and the minority leader, Mr. Turner, to escort Lieutenant Lumpkin to the rostrum.

The Chair takes pleasure in presenting to the members Lieutenant Lumpkin, Speaker of the House of Representatives of the State of Mississippi.

REMARKS BY HONORABLE SAM LUMPKIN

Hon. SAM LUMPKIN, Speaker of the House of Representatives of Mississippi. Mr. Speaker and members of the House of Representatives of Pennsylvania, I want to assure you, my friends, that it is indeed a privilege and a pleasure to have this honor and this opportunity of saying a few words to you this morning.

I have never visited any state house so beautiful as the one you have in this historic state of Pennsylvania. It was my privilege and my pleasure during the session of 1940 to attempt to model some of Mississippi's legislation after the legislation of the state of Pennsylvania, namely your conservation laws. That bill probably combined too many fish, too much oil, too much patronage and too much economy, and therefore, the membership of the House defeated the measure.

I might tell you this little incident of what happened to me in my first session as Speaker of the Mississippi House of Representatives. I was a little bit out of place, being only thirty years of age when I was elected, and the first session was very stormy.

You remember several years ago, about 1861, 1862, 1863, somewhere around there, the Democrats got together and decided we would not have a Republican party in Mississippi and so we passed a law against them. So everybody in Mississippi that holds a public office is a Democrat, but we divided up among ourselves and we have just as much fun as if we had two parties. We have factions instead of parties. The primary ends it all in Mississippi. But during this session in 1934, which was a particularly stormy, very strenuous and long session, there was a certain gentleman from away back in the

north-eastern section of Mississippi who remained in his seat all the time; he never rose to make a motion, he never uttered one word, he never made any commotion whatsoever; the quietest old gentleman I believe I have ever known in my life. He just sat there and always paid strict and close attention to the proceedings.

One day when fifteen or twenty members were on the floor yelling "Mr. Speaker," this old gentleman from Tishamingo rose and stretched out his hand.

I said "The gentleman from Tishamingo is recognized." It surprised the membership so much that everybody got quiet and everybody sat down.. The gentleman said, "Mr. Speaker, I never riz for recognition, I riz for recreation."

Mr. Speaker and Members of the House, I know this is your last day, you are busy and I am happy to have had this privilege of visiting with you. I wish you God speed.

BILLS SIGNED BY SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

HOUSE BILL No. 69.

An Act to further amend section two of the act approved the seventh day of June, one thousand nine hundred seventeen (P. L. 600), entitled "An act providing that appointive officers and employes, employed by the Commonwealth of Pennsylvania in its civil service, or by any department, bureau, commission, or office thereof, or by any county, municipality, township, or school district, shall not be deemed or held to have resigned or abandoned their offices or employments by reason of enlistment, enrollment, or draft in the military or naval service of the United States or any branch or unit thereof, in time of war or contemplated war; prohibiting the removal from their offices or employment of such officers and employes during the period of their service in the Army or Navy; directing that one-half of the salaries or wages of such officers or employes as have dependent wives, children, or parents, and not exceeding two thousand dollars per annum, be paid during the term of their service in the Army or Navy to such dependents; authorizing the employment during said term of substitutes to perform the duties theretofore performed by such officers or employes, respectively, and providing for the compensation of such substitutes," by providing for the payment into the School Employes' Retirement Fund of certain amounts of the salaries or wages of certain officers or employes under certain circumstances.

HOUSE BILL No. 71.

A Supplement to the act, approved the eighteenth day of July, one thousand nine hundred seventeen (P. L. 1043), entitled "An act establishing a public school employes' retirement system, and creating a retirement board for the administration thereof; establishing certain funds from contributions by the Commonwealth and contributing employes, defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds; imposing powers and duties upon boards having the employment of public school employes; exempting annuities, allowances, returns, benefits, and rights from taxation and judicial process; and providing penalties," defining the rights and obligations of certain members of the School Employes' Retirement Association engaged in active military service.

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

PETITIONS AND COMMUNICATIONS

The SPEAKER laid before the House the following petitions and communications which were read by the Clerk.

SCHOOLS

Numerous telegrams and letters from teachers opposing passage of Senate Bill No. 85.

Referred to the Select Committee on Special Session Legislation.

CIVILIAN DEFENSE

A communication from the County Commissioners of Mifflin County;

A telegram from the Borough Solicitor of Norristown, favoring passage of Senate Bill No. 21, authorizing political subdivisions to make appropriations for civilian defense.

Referred to the Select Committee on Special Session Legislation.

PETITION FOR IMPEACHMENT

A communication from Mr. Latoof Naffah urging favorable action on petition for impeachment of Justice Stern.

Referred to the Select Committee on Special Session Legislation.

LEAVE OF ABSENCE

By unanimous consent leave of absence was granted as follows:

Mr. McDermott for Mr. RAUSCH.

ANNOUNCEMENT

The SPEAKER. The first demonstration of the super-siren designed by the National Office of Civilian Defense for use in Air Raid Warnings will take place on the Capitol Plaza at 1:15 p. m. today.

The second demonstration will take place at Reservoir Park in the eastern part of Harrisburg between 2:50 and 3:10.

Members of the Legislature are invited to attend this demonstration.

BILL ON FINAL PASSAGE

BILL PASSED OVER

There being no objection House Bill No. 37, (Senate Bill No. 35), Printers No. 76, was passed over at the request of the SPEAKER.

BILLS ON THIRD READING

BILL PASSED OVER

There being no objection House Bill No. 116, Printer's No. 62, was passed over at the request of the SPEAKER.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 121, (Senate Bill No. 84), as follows:

An Act to conserve metal by suspending the provisions of article five of the act approved the first day of May one thousand nine hundred and twenty-nine (P. L. 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of the Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" and its amendments in so far as they require the issuance and use of more than one registration plate

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 In order to make available for war needs many tons of most valuable metal the provisions of article five of the act approved the first day of May one thousand nine hundred and twenty-nine (P. L. 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" and its amendments are hereby suspended in so far as they require the issuance of more than one registration plate for any motor vehicle and in so far as they require that a registration plate be attached on the front of any motor vehicle for the registration year commencing April first one thousand nine hundred and forty-two and all subsequent registration years commencing within six months after the termination of hostilities in the war in which the United States is now engaged

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—185

Achterman,	Fleming,	Longo,	Rooney,
Auker,	Fletcher,	Lovett,	Rose, S.,
Baker,	Flynn,	Lyons,	Royer,
Balthaser,	Foor,	Malloy,	Rush,
Baugher,	French,	Marks,	Sarraf,
Bentley,	Gallagher,	Maxwell,	Scanlon,
Bentzel,	Gates,	McClanaghan,	Schwab,
Boles,	Gerard,	McClester,	Serrill,
Boney,	Gillan,	McDermott,	Shaffer,
Boorse,	Goodwin,	McDowell,	Shepard,
Bower,	Gross,	McFall,	Simons,
Bradley,	Gryskewicz,	McGrath,	Snyder,
Breth,	Gyger,	McIntosh	Sollenberger,
Bretherick,	Haberlen,	McKinney,	Sorg,
Brown,	Haines,	McLanahan,	Stambaugh,
Brunner, C. H.,	Hall,	McLane,	Stank,
Brunner, P. A.,	Hamilton,	McMillen,	Stine,
Burns,	Hare,	McSurdy,	Tarr,
Burris,	Harris,	Melchiorre,	Tate,
Cadwalader,	Heatherington,	Mihm,	Taylor,
Chervenak,	Helm,	Modell,	Thompson, E. F.,
Chudoff,	Hering,	Monks,	Thompson, R. L.,
Cochran,	Herman,	Mooney,	Trout,
Cohen, M. M.,	Hersch,	Moran,	Turner,
Cohen, R. E.,	Hewitt,	Muir,	Van Allsburg,
Cook,	Holland,	Munley,	Vincent,
Cooper,	Huntley,	Nagel,	Vogt,
Cordier,	Imbrie,	Nunemacher,	Voldow,
Corrigan,	James,	O'Brien,	Wagner,
Croop,	Jefferson,	O'Connor,	Watkins,
Cullen,	Jones, G. E.,	O'Dare,	Weingartner,
Dalrymple,	Jones, P. N.,	O'Neill,	Weiss,
Dennison,	Keenan,	Owens,	Welsh, E. B.,
DiGenova,	Kenehan,	Petrosky,	Welsh, M. J.,
Dix,	Kline,	Pettit,	Wilkinson,
Dolon,	Knoble,	Polaski,	Williams,
D'Ortona,	Kolankiewicz,	Polen,	Wolf,
Duffy,	Komorofski,	Powers,	Wood, L. H.,
Early,	Krise,	Rank,	Wood, N.,
Elder,	Lee, E. A.,	Readinger,	Woodring,
Ely,	Lee, T. H.,	Reagan,	Wright,
Falkenstein,	Leisey,	Reese, D. P.,	Yeakel,
Finestone,	Leonard,	Reese, R. E.,	Yester,
Finnerty,	Lesko,	Regan,	Young,
Fisher,	Levy,	Reynolds,	Kilroy,
Fiss,	Leydic,	Rhea,	Speaker.
	Lichtenwalter,	Riley,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return it to the Senate with information that the House has passed it without amendments.

BILLS PASSED OVER

There being no objection House Bill No. 122, (Senate Bill No. 87), Printer's No. 64, and House Bill No. 98, (Senate Bill No. 64), Printer's No. 75 were passed over at the request of the SPEAKER.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 94, (Senate Bill No. 49), as follows:

An act authorizing in certain cases the drawing of agricultural machinery and wagons on the highways in this Commonwealth by tractors and motor vehicles without such machinery or wagons being registered and the temporary suspension of existing laws requiring the registration thereof

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 In order to make more transportation facilities available for war needs and to encourage the farmers of this Commonwealth to increase the production of farm products necessary for the feeding of our soldiers and our civilian population during the present war emergency any machinery used exclusively for agricultural purposes and any wagon while being used for the purpose of transporting the agricultural products of the owner thereof or returning from such transportation may be drawn by a tractor or motor vehicle upon the highways

in this Commonwealth without such machinery or wagon being registered with the Department of Revenue as required by existing law

Section 2 The Secretary of Revenue is hereby authorized to suspend all provisions of the act approved the first day of May one thousand nine hundred and twenty-nine (P. L. 905) entilted "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of anmials upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" and of the act approved the first day of May one thousand nine hundred and twenty-nine (P. L. 1005) entitled "An act relating to and regulating tractors and trailers and their operation providing for their registration and the licensing of certain operators by the Department of Revenue upon payment of prescribed fees prescribingg and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of tractors and trailers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns and townships within the Commonwealth liability for damages caused by the negligent operation of tractors and trailers imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" and all other acts and parts of acts in so far as they are inconsistent with the provisions of this act

Section 3 The provisions of this act shall be in full force and effect until six months after the termination of the war in which the United States is now engaged

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—185

Achterman,	Fleming,	Lichtenwalter,	Riley,
Auker,	Fletcher,	Longo,	Rooney,
Baker,	Flynn,	Lovett,	Rose, S.,
Balthaser,	Foor,	Lyons,	Royer,
Baugher,	French,	Malloy,	Rush,
Bentley,	Gallagher,	Marks,	Sarraf,
Bentzel,	Gates,	Maxwell,	Scanlon,
Boies,	Gerard,	McClanaghan,	Schwab,
Boney,	Gillan,	McClester,	Serrill,
Boorse,	Goodwin,	McDermott,	Shaffer,
Bower,	Gross,	McDowell,	Shepard,
Bradley,	Gryskewicz,	McFall,	Simons,
Breth,	Gyger,	McGrath,	Snyder,
Bretherick,	Haberlen,	McIntosh,	Sollenberger,
Brown,	Haines,	McKinney,	Sorg,
Brunner, C. H.,	Hall,	McLanahan,	Stambaugh,
Brunner, P. A.,	Hamilton,	McLane,	Stank,
Burns,	Hare,	McMillen,	Stine,
Burris,	Harris,	McSurdy,	Tarr,
Cadwalader,	Heatherington,	Melchiorre,	Tate,
Chervenak,	Helm,	Mihm,	Taylor,
Chudoff,	Hering,	Modell,	Thompson, E. F.,
Cochran,	Herman,	Monks,	Thompson, R. L.,
Cohen, M. M.,	Hersch,	Mooney,	Trout,
Cohen, R. E.,	Hewitt,	Moran,	Turner,
Cook,	Holland,	Muir,	VanAllsburg,
Cooper,	Huntley,	Munley	Vincent,
Cordier,	Imbrie,	Nagel	Vogt,
Corrigan,	James,	Nunemacher	Voldow,
Croop,	Jefferson,	O'Brien,	Wagner,
Cullen,	Jones, G. E.,	O'Connor,	Watkins,
Dalrymple,	Jones, P. N.,	O'Dare,	Weingartner,
Dennison,	Keenan,	O'Neill,	Weiss,
DiGenova,	Kenehan,	Owens,	Welsh, E. B.,
Dix,	Kline,	Petrosky,	Welsh, M. J.,
Dolon,	Knoble,	Pettit,	Wilkinson,
D'Ortona,	Kolankiewicz,	Polaski,	Williams,
Duffy,	Komorofski,	Polen,	Wolf,
Early,	Krise,	Powers,	Wood, L. H.,
Elder,	Lee, E. A.,	Rank,	Wood, N.,
Ely,	Lee, T. H.,	Readinger,	Woodring,
Falkenstein,	Leisey,	Reagan,	Wright,
Finestone,	Leonard,	Reese, D. P.,	Yeakel,
Finnerty,	Lesko,	Reese, R. E.,	Yester,
Fisher,	Levy,	Regan,	Young,
Fiss,	Leydic,	Reynolds,	Kilroy,
		Rhea,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return it to the Senate with information that the House has passed it with amendments in which the concurrence of the Senate is requested.

BILL PASSED OVER

There being no objection House Bill No. 44, (Senate Bill No. 21), Printer's No. 71, was passed over at the request of the SPEAKER.

CONFERENCE COMMITTEE REPORT ON HOUSE BILL No. 8

Mr. READINGER. Mr. Speaker, I desire to call up the report of the Committee of Conference on House Bill No. 8, Printer's No. 74.

The report was read by the Clerk as follows:

To the Members of the Senate and House of Representatives

We, the undersigned, Committee of Conference on the part of the Senate and House of Representatives for the purpose of considering House Bill No. 8, entitled:

An Act to further amend section two of and to add Sections four and five to the act approved the seventh day of June one thousand nine hundred seventeen (P. L. 600), entitled "An act providing that appointive officers and employes employed by the Commonwealth of Pennsylvania in its civil service or by any department bureau commission or office thereof or by any county municipality township or school district shall not be deemed or held to have resigned or abandoned their offices or employments by reason of enlistment enrollment or draft in the military or naval service of the United States or any branch or unit thereof in time of war or contemplated war; * * *" by more fully defining amounts payable, limiting the time such amounts are payable and limiting the conditions of resumption of office or employment."

Respectfully submit the following bill as our report:

O. J. Tallman,
J. Albert Reed,
Fred'k L. Homsher,
(Committee on the part of the Senate.)

Albert S. Readinger,
Fred Marks,
Arthur P. Bretherick,
(Committee on the part of the House of Representatives.)

An Act to further amend section two of the act approved the seventh day of June one thousand nine hundred seventeen (P. L. 600) entitled "An act providing that appointive officers and employes employed by the Commonwealth of Pennsylvania in its civil service or by any department bureau commission or office thereof or by any county municipality township or school district shall not be deemed or held to have resigned or abandoned their offices or employments by reason of enlistment enrollment or draft in the military or naval service of the United States or any branch or unit thereof in time of war or contemplated war prohibiting the removal from their offices or employments of such officers and employes during the period of their service in the Army or Navy directing that one-half of the salaries or wages of such officers or employes as have dependent wives children or parents and not exceeding two thousand dollars per annum be paid during the term of their service in the Army or Navy to such dependents authorizing the employment during said term of substitutes to perform the duties therefore performed by such officers or employes respectively and providing for the compensation of such substitutes" by more fully defining amounts payable limiting the time such amounts are payable and limiting the conditions of resumption of office or employment

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section two of the act approved the seventh day of June one thousand nine hundred seventeen (P. L. 600) entitled "An act providing that appointive officers and employes employed by the Commonwealth of Pennsylvania in its civil service or by any department bureau commission or office thereof or by any county municipality township or school district shall not be deemed or held to have resigned or abandoned their offices or employments by reason of enlistment enrollment or draft in the military or naval service of the United States or any branch or unit thereof in time of war or contemplated war prohibiting the removal from their offices or employments of such officers and employes during the period of their service in the Army or Navy directing that one-half of the salaries or wages of such officers or employes as have dependent wives children or parents and not exceeding two thousand dollars per annum be paid during the term of their service in the Army or Navy to such dependents authorizing the employment during said term of substitutes to perform the duties theretofore performed by such officers or employes respectively and providing for the compensation of such substitutes" as amended by the act approved the twenty-fifth day of June one thousand nine hundred forty-one (P. L. 207) is hereby further amended to read as follows

Section 2 Any said officer or employe so enlisting enrolling or drafted and having a dependent or dependents as aforesaid may at the time of his enlistment enrollment or draft or immediately therafter file with the head or chief of the department bureau commission or office in which he is employed a statement in writing executed under oath setting forth the fact and date of his enlistment enrollment or draft his intention to retain his said office or employment and to resume the duties thereof after the expiration of his service in the military or naval service or any branch or unit thereof and the names and addresses of his dependent wife children and [dependent] parent or parents if any such he have and requesting and directing that one-half of the salary or wages of his said office or employment not exceeding two thousand ($2,000.00) dollars per annum shall be paid during his service in the military or naval service or any branch or unit thereof as follows

If he is a member of the State Employes' Retirement Association or the Pennsylvania Motor Police Retirement System he may direct the State Treasurer to pay into the State Employes' Retirement Fund an amount certified to the State Treasurer by the State Employes' Retirement Board in a manner now or hereafter provided by law The balance thereof if he have a dependent wife to his wife for her use and that of his children if he have dependent children and no wife then to such person as he may designate for the use and benefit of his children If he have a dependent parent or parents then he shall direct such sum as he has theretofore been accustomed to contribute to their support to be paid to them and the amount payable to his wife or children if any he have shall be proportionately decreased If he have no dependent wife or children he may direct [the entire one-half of his said salary or wages not exceeding two thousand ($2,000.00) dollars per annum to be paid to his dependent parent or parents if any such he have] such sums as he has heretofore been accustomed to contribute to his dependent parent or parents to be paid to such parent or parents and no more all sums so directed to be paid shall be paid to the Commonwealth agency and/or the person designated in the same proportional instalments as nearly as may be as the salary or wages of such person were theretofore paid to him Provided however That the amount of benefits paid under the provisions of this act shall in no case exceed an amount which added to the aggregate amount paid to such officer or employe by the United States as compensation dependency allowances if any and when such officer or employe is quartered with the aforesaid dependent allowances for rentals and subsistence provided in money or facilities totals more than the salary or wages paid to such officer or employe by the Commonwealth or by any county municipality township or school district within the Commonwealth at the time of his entry into such military or naval service and Provided further That no benefits under this act shall be paid to any dependent or dependents as herein defined in excess of such sum or sums as such officer or employe has been paying such dependent or dependents under order of a court of competent jurisdiction Provided That the benefits payable hereunder shall be computed solely upon such portion of the salary or wages of such employes as is paid by the Commonwealth county municipality or township and not upon any portion thereof which is derived from funds contributed to the Commonwealth or any political subdivision thereof by the Government of the United States or any agency thereof Provided further That if the Government of the United States or any agency thereof at any time makes provision for the payment of contributions or benefits to the dependents of such employes such contributions or benefits shall be payable to such dependents but no payments by the Commonwealth or any political subdivision when added to the contribution made by the Government of the United States or any agency thereof shall exceed in the aggregate the payments permitted by this act With such statement he shall also file powers of attorney authorizing the Commonwealth agency and/or the proper dependents to receive their proportion of said salary or wages as aforesaid

Section 2 Said act is hereby amended by adding the following new sections

Section 4 The amounts payable under this act shall cease to be payable to the dependent or dependents of any such officer or employe who voluntarily continues in the military or naval service or any branch or unit thereof after the termination of the period of war or contemplated war during which he entered the service

Section 5 No such officer or employe who is separated from the service by undesirable bad conduct or dishonorable discharge shall be permitted to resume his said office or employment after separation from the service in such manner

Section 3 This act shall become effective immediately upon final enactment

On the question,

Will the House adopt the report of the Committee of conference?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—185

Achterman,	Fleming,	Lovett,	Rooney,
Auker,	Fletcher,	Lyons,	Rose, S.,
Baker,	Flynn,	Malloy,	Royer,
Balthaser,	Foor,	Marks,	Rush,
Baugher,	French,	Maxwell,	Sarraf,
Bentley,	Gallagher,	McClanaghan,	Scanlon,
Bentzel,	Gates,	McClester,	Schwab,
Boles,	Gerard,	McDermott,	Serrill,
Boney,	Gillan,	McDowell,	Shaffer,
Boorse,	Goodwin,	McFall,	Shepard,
Bower,	Gross,	McGrath,	Simons,
Bradley,	Gryskewicz,	McIntosh,	Snyder,
Breth,	Gyger,	McKinney,	Sollenberger,
Bretherick,	Haberlen,	McLanahan,	Sorg,
Brown,	Haines,	McLane,	Stambaugh,
Brunner, C. H.,	Hall,	McMillen,	Stank,
Brunner, P. A.,	Hamilton,	McSurdy,	Stine,
Burns,	Hare,	Melchiorre,	Tarr,
Burris,	Harris,	Mihm,	Tate,
Cadwalader,	Heatherington,	Modell,	Taylor,
Chervenak,	Hering,	Monks,	Thompson, E. F.,
Chudoff,	Herman,	Mooney,	Thompson, R. L.,
Cochran,	Hersch,	Moran,	Trout,
Cohen, M. M.,	Hewitt,	Muir,	Turner,
Cohen, R. E.,	Holland,	Munley,	Van Allsburg,
Cook,	Huntley,	Nagel,	Vincent,
Cooper,	Imbrie,	Nunemacher,	Vogt,
Cordier,	James,	O'Brien,	Voldow,
Corrigan,	Jefferson,	O'Connor,	Wagner,
Croop,	Jones, G. E.,	O'Dare,	Watkins,
Cullen,	Jones, P. N.,	O'Neill,	Weingartner,
Dalrymple,	Keenan,	Owens,	Weiss,
Dennison,	Kenehan,	Petrosky,	Welsh, E. B.,
DiGenova,	Kline,	Pettit,	Welsh, M. J.,
Dix,	Knoble,	Polaski,	Wilkinson,
Dolon,	Kolankiewicz,	Polen,	Williams,
D'Ortona,	Komorofski,	Powers,	Wolf,
Duffy,	Krise,	Rank,	Wood, L. H.,
Early,	Lee, E. A.,	Readinger,	Wood, N.,
Elder,	Lee, T. H.,	Reagan,	Woodring,
Ely,	Leisey,	Reese, D. P.,	Wright,
Falkenstein,	Leonard,	Reese, R. E.,	Yeakel,
Finestone,	Lesko,	Regan,	Yester,
Finnerty,	Levy,	Reynolds,	Young,
Fisher,	Leydic,	Rhea,	Kilroy,
Fiss,	Lichtenwalter,	Riley,	Speaker.
	Longo,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk inform the Senate accordingly.

CONFERENCE COMMITTEE REPORT ON HOUSE BILL No. 68

Mr. SARRAF. Mr. Speaker, I desire to call up the report of the Committee of Conference on House Bill No. 68, Printer's No. 76.

The report was read by the Clerk as follows:

To the Members of the Senate and House of Representatives:

We, the undersigned, Committee of Conference on the part of the Senate and House of Representatives for the purpose of considering House Bill No. 68, entitled:

An Act to amend section two of the act approved the tenth day of July one thousand nine hundred thirty-five (P. L. 645), entitled "An act imposing certain requirements on certain hospitals receiving State aid authorizing the withholding of appropriations and imposing duties on the Department of Welfare" by providing that during the present war and six months thereafter funds shall not be withheld from hospitals for violation of such act if the Secretary of Welfare determines that the constant attendance of licensed physician or resident interne cannot be secured by such hospitals because of the war emergency.

Respectfully submit the following bill as our report:

Charles A. P. Bartlett,
Clarence D. Becker,
John Fremont Cox,
(Committee on the part of the Senate.)

George J. Sarraf,
W. W. Serrill,
(Committee on the part of the House of Representatives.)

An Act to amend section two of the act approved the tenth day of July one thousand nine hundred thirty-five (P. L. 645) entitled "An act imposing certain requirements on certain hospitals receiving State aid authorizing the withholding of appropriations and imposing duties on the Department of Welfare" by providing that during the present war and six months thereafter funds shall not be withheld from hospitals for violation of such act if the Secretary of Welfare determines that the constant attendance of a licensed physician or resident interne cannot be secured by such hospitals because of the war emergency

The General Assembly of the Commonwealth of Pennsylvania herey enacts as follows

Section 1 Section two of the act approved the tenth day of July one thousand nine hundred thirty-five (P. L. 645) entitled "An act imposing certain requirements on certain hospitals receiving State aid authorizing the withholding of appropriations and imposing duties on the Depart of Welfare" is hereby amended to read as follows

Section 2 The Department of Welfare shall enforce the provisions of this act and shall withhold the payment of all money or the unpaid balance thereof appropriated or allotted to any hospital failing to comply with the provisions of this act Provided however That during the continuation of the state of war between the United States of America and any foreign country and for six months thereafter no funds appropriated or allotted to any hospital shall be withheld under this act if the Secretary of Welfare determines that the constant attendance of a licensed physician or resident interne cannot be secured by such hospital because of the war emergency

On the question,

Will the House adopt the report of the Committee of Conference?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—185

Achterman,	Fleming,	Longo,	Rooney,
Auker,	Fletcher,	Lovett,	Rose, S.,
Baker,	Flynn,	Lyons,	Royer,
Balthaser,	Foor,	Malloy,	Rush,
Baugher,	French,	Marks,	Sarraf,
Bentley,	Gallagher,	Maxwell,	Scanlon,
Bentzel,	Gates,	McClanaghan,	Schwab,
Boles,	Gerard,	McClester,	Serrill,
Boney,	Gillan,	McDermott,	Shaffer,
Boorse,	Goodwin,	McDowell,	Shepard,
Bower,	Gross,	McFall	Simons,
Bradley,	Gryskewicz,	McGrath,	Snyder,
Breth,	Gyger,	McIntosh,	Sollenberger,
Bretherick,	Haberlen,	McKinney,	Sorg,
Brown,	Haines,	McLanahan	Stambaugh,
Brunner, C. H.	Hall,	McLane,	Stank,
Brunner, P. A.	Hamilton,	McMillen,	Stine,
Burns,	Hare,	McSurdy,	Tarr,
Burris,	Harris,	Melchiorre,	Tate,
Cadwalader	Heatherington,	Mihm,	Taylor,
Chervenak,	Helm,	Modell,	Thompson, E. F.,
Chudoff,	Hering,	Monks,	Thompson, R. L.,
Cochran,	Herman,	Mooney,	Trout,
Cohen, M. M.	Hersch,	Moran,	Turner,
Cohen, R. E.	Hewitt,	Muir,	Van Allsburg,

Cook,	Holland,	Munley,	Vincent,
Cooper,	Huntley,	Nagel,	Vogt,
Cordier,	Imbrie,	Nunemacher,	Voldow,
Corrigan,	James,	O'Brien,	Wagner,
Croop,	Jefferson,	O'Connor,	Watkins,
Cullen,	Jones, G. E.,	O'Dare,	Weingartner,
Dalrymple,	Jones, P. N.,	O'Neill,	Weiss,
Dennison,	Keenan,	Owens,	Welsh, E. B.,
DiGenova,	Kenehan,	Petrosky,	Welsh, M. J.,
Dix,	Kline,	Pettit,	Wilkinson,
Dolon,	Knoble,	Polaski,	Williams,
D'Ortona,	Kolankiewicz,	Polen,	Wolf,
Duffy,	Komorofski,	Powers,	Wood, L. H.,
Early,	Krise,	Rank,	Wood, N.,
Elder,	Lee, E. A.,	Readinger,	Woodring,
Ely,	Lee, T. H.,	Reagan,	Wright,
Falkenstein,	Leisey,	Reese, D. P.,	Yeakel,
Finestone,	Leonard,	Reese, R. E.,	Yester,
Finnerty,	Lesko,	Regan,	Young,
Fisher,	Levy,	Reynolds,	Kilroy,
Fiss,	Leydic,	Rhea,	Speaker.
	Lichtenwalter,	Riley,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk inform the Senate accordingly.

HOUSE RESOLUTION No. 42

Mr. WOODRING. Mr. Speaker, I desire to call up House Resolution No. 42, Printers No. 75.

The resolution was read by the Clerk as follows:

In the House of Representatives, March 31, 1942.

Whereas, The residents of the County of Northampton on March 26, 1942, experienced a horrible tragedy, resulting from a dynamite explosion in Sandts Eddy in that county, causing the death of 31 persons; and

Whereas, The explosion was heard and its force felt for a distance of approximately 72 miles, in which radius a schoolhouse was wrecked, and thousands of windows broken; and

Whereas, The operation of quarries is a major industry in the County of Northampton, and the continued use of explosives and dynamite is apparently important to the continued operation of said industries; and

Whereas, This House in noting with sorrow the tragic death of these men and the untold suffering occasioned to their families cannot and will not permit this disastrous incident to pass without exerting every effort to prevent and forestall a recurrance thereof, with its horrible consequence of loss of life, destruction of property, and constant threat to the safety and tranquility of persons employed in this industry; and

Whereas, For the future protection of these men and their families and for the well being and protection of all the residents of the County of Northampton and of the Commonwealth, legislation may be necessary to prevent other incidents of a similar nature; therefore be it

Resolved, That the Joint State Government Commission shall make a careful and thorough study of the laws of the Commonwealth and all regulations thereunder relating to the transportation storage handling and use of all types of explosives and be it further.

Resolved, That said commission shall after due consideration make its report together with recommendations to this House the Secretary of Labor and Industry and to the Chief of the Division of Mines and Quarries

On the question,

Will the House adopt the resolution?

It was adopted.

HOUSE RESOLUTION No. 23

Mr. SHEPARD. Mr. Speaker, I desire to call up House Resolution No. 23, Printer's No. 69.

The resolution was read by the Clerk as follows:

In the House of Representatives, March 10, 1942.

Whereas, On the 1st day of February in the year 1865, the 38th Congress of the United States of America adopted, and President Abraham Lincoln signed, a Joint Resolution proposing the 13th Amendment to the Constitution of the United States, whereby slavery and involuntary servitude were forever abolished within the United States; and

Whereas, The proposing of this Constitutional Amendment to the Legislature of the several States marked one of the most enlightened and far-reaching steps in the history of our Democratic form of Government; and

Whereas, The ultimate abolition of slavery and involuntary servitude effected by the adoption of this Constitutional Amendment was of inestimable benefit in welding our people into a strong and unified Nation; and

Whereas, There has now been introduced into the House of Representatives of the Congress of the United States, a Joint Resolution (No. 267), requesting President Franklin D. Roosevelt to proclaim February 1st as "National Freedom Day," and to invite the people of the United States to observe that day with appropriate ceremonies and thanksgiving; be it therefore

Resolved, That this House of Representatives hereby memorializes Congress to adopt the aforesaid Joint Resolution as a most fitting and appropriate recognition of the great significance of February 1st; and be it further

Resolved, That a copy of this resolution be mailed to all Congressmen and Senators representing the Commonwealth of Pennsylvania, urging them to use their fullest efforts to effect the adoption of this resolution.

On the question,

Will the House adopt the resolution,

It was adopted.

HOUSE RESOLUTION No. 51

Mr. McINTOSH. Mr. Speaker, I desire to call up House Resolution No. 51, Printer's No. 77.

The resolution was read by the Clerk as follows:

In the House of Representatives, April 9, 1942.

Whereas, It is the duty of the Department of Health and the Bureau of Vital Statistics under the provisions of the acts approved the 7th day of June 1915 P. L. 900 and the 9th day of April 1929 P. L. 177 to supply certified copies of the birth records maintained by the Department of Health upon payment of the prescribed fees and

Whereas, During recent years persons requesting certified copies of their birth records have experienced great difficulty and delay in securing them with reasonable promptness and

Whereas, A committee of this House of Representatives appointed May 28 1941 conducted an investigation into the apparent inability of the Department of Health and Bureau of Vital Statistics to perform properly their duties in this respect and

Whereas, The entrance of our country into war following the Japanese attack on Pearl Harbor on December 7 1941 with the consequent necessity for an increase in our armed forces and for closer supervision over enemy aliens has greatly increased the demand upon the Department of Health and Bureau of Vital Statistics for birth certificates and

Whereas, Regardless of the aforementioned investigation and the greatly increased importance for the prompt issuance of birth certificates the difficulty in promptly securing such birth certificates has not been eliminated and

Whereas, The measure of promptness in the issuance of birth certificates more than ever directly affects defense industries and the prosecution of the war now therefore be it

Resolved, By the House of Representatives of the General Assembly That the Joint State Government Commission under the powers and duties conferred on it by Act of Assembly is hereby directed to make a study of the functions and procedures of the Bureau of Vital Statistics to the end that appropriate remedies may be inaugurated which will expedite the work of the bureau and be it further

Resolved, That the Department of Health Bureau of Vital Statistics and any other department or person shall promptly furnish the Joint State Government Commission any information which said Commission deems pertinent to this study and be it also further

Resolved, That the Joint State Government Commission shall make a report of this study with recommendations at the earliest possible date to the Governor of the Commonwealth of Pennsylvania to the Secretary of Health of the Commonwealth of Pennsylvania to the Chief of the Bureau of Vital Statistics and also that such report and recommendations shall be made to this House at the next session of the General Assembly

On the question,
Will the House adopt the resolution?
It was adopted.

ANNOUNCEMENT

The SPEAKER. The Chair requests diligent cooperation in the attendance at the session today, and especially requests the Members to be present promptly when the House reconvenes after recess. We have a number of important bills yet to be acted upon, and if the membership will be present in the House we feel reasonably certain that the business of the session will be completed by four o'clock.

HOUSE RESOLUTION No. 43

Mr. SHEPARD. Mr. Speaker, I desire to call up House Resolution No. 43, Printer's No. 71.

The resolution was read by the Clerk as follows:

In the House of Representatives, April 1, 1942.

Lincoln University, located forty miles from Philadelphia, is a liberal arts college for Negro men, with an enrollment of 367. It is an old established institution which has carried on its work for more than eighty years. Among its graduates have been some of the most prominent leaders of the Negro race. Many of its alumni now occupy responsible positions in public life. It is the only liberal arts college for Negroes in the northeastern area of the United States.

The University owns 275 acres in the most beautiful part of southeastern rural Pennsylvania. It is State aided, receiving biennial appropriations from the State of Pennsylvania. During the last war, Lincoln University had a student army training corps, which, in 1918, received a high official rating; therefore be it

Resolved, That the House of Representatives of the General Assembly of Pennsylvania hereby respectfully petitions the War Department of the United States Government to install a Reserve Officers Training Corps at Lincoln University, in Chester County, Pennsylvania, for the training of students to become officers in the United States Army; and be it further

Resolved, That certified copies of this resolution be transmitted to the President of the United States, to the Secretary of War of the United States, and to each senator and member from this Commonwealth in the Congress of the United States.

On the question,
Will the House adopt the resolution?
It was adopted.

PRESENTATION

The SPEAKER. As a mark of esteem and respect, Dave, (Henry Davis Turrell) the membership of this House presents to you this little token on your way to camp.

SENATE MESSAGE

APPOINTMENT OF CONFERENCE COMMITTEE ON SENATE BILL No. 60

The Clerk of the Senate being introduced, informed that the Senate insists on its concurrence in the amendments made and insisted upon by the House of Representatives to Senate Bill No. 60, entitled:

An Act to modify existing law of the Commonwealth regulating the operation of motor driven vehicles which limits the gross weight or length of such vehicles as are permitted to be operated upon the highways roads and streets within the Commonwealth by authorizing the Secretary of the Department of Highways to issue permits for the use of over weight and over length vehicles in the actual transportation of materials and commodities necessary in the prosecution of the war

And has appointed Messrs. Wade, Snowden and Barr a committee of conference to confer with a similar committee of the House of Representatives (already appointed) on the subject of the differences existing between the two Houses in relation to said bill.

REPORT OF COMMITTEE OF CONFERENCE ON SENATE BILL No. 65

Mr. YESTER presented the report of the Committee of Conference on the part of the House on Senate Bill No. 65.

The SPEAKER. This being a Senate Bill the report will be printed by the Senate, and placed in the files of the Members of the House.

RECESS

The SPEAKER. If there is no objection the Chair is about to declare a recess until 2 p. m. Is there objection? The Chair hears none and a recess is declared.

AFTER RECESS

The House reconvened at 2 p. m.
The SPEAKER (Elmer Kilroy) in the Chair.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 98, (Senate Bill No. 64), as follows:

A Supplement to the act approved March eleventh one thousand nine hundred forty-two entitled "An act to provide for the expenses of the Extraordinary Session of the Legislature assembled February seventeenth one thousand nine hundred forty-two in pursuance of the proclamation of the Governor of the Commonwealth dated February tenth one thousand nine hundred forty-two and the supplement thereto"

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 In addition to the sums appropriated by the

act approved the eleventh day of March one thousand nine hundred forty-two entitled "An act to provide for the expenses of the Extraordinary Session of the Legislature assembled February seventeenth one thousand nine hundred forty-two in pursuance of the proclamation of the Governor of the Commonwealth dated February tenth one thousand nine hundred forty-two and the supplement thereto" the following amounts or as much of them as may be necessary are hereby appropriated

To the Senate

For the payment of salaries of Senators the sum of twelve thousand five hundred dollars ($12,500)

For the payment of the mileage of Senators the sum of five thousand two hundred dollars ($5,200)

For the payment of salaries of the officers and employes of the Senate during and for the completion of the work of the session the sum of twenty-two thousand dollars ($22,000)

For the payment of the expenses of the Committee on Appropriations of the Senate in examining and analyzing requests of the various department boards and commissions of the Commonwealth for appropriations and for clerical assistance and other necessary expenses in connection with the work of said committee during and for the completion of the work of the session the sum of two thousand dollars ($2,000) to be paid on warrant of the Auditor General in favor of the chairman of said committee on the presentation of his requisition

To the House of Representatives

For the payment of the salaries of members of the House of Representatives the sum of fifty-one thousand dollars ($51,000)

For the payment of the mileage of members of the House of Representatives the sum of sixteen thousand nine hundred forty dollars ($16,940)

For the payment of the salaries of the officers and employes of the House of Representatives during and for the completion of the work of the session the sum of thirty thousand dollars ($30,000)

For the payment of the mileage of the officers and employes of the House of Representatives the sum of seven hundred dollars ($700)

To the President Pro Tempore of the Senate

For the payment of contingent expenses including clerical stenographic traveling and discretionary charges of the President Pro Tempore during the balance of the year one thousand nine hundred forty-two the sum of five thousaid dollars ($5,000) or as much thereof as may be necessary to be expended by him for investigating and studying plans methods and systems for liberalization of the Pennsylvania Unemployment Compensation Law to provide benefits for partial unemployment

To the Speaker of the House of Representatives

For the payment of contingent expenses including clerical stenographic traveling and discretionary charges of the Speaker of the House of Representatives during the balance of the year one thousand nine hundred forty-two the sum of five thousand dollars ($5,000) or as much thereof as may be necessary to be expended by him for investigating and studying plans methods and systems for liberalization of the Pennsylvania Unemployment Compensation Law to provide benefits for partial unemployment

And said bill having been read at length the third time, cnosidered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—185

Achterman,	Fleming,	Longo,	Rooney,
Auker,	Fletcher,	Lovett,	Rose, S.,
Baker,	Flynn,	Lyons,	Rose, W. E.,
Balthaser,	Foor,	Malloy,	Royer,
Baugher,	French,	Marks,	Rush,
Bentley,	Gallagher,	Maxwell,	Sarraf,
Bentzel,	Gates,	McClanaghan	Scanlon,
Boles,	Gerard,	McClester,	Schwab,
Boney,	Gillan,	McDermott,	Serrill,
Boorse,	Goodwin,	McDowell,	Shaffer,
Bower,	Gross,	McFall	Shepard,
Bradley,	Gryskewicz,	McGrath,	Simons,
Breth,	Gyger,	McIntosh,	Snyder,
Bretherick,	Haberlen,	McKinney,	Sollenberger,
Brown,	Haines,	McLanahan,	Sorg,
Brunner, C. H.,	Hall,	McLane,	Stambaugh,
Brunner, P. A.,	Hamilton,	McMillen,	Stank,
Burns,	Hare,	McSurdy,	Stine,
Burris,	Harris,	Melchiorre,	Tarr,
Cadwalader,	Heatherington,	Mihm,	Tate,
Chervenak,	Helm,	Modell,	Taylor,
Chudoff,	Hering,	Monks,	Thompson, E. F.,
Cochran,	Herman,	Mooney,	Thompson, R. L.,
Cohen, M. M.,	Hersch,	Moran,	Trout,
Cohen, R. E.,	Hewitt,	Muir,	Turner,
Cook,	Holland,	Munley,	Van Allsburg,
Cooper,	Huntley,	Nagel,	Vincent,
Cordier,	Imbrie,	Nunemacher,	Vogt,
Corrigan,	James,	O'Brien,	Voldow,
Croop,	Jefferson,	O'Connor,	Wagner,
Cullen,	Jones, G. E.,	O'Dare,	Watkins,
Dalrymple,	Jones, P. N.,	O'Neill,	Weingartner,
Dennison,	Keenan,	Owens,	Weiss,
DiGenova,	Kenehan,	Petrosky,	Welsh, E. B.,
Dix,	Kline,	Pettit,	Welsh, M. J.,
Dolon,	Knoble,	Polaski,	Wilkinson,
D'Ortona,	Kolankiewicz,	Polen,	Williams,
Duffy,	Komorofski,	Powers,	Wolf,
Early,	Krise,	Rank,	Wood, L. H.,
Elder,	Lee, E. A.,	Readinger,	Wood, N.,
Ely,	Lee, T. H.,	Reagan,	Woodring,
Falkenstein,	Leisey,	Reese, D. P.,	Wright,
Finestone,	Leonard,	Reese, R. E.,	Yeakel,
Finnerty,	Lesko,	Regan,	Yester,
Fisher,	Levy,	Reynolds,	Young,
Fiss,	Leydic,	Rhea,	Kilroy,
	Lichtenwalter,	Riley,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return it to the Senate with information that the House has passed it with amendments in which the concurrence of the Senate is requested.

PERMISSION TO ADDRESS HOUSE

Mr. HAINES asked and obtained unanimous consent to address the House.

Mr. Speaker, yesterday I made a few remarks in regard to resolutions that were not essential in my own personal opinion, and since yesterday I have received some information, some figures which might be interesting and which I will introduce this afternoon for the record.

I will not ask that my remarks be expunged from the record as I did yesterday afternoon, in order to save printing costs, but a summary of my remarks has been given to me by the Joint State Government Commission, which is at the present studying the cost of printing in the state of Pennsylvania.

"A committee of the Joint State Government Commission, and its staff, which is making a study of printing costs, has already revealed some very interesting information concerning the cost of printing resolutions, especially in the History.

"Inasmuch as a resolution is reprinted each week in the History, it causes the cost to mount tremendously. The average resolution is given a half page

in the History. The printing cost for Histories is $6.12 per page per week, or $3.06 per half-page. This means that for each week that a resolution is printed in the History, from the week of introduction to the close of the Session, there is a repetition of this $3.06 printing cost. During the 1941 Session, there were 26 issues of the History, which means that some resolutions cost approximately $80.00 for printing in the History alone. Of the 270 resolutions introduced in the House in the 1941 Session, approximately 130 were either condolence or congratulatory resolutions. It can, therefore, readily be seen that when a member stands up and offers a resolution concerning somebody's birthday or congratulating a basketball team, he may be waiving as much as $80.00 in his hand in attempting to attract the attention of the Speaker. The above cost of $80.00 does not include whatever additional costs are incurred in printing such resolutions in the Legislative Journal."

Mr. BRETHERICK. Mr. Speaker, is there any way by which we can ascertain the exact cost of the remarks just made by the gentleman from Centre, Mr. Haines?

The SPEAKER. The Chair refers that question to the accounting department.

Mr. HAINES. Mr. Speaker, if you will ascertain the exact cost I will be very glad to reimburse the state for the remarks I have just made.

Mr. BRETHERICK. At time and one half for over time, that will cost one hundred and twenty-five dollars. If the gentleman from Centre County will contribute Sixty Dollars to the coffers of the state I think we might be able to pass a resolution in favor of the gentleman from Centre.

While I am on my feet, Mr. Speaker, I would like to say a word about this basketball team from Montgomery County. Those boos came from the Western part of the state, because the team from Montgomery County, probably got into a bad habit from their standpoint because of their being overwhelmed by a rather majestic score every time they played this team. I would like to say that this Lower Merion basket ball team is something to behold. That is thirty-two dollars worth, gentlemen.

The SPEAKER. You are only up to twenty-eight dollars so far.

Mr. BRETHERICK. Mr. Speaker, in order to reach the thirty-two dollar figure I want to say too that they probably have the best high school basketball coach in the whole of Pennsylvania. I realize that some of my colleagues back in Delaware County feel that that is blasphemy with them.

The SPEAKER. The gentleman now is among the sixty-four dollar questions.

Mr. BRETHERICK. Mr. Speaker, I am awfully sorry, but there is nothing I can do except to take it.

The SPEAKER. Take it or leave it?

Mr. BRETHERICK. Take it, Mr. Speaker.

THANKS EXTENDED TO HOUSE

The SPEAKER. The Speaker's Page at this time wants to thank the Members for their kind offer of remembrance this morning.

HENRY DAVIS TURRELL. Mr. Speaker, members and fellow employes of the House, the generous gift which was presented to me this morning was so unexpected that I was speechless. I do want you to know it was deeply appreciated and also how much I have enjoyed my work and association with you all this session.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. BRETH asked and obtained permission for the Committee on Stream Pollution to meet during the session of the House.

BILL ON FINAL PASSAGE

Mr. ACHTERMAN asked and obtained unanimous consent to call up out of order House Bill No. 37 (Senate Bill No. 35), Printer's No. 76 on page 1 of today's calendar, bill on final passage.

Agreeably to order,

The House proceeded to the consideration of House Bill No. 37, (Senate Bill No. 35), as follows:

An Act authorizing the Department of Highways to construct replace or repair bridges in cities of the third class whether such bridges are owned and maintained by such cities or by the counties in which located which form connecting links on State highways necessary for National defense in cases where Federal funds and city or county funds are available for such purposes and authorizing the Secretary of Highways to enter into agreements with the proper Federal authorities and the authorities of cities of the third class or counties covering the construction replacement or repair of such bridges and making an appropriation

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Whenever Federal emergency funds and city or county funds are available therefor the Department of Highways is hereby authorized to construct replace or repair bridges in cities of the third class whether such bridges are owned and maintained by such cities or by the counties in which located which bridges form connecting links on State highways which have been or may be designated by any Federal agency or department as essential to National defense No such bridge shall be constructed repaired or rebuilt without the consent of the public authorities responsible by law for the maintenance of such bridge

Section 2 The cost and expense of the construction replacement or repair of such bridges shall be paid in whole or in part from Federal emergency funds made available for such purpose and where sufficient Federal emergency funds are not available to pay the entire cost of such construction replacement or repair the city in which such bridge is located or the county in case the bridge is owned and maintained by it shall provide and pay the balance thereof Except as hereinafter specifically provided in this act no construction replacement or repair costs or property damages shall be paid out of the Motor License Fund or out of any Federal aid appropriations made to the Commonwealth of Pennsylvania by the Federal government for the construction of State highways and bridges

Section 3 Any damage sustained by reason of the condemnation of property for the construction replacement or repair of such bridges shall be paid by the city or county wherein such bridge is located or the city or county shall provide for the payment of such damages and shall enact any ordinance necessary to effect the condemnation of property for such construction replacement or repair

Section 4 The Department of Highways shall have authority to advertise and receive bids for any project undertaken under the provisions of this act and to make and carry out contracts and to do every other act necessary to carry out any project undertaken hereunder and is hereby authorized to make the necessary surveys and

prepare the necessary plans specifications and estimates for such project and to furnish such employes as may be necessary to provide supervision inspection and preparation of estimates for payment the costs incident thereto to be paid out of moneys in the Motor License Fund Whenever the Federal government has approved such project and has indicated that it will reimburse the Commonwealth of Pennsylvania in full for its expenditures therefor from Federal funds other than Federal aid appropriations made to the Commonwealth for the construction of State highways and bridges the Department of Highways may also pay construction replacement and repair costs out of the Motor License Fund in anticipation of such reimbursement by the Federal government

Section 5 The Secretary of Highways is hereby authorized to enter into agreements with the proper Federal authorities and with the authorities of cities of the third class and with the authorities of counties covering the construction replacement or repair of bridges as authorized by this act Any city or county with which such an agreement is made shall agree therein to pay to the State Treasurer before any contract is awarded as herein provided a sum stated and agreed upon in such agreement as the city's or county's share of the cost and said sum or sums when so paid shall be deposited by the State Treasurer in a special account in the Motor License Fund from which special account payments on the contract shall be made on proper requisition of the Department of Highways If the initial amount deposited by any city or county is insufficient to pay the city's or county's share of any project the city or county shall make such additional deposits as may be necessary to pay the city's or county's total share of the cost and any balance remaining in such special account after payment of the final moneys to the contractor shall be repaid to the city or county upon proper requisition of the Department of Highways

Section 6 If any bridge to be constructed replaced or repaired under the provisions of this act crosses the tracks of a public utility the Department of Highways shall institute proceedings to secure the requisite approval of the Public Utility Commission of the Commonwealth of Pennsylvania

Section 7 The moneys in the Motor License Fund including moneys standing to the credit of the special account in the Motor License Fund created by this act are hereby appropriated to the Department of Highways for the purposes set forth in this act

Section 8 This act shall become effective immediately upon final enactment

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—185

Achterman,	Fleming,	Longo,	Rooney,
Auker,	Fletcher,	Lovett,	Rose, S.,
Baker,	Flynn,	Lyons,	Rose, W. E.,
Balthaser,	Foor,	Malloy,	Royer,
Baugher,	French,	Marks,	Rush,
Bentley,	Gallagher,	Maxwell,	Sarraf,
Bentzel,	Gates,	McClanaghan,	Scanlon,
Boles,	Gerard,	McClester,	Schwab,
Boney,	Gillan,	McDermott,	Serrill,
Boorse,	Goodwin,	McDowell,	Shaffer,
Bower,	Gross,	McFall,	Shepard,
Bradley,	Gryskewicz,	McGrath,	Simons,
Breth,	Gyger,	McIntosh,	Snyder,
Bretherick,	Haberlen,	McKinney,	Sollenberger,
Brown,	Haines,	McLanahan,	Sorg,
Brunner, C. H.	Hall,	McLane,	Stambaugh,
Brunner, P. A.,	Hamilton,	McMillen,	Stank,
Burns,	Hare,	McSurdy,	Stine,
Burris,	Harris,	Melchiorre,	Tarr,
Cadwalader,	Heatherington,	Mihm,	Tate,
Chervenak,	Helm,	Modell,	Taylor,
Chudoff,	Hering,	Monks,	Thompson, E. F.,
Cochran,	Herman,	Mooney,	Thompson, R. L.,
Cohen, M. M.,	Hersch,	Moran,	Trout,
Cohen, R. E.,	Hewitt,	Muir,	Turner,
Cook,	Holland,	Munley,	Van Allsburg,
Cooper,	Huntley,	Nagel,	Vincent,
Cordier,	Imbrie,	Nunemacher,	Vogt,
Corrigan,	James,	O'Brien,	Voldow,
Croop,	Jefferson,	O'Connor,	Wagner,
Cullen,	Jones, G. E.,	O'Dare,	Watkins,
Dalrymple,	Jones, P. N.,	O'Neill,	Weingartner,
Dennison,	Keenan,	Owens,	Weiss,
DiGenova,	Kenehan,	Petrosky,	Welsh, E. B.,
Dix,	Kline,	Pettit,	Welsh, M. J.,
Dolon,	Knoble,	Polaski,	Wilkinson,
D'Ortona,	Kolankiewicz,	Polen,	Williams,
Duffy,	Komorofski,	Powers,	Wolf,
Early,	Krise,	Rank,	Wood, L. H.,
Elder,	Lee, E. A.,	Readinger,	Wood, N.,
Ely,	Lee, T. H.,	Reagan,	Woodring,
Falkenstein,	Leisey,	Reese, D. P.,	Wright,
Finestone,	Leonard,	Reese, R. E.,	Yeakel,
Finnerty,	Lesko,	Regan,	Yester,
Fisher,	Levy,	Reynolds,	Young,
Fiss,	Leydic,	Rhea,	Kilroy,
	Lichtenwalter,	Riley,	Speaker.

NAYS—0

The majority required by the Consitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return it to the Senate with information that the House has passed it with amendments in which the concurrence of the Senate is requested.

BILL ON THIRD READING

Mr. ACHTERMAN asked and obtained unanimous consent to call up out of order House Bill No. 44 (Senate Bill No. 21), Printer's No. 71 on page three of today's calender, bills on third reading.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 44, (Senate Bill No. 21), as follows:

An Act authorizing certain political subdivisions to make appropriations for the payment of expenses of local or district councils of defense within said political subdivisions and for the protection or preparation for the protection of the health welfare and safety of the civilian population of said political subdivision during emergencies resulting from air raids blackouts or sabotage regulatng the manner of payment of expenses of local and district councils of defense authorizing such political subdivisions to borrow money under certain conditions for such purposes providing for the repayment thereof and ratifying confirming and validating appropriations heretofore made for said purposes

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1. Definitions The following words and phrases used in this act shall have the meanings ascribed to them in this section

"Political subdivisions" shall mean any county city borough incorporated town and township

"Local and district councils of defense shall mean those established pursuant to the act approved the nineteenth day of March one thousand nine hundred and forty-one (P. L. 6) entitled "An act relating to national and state defense providing for the establishment of a state council of defense and for local and district councils of defense prescribing the powers and duties thereof and making appropriations therefor"

Section 2. Every political subdivision shall have the power to make appropriations in the manner provided by law for making appropriations for the ordinary expenses of such political subdivisions for the payment of ex-

penses of local and district councils of defense and for protection and preparation for the protection of the health welfare and safety of the civilian population of the said political subdivision during emergencies resulting from air raids blackouts or sabotage A political subdivision in making such appropriations shall specify the amounts and purposes for which the moneys so appropriated may be used by such councils of defense or other agency to or for which such appropriation may be made

Section 3. (a) Where the jurisdiction of the local or district council of defense is coterminus with the political subdivision making an appropriation for the payment of the expenses of the local or district council of defense such local or district council of defense shall be an agency board or commission of the political subdivision subject to all of the laws governing the making of contracts or purchases the employment of persons or otherwise incurring financial obligations which apply to the political subdivision All bills or claims to be paid from any appropriation made pursuant to this act after first being approved by the local or district council of defense or an appropriate officer thereof designated for the purpose shall be paid from the treasury of the political subdivision only upon the warrant or order of the officer or officers of such political subdivision designated by law to approve or countersign warrants or orders for the payment of the ordinary expenses of such political subdivision and shall be subject to audit in the same manner as other financial transactions of such political subdivision In each case the said officer or officers shall have the same power to approve or disapprove the same as they have in case of warrants for ordinary expenses of the political subdivisions and no warrant or order for the payment thereof shall be issued without such approval Any gift or grant of money made to the local or district council of defense or to the political subdivision for the payment of expenses incurred or to be incurred by or for the local or district council of defense shall be deposited in the treasury of the political subdivision and shall be appropriated by the political subdivision for the purpose for which such gift or grant was made and any bills or claims to be paid from such gift or grant shall be paid in the manner herein provided for the payment of other bills and claims against such political subdivision

(b) Where a local or district council of defense has jurisdiction in an area including all or parts of more than one political subdivision which does not include the whole area of any county the political subdivisions all or part of which lie within the jurisdiction of such local or district council of defense shall before paying any expenses of such local or district council of defense enter into an agreement designating one of said political subdivisions as the agent of each of them for the purpose of paying the expenses of the local or district council of defense The agreement shall also set forth the proportionate share of the expenses of the local or district council of defense to be paid by each political subdivision party to said agreement and an estimate of the amount required to be appropriated by each of them for the purpose of paying such expenses The agreement shall be effective when approved by the corporate authorities of each of said political subdivisions by a majority vote and each of said subdivisions shall thereupon make an appropriation pursuant to section two of this act sufficient to pay its share of the expenses of the local or district council of defense All bills and claims for expenses incurred by or for the local or district council of defense shall thereafter be paid in the first instance by the political subdivision named as agent in the aforesaid agreement in the manner provided in paragraph (a) of this section as though the local or district council of defense were co-terminus with such political subdivision and the local or district council of defense shall be subject to all of the laws governing the making of contracts or purchases the employment of persons or otherwise incurring financial obligations which apply to such political subdivision The political subdivision designated as agent shall not later than the fifteenth day of each month submit an itemized account of the expenses of the local or district council of defense paid by it during the preceding calendar month to each of the other political subdivisions party to the said agreement together with a request for reimbursement of the proportionate share of such expenses agreed to be paid by each of such other political subdivisions Each political subdivision so requested to make reimbursement shall do so within thirty days after such request from the appropriation made for the payment of the expenses of the local or district council of defense and in the event of failure to do so mandamus shall lie to compel the officers of such political subdivision to pay the agreed upon proportionate share of the proper expenses of the local or district council of defense out of the first moneys thereafter in the treasury of such political subdivision and not previously pledged to any other purpose provided that no political subdivision shall be compelled to pay for any one year an amount greater than the amount estimated in the agreement as its proportionate share The books and records of the political subdivision designated as agent in the agreement shall at all reasonable times be open to inspection by any authorized agent of each other political subdivision party to the agreement and by any taxpayer who by law is entitled to inspect the books or accounts of any political subdivision party to the agreement Nothing in this paragraph shall be deemed to limit the power of any political subdivision to appropriate and pay out for the expenses of the local or district council of defense an amount greater than that set forth in the agreement herein required provided that all such payments shall be made through the treasury of the political subdivision designated as agent in such agreement in the manner herein required Any payments made by any political subdivision to the political subdivision named as agent in the agreement for reimbursement for the payment of the expenses of the local or district council of defense shall be credited by such agent political subdivision to the appropriation made by it for the payment of the expenses of the local and district council of defense and shall be available for the payment of future expenses of the local or district council of defense without further appropriation or action by such agent political subdivision Any gift or grant of money made to or for the local or district council of defense shall if made to a political subdivision be deposited in its treasury and be appropriated by it for the purpose for which such gift or grant was made and such political subdivision shall notify the political subdivision named as agent in the agreement of such appropriation and the purpose for which it is available If such gift or grant of money is made to the local or district council of defense it shall be deposited in the treasury of the political subdivision named as agent in the agreement and shall be appropriated by such political subdivision for the purpose for which such gift or grant was made provided however that any expenditure made by such agent political subdivision from any gift or grant deposited in its treasury or reimbursed from any gift or grant deposited in the treasury of any other political subdivision shall not be included in computing the reimbursement requested from any other political subdivision under the agreement

(c) Where the local or district council of defense has jurisdiction in an area including the whole area of one or more counties which is not co-terminus with any one county before paying any expenses of the local or district council of defense the counties all or part of which lie within the jurisdiction of the local or district council of defense shall enter into an agreement in the manner and form provided in paragraph (b) of this section and with like effect and no other political subdivision lying within the jurisdiction of the local or district council of defense shall be a party to such agreement For the purposes of this paragraph the city and county of Philadelphia shall be a county and the city of Philadelphia shall act for such city and county

(d) Nothing in this or any other section of this act

shall be deemed to limit the power of any political subdivision to appropriate money for the purpose of paying the expenses of a local or district council of defense having jurisdiction both within and without the political subdivision even though an appropriation has been or is to be made to another local or district council of defense co-terminus with or having jurisdiction within such political subdivision provided that any payments on account of such appropriation shall be made pursuant to an agreement as provided in paragraphs (b) and (c) hereof or in the form of a gift or grant to the political subdivision responsible in the first instance for the payment of bills and claims against the local or district council of defense for the payment of the expenses of which such appropriation was made

(e) No purchase or purchases shall be made no contract entered into and no expenses incurred by any defense council which involves the payment of more than twenty-five dollars ($25.00) out of the treasury of any second class township unless the proposed expenditure has been approved in writing by the township supervisors If any purchase or contract is made or other expenses incurred contrary to the provisions of this subsection the township shall not be responsible for the payment thereof but the person acting for the defense council in such transaction shall be personally liable for such payment

Section 4. Any political subdivision during the fiscal year one thousand nine hundred forty-two may borrow a sum or sums of money necessary for the purposes authorized by this act by the issuance and sale of bonds or notes in the manner provided in the Municipal Borrowing law approved June twenty-fifth one thousand nine hundred forty-one (P. L. 159) Such bonds or notes shall mature within one year from the date of issue

Section 5 All appropriations and expenditures heretofore made by political subdivisions to local or district councils of defense or for the purposes specified in Section 2 of this act are hereby ratified confirmed and validated

Section 6 This act shall become effective immediately upon its final enactment and shall remain in effect so long as a state of war exists between the United States and any foreign country and six months after such state of war ceases to exist

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—183

Achterman,	Fleming,	Longo,	Rose, S.,
Auker,	Fletcher,	Lovett,	Royer,
Baker,	Flynn,	Lyons,	Rush,
Balthaser,	Foor,	Malloy,	Sarraf,
Baugher,	French,	Marks,	Scanlon,
Bentley,	Gallagher,	Maxwell,	Schwab,
Bentzel,	Gates,	McClanaghan,	Serrill,
Boles,	Gerard,	McCloster,	Shaffer,
Boney,	Gillan,	McDermott,	Shepard,
Boorse,	Goodwin,	McDowell,	Simons,
Bower,	Gross,	McFall,	Snyder,
Bradley,	Gryskewicz,	McGrath,	Sollenberger,
Breth,	Gyger,	McIntosh,	Sorg,
Bretherick,	Haberlen,	McKinney,	Stambaugh,
Brown,	Haines,	McLanahan,	Stank,
Brunner, C. H.,	Hall,	McLane,	Stine,
Brunner, P. A.,	Hamilton,	McMillen,	Tarr,
Burns,	Hare,	McSurdy,	Tate,
Burris,	Harris,	Melchiorre,	Taylor,
Cadwalader,	Heatherington,	Mihm,	Thompson, E. F.,
Chervenak,	Helm,	Modell,	Thompson, R. L.,
Chudoff,	Hering,	Monks,	Trout,
Cochran,	Herman,	Mooney,	Turner,
Cohen, M. M.,	Hersch,	Muir,	VanAllsburg,
Cohen, R. E.,	Hewitt,	Munley	Vincent,
Cook,	Holland,	Nagel	Vogt,
Cooper,	Huntley,	Nunemacher	Voldow,
Cordier,	Imbrie,	O'Brien,	Wagner,
Corrigan,	James,	O'Connor,	Watkins,
Croop,	Jefferson,	O'Dare,	Weingartner,
Cullen,	Jones, G. E.,	O'Neill,	Weiss,
Dalrymple,	Jones, P. N.,	Owens,	Welsh, E. E.,
Dennison,	Kenehan,	Petrosky,	Welsh, M. J.,
DiGenova,	Kline,	Pettit,	Wilkinson,
Dix,	Knoble,	Polaski,	Williams,
Dolon,	Kolankiewicz,	Polen,	Wolf,
D'Ortona,	Komorofski,	Powers,	Wood, L. H.,
Duffy,	Krise,	Rank,	Wood, N.,
Early,	Lee, E. A.,	Readinger,	Woodring,
Elder,	Lee, T. H.,	Reagan,	Wright,
Ely,	Leisey,	Reese, D. P.,	Yeakel,
Falkenstein,	Leonard,	Reese, R. E.,	Yester,
Finestone,	Lesko,	Regan,	Young,
Finnerty,	Levy,	Reynolds,	Kilroy,
Fisher,	Leydic,	Rhea,	Speaker.
Fiss,	Lichtenwalter,	Riley,	
		Rooney,	

NAYS—2

Keenan,	Moran,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return it ot the Senate with information that the House has passed it with amendments in which the concurrence of the Senate is requested.

RESOLUTION

SALARIES AND MILEAGE OF MEMBERS

Mr. ACHTERMAN offered a resolution which was twice read, considered and adopted as follows:

In the House of Representatives, April 10, 1942.

Resolved, (if the Senate concur), That the State Treasurer be and is hereby authorized to pay upon warrant of the Auditor General to each Member of the General Assembly, the compensation and mileage to and from their homes at the rate of five cents a mile circular for each week a Member was in actual attendance at the sessions of the Extraordinary Session of the General Assembly, (convened in session on call of the Governor February 17, 1942), by virtue of the provisions of the Act of Assembly approved the tenth day of May, 1927, P. L. 880;

Resolved, That the State Treasurer be and is hereby authorized to pay upon warrant of the Auditor General to each employe of the Senate and House of Representatives, the salary or per diem compensation and mileage to their homes at the rate of five cents per mile circular, to which they are entitled under law for an Extraordinary Session of the General Assembly by virtue of the provisions of the Acts of Assembly under which they are elected or appointed.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL ON THIRD READING

Mr. ACHTERMAN asked and obtained unanimous consent to call up out of order House Bill No. 122 (Senate Bill No. 87), Printer's No. 64, on page 2 of today's calendar, bills on third reading.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 122, (Senate Bill No. 87), entitled:

An Act creating a Joint Legislative Committee for the purpose of investigating and studying plans methods and

systems for liberalization of the Pennsylvania Unemployment Compensation Law to provide benefits for partial unemployment providing for its appointment authorizing the employment of necessary assistance and making an appropriation

On the question,

Will the House agree to the bill on third reading?

BILL DROPPED FROM CALENDAR

Mr. ACHTERMAN. Mr. Speaker, I move that this bill be dropped from the calendar.

On the question,

Will the House agree to the motion?

Mr. TURNER. Mr. Speaker, I should like to interrogate the gentleman from Monroe, Mr. Achterman.

The SPEAKER. Will the gentleman from Monroe permit himself to be interrogated?

Mr. ACHTERMAN. I will, Mr. Speaker.

Mr. TURNER. Mr. Speaker, is this bill to be dropped only because of the general appropriation carried, or is the gentleman going to add it to the bill in the Senate?

Mr. ACHTERMAN. No, Mr. Speaker, our House bill is similar to Senate Bill No. 87 and it has been passed by the Senate, I think with amendments, which makes it conform with Senate Bill No. 87.

At the same time, the Senate concurred in all amendments to these supplemental appropriations bill and the present thought is to submit both appropriations to the Governor and he of course will veto one and very likely sign the other.

Mr. TURNER. Is that under the agreement, Mr. Speaker.

Mr. ACHTERMAN. That is our understanding with the Senate, yes, Mr. Speaker.

On the question recurring,

Will the House agree to the motion?

It was agreed to.

PERMISSION TO ADDRESS HOUSE

Mr. TURNER asked and obtained unanimous consent to address the House.

Mr. Speaker, in the closing hours of this Session it seems to me that we ought to give some consideration to the problems that not only are going to face the state during this next two years, but also those great problems that will face us at the end of the war.

There has been a tremendous amount of talk, a lot of things have been written about post-war programs, and while a great deal has been written and a great deal has been said, very little has been done toward the creation of a plan. Without planning now we cannot hope to meet the problems that will come from the readjustment of industry, the dislocation of labor, the changes in the demands upon agriculture. If this State is to exist, as I see it, and be free from a burden of unemployment that goes beyond anything that we knew in the dark days in the last ten years, we will have to make plans now that will in some way, immediately upon the cessation of war and the stopping of the manufacturing of war materials, find work for our people, to reduce the unemployment load as much as it is possible to do.

In that matter there are not only lessons to be learned from the past ten years in dealing with unemployment and relief, but there are also lessons that we must learn about the need of finding new uses for the products of Pennsylvania, ways in which our industries may be turned back quickly to peace time production, new methods and materials for agriculture, new uses for materials that are grown on the farms. Perhaps we will have to do some work to produce new kinds of products in Pennsylvania on our farms.

We have built up some wonderful industries in the last few years in Pennsylvania in our agricultural counties because of the peculiar circumstances and because of the peculiar conditions of the soil in those communities, and as I have studied the matter since the Session of 1941 it seems to me that there lies a great field for the government of Pennsylvania to study in the next few years.

Maybe we can find new products to be produced if we change the soil conditions, possibly by the use of fertilizers or a new system of growing products on the farm, new products that we have not been accustomed to producing in the past.

If we are to do this job we cannot wait until the end of the war—and no one knows when that will come—but now we can study gradually the needs, we can make the blue prints while there is time, and if the time is long and we complete the blue prints, they can be put away and can then be taken out of the pigeon hole. The Session of 1943 will be on us before we know it. In another nine months this Legislature will be in regular session.

Maybe there are things in that nine months that we in the ensuing Session of 1943 can take up and put into effect that will lay the basic ground work for the plan of post-war Pennsylvania.

Mr. Speaker, I desire to offer the following resolution—I apologize to the gentleman from Monroe, I will send a copy of the resolution to him, because I am going to ask unanimous consent for its immediate consideration.

RESOLUTION

POST-WAR PLANNING COMMISSION

Mr. TURNER offered a resolution and asked and obtained unanimous consent for its immediate consideration.

The resolution was twice read, considered and adopted as follows:

In the House of Representatives, April 10, 1942.

Whereas, The war production program is calling for extra ordinary productive effort involving major adjustments in the productive organization of Pennsylvania manufacturing, mining, and agricultural industry, to meet the demand for essential military and civilian goods and services, and

Whereas, Future major adjustments must be made when the extraordinary requirement of the war effort is terminated, and

Whereas, This situation involves radical shifts in employment for a large sector of Pennsylvania's population, with the danger of large scale unemployment in the post-war period, and

Whereas, The current and the post-war situation require emergency research, publicity, and field promotional efforts to assist the citizens in the conservation and the

wise use of their resources and the ultimate use of existing production resources in order to minimize unwise labor migration, plant closing, and the attendant suffering and privation that follow post-war readjustments, therefore be it

Resolved, If the Senate concur, that a Post-War Planning Commission be created, to be composed of fourteen members, and consisting of the Secretary of Commerce; Director of the State Planning Board of the Department of Commerce; the Secretary of Agriculture; the Secretary of Labor and Industry; the Secretary of Forests and Waters; the Speaker of the House of Representatives; the President Pro Tempore of the Senate; two Members of the House of Representatives and one citizen, appointed by the Speaker of the House; two Members of the Senate and one citizen appointed by the President Pro Tempore of the Senate; two citizens appointed by the Governor, for the purpose of making special studies and performing research pertinent to the extraordinary economic adjustment with which the Commonwealth is now confronted, and which will be intensified greatly by the demands of the post-war period, and to disseminate the results thereof in terms of both public works and private productive enterprise suitable to the needs of the people and their fullest possible employment in the various industrial and agricultural areas of the Commonwealth; and

Be it further resolved, That a report shall be made to the regular session of the General Assembly of 1943, setting forth the full results of its studies, with recommendations as to remedial measures or necessary legislation, including an itemized program of public works in the order of priority of need and usefulness in providing employment in subsequent periods of diminished industrial activity, as well as the development of industrial opportunity through the full use of State products and bi-products, and methods for increasing opportunities for commerce in the products produced in this Commonwealth, both by manufacturers and agriculture.

PERMISSION TO ADDRESS HOUSE

Mr. BRETH asked and obtained unanimous consent to address the House.

Mr. Speaker, knowing the great interest of the members of the House of Representatives in pure streams and the importance of the subject which the stream pollution study committee of the House has been studying, and the fact that under the law, a Committee approved by this House dies when the House adjourns sine die, and believing that the Committee, not as a House Committee but as a Committee of interested members, will still receive the support and cooperation of the various departments, boards and commissions of the Commonwealth, as well as of Sportsmen groups and officials of different municipalities, I, as Chairman of the Committee, have asked the members to divide themselves into groups in the nature of Sub-Committees for the continuation of our report and study, with the hope that at least by the next session of the Legislature, some definite and constructive recommendations may be made.

I want to also take this opportunity of thanking the various officials of the Commonwealth and others who have cooperated up to this time. Also the members of the committee for the work they have done in furthering the work of the committee.

PERMISSION TO ADDRESS HOUSE

Mr. TURNER asked and obtained unanimous consent to address the House.

Mr. Speaker, I want to thank the gentleman from Beaver, Mr. Nagel, for yielding but I desired to make a statement right after that of Mr. Breth because it pertains to the same subject. I want to assure the gentleman from Clearfield, Mr. Breth that the Interstate Commission on the Delaware River Basin will be pleased to cooperate in this work and give all assistance to his Committee during the time he is making this study.

I agree with him, I think it is most important; I think it is a fine work that can be undertaken as the members here familiarize themselves with the conditions and help the program. It also is one of the things that will contribute to the post-war program of employment, because just now the municipalities in their water supply and sewage treatment systems are rather stymied in getting materials on account of war priorities, and this is one of the things that can help take up the slack and help us tremendously.

PERMISSION TO ADDRESS HOUSE

Mr. NAGEL asked and obtained unanimous consent to address the House.

Mr. Speaker, I readily yielded to my good friend from Delaware, Mr. Turner, and as I expect to address the House for a moment or two, I do not intend to attack the resolution he has introduced.

I am very glad that we have members in this House, who are giving some thought to our great state and to our great nation. I don't know but I sometimes wonder whether I realize as fully as I ought to the great responsibility that is resting upon me as a citizen of our state and as a representative of this great Commonwealth in doing my part in the reconstruction that will of necessity follow this war.

We are now in the dark days of this war. We are in this war, as we were in our Revolutionary times at the battle of Bunker Hill, and those dark days at Chancellorsville and other battles in our Civil War.

But we need not despair, we need not be discouraged, because we have always won, the United States flag has always come out victorious, and we are going to win this time if we as citizens of our great nation do our part.

I notice and observe some of the things that we ought to do that we are not doing. We are not awake, apparently, to the situation. I like to stroll through graveyards and see the markings on these old stones and then hunt up the old soldiers that have fought in the Civil War, and I take my hat off and I bow my head in reverence before them.

But I am going to state that we have some graveyards in our state that I do not like to see as I drive over the roads throughout this Commonwealth. I see acres and acres of car graveyards where automobiles have been junked, while our great nation is needing and begging and pleading for scrap iron in order that we may win this war.

I might say that it is our duty as citizens that every one who has this scrap material should sell it and put it on the market in order to help win this war.

We are now in a great struggle, but I am afraid that the struggle that will follow after this war will be more strenuous than that which we have now. We are facing a change in our Government, and I am not an advocate either of Fascism or Communism—I hope that will not come, but that we will preserve our democracy. I hope

our government will emerge from this war a great democracy in which the people will rule, a democracy of the people, by the people and for the people.

We ought to lay upon ourselves this task of singling out some particular thing in our world that we as individuals can do to bring this about, and I might call to the attention of this as yet unborn committee that may be appointed as a result of this resolution, I hope there is one thing that they will not forget, and that is the agriculture of our state; this has been neglected.

I might stand here and talk to you for an hour and tell you some of the hardships that the farmer has undergone in past years, and not only in recent years have farmers come to me with tears flowing down their cheeks, stating they could not keep the sheriff off any longer.

I remember two and half years ago when a man came to me and showed me his milk check which showed a net price of seventy-one cents per hundred pounds of milk, and that means forty-six quarts. He said "I can't half feed my cows for that."

We must make it easier for the common man, the laborer and the farmer to make a living, and we must make it doubly difficult for the big man who has accumulated millions to ever repeat that process in the future.

Think of this National Dairy Corporation that has so handicapped the farmer and has so bound him down in the price of his milk that he has nothing to save! That corporation started in 1923, and at the end of 1940 its assets were one hundred ninety-nine million dollars. They got that through the great gap between the man who produces this milk by the sweat of his brow, working sixteen hours a day and the man who sits on the swivel chair planning how he can get more of this world's goods. That spread is too wide, we must narrow it down. We must close this great gulf that lies between the consumer and the producer. I am glad that a move of this kind has been made, and I hope I will have the courage to do my part and do my bit in preserving our democracy and making it better. I thank you.

PERMISSION TO ADDRESS HOUSE

Mr. ACHTERMAN asked and obtained unanimous consent to address the House.

Mr. Speaker, when we passed Senate Bill 21, I intended to make a few remarks concerning that bill, and it is for that purpose I now arise.

Senate Bill 21, as we passed it, endeavors to permit the municipalities of Pennsylvania to contribute, or to meet the expense of the various civilian defense councils in the state of Pennsylvania. It is our position and was our position that Senate Bill 21 does not to any great extent change the present existing law, that possibly the only thing it does of any great moment is to clarify some uncertainty that exists in certain legal minds at the present time.

It is our position and has been our position that all the various classes of cities in Pennsylvania already under their police powers possess the power and the ability to meet the expense of the various civilian defense councils, that the same applies to the counties, the boroughs and townships of the first class. There is some doubt whether townships of the second class have that power, that is, to cover the entire field, but that they have the power in relation to the matter of fighting fires there can be no doubt.

I secured, Mr. Speaker, from the Legislative Reference Bureau, a legal opinion on the subject, and I am going to ask that that legal opinion be incorporated as part of my remarks, so that it will appear that the only thing we are doing is that we are giving the second class townships the right, and in addition to that, we are permitting municipalities to join in meeting the expense of the civilian defense council where that council serves more than one municipality.

Beyond that we feel Senate Bill 21 is doing nothing more than the present existing law already permits.

May I make, in addition to that, this remark, Mr. Speaker, it is our position, the majority of this House, that certain expenses of the civilian defense council should not be borne by local communities. We gravely doubt if under the call as we received it we would be in a position to amend Senate Bill 21 to place upon the state of Pennsylvania expenses that we feel should rightly be borne by the state.

As examples of those instances may I say that we had in mind the expense that would be incurred in having a control center. Control centers are not needed in most of the communities, but only in those communities known as target areas, that is, communities that have factories that are of grave importance to the war effort.

Then again we had in mind what is contemplated at the present time and is not a fact at the moment, which is the organization of men who will be armed for the purpose of purely local defense.

Organizations of that kind will be needed in certain areas. The benefit, although local in nature, will flow throughout the entire state. In other words, the areas that will not be affected and will not need it will benefit because of their interest in the factories in the areas involved. We feel in those instances where the benefit flows through the entire state it is the primary duty of the state of Pennsylvania to meet such expenses, and we trust and we believe that the coming session of the legislature will see that that particular phase of the expense will be borne by the state of Pennsylvania and not be placed upon the local communities as it is now.

LEGISLATIVE REFERENCE BUREAU

Harrisburg, Pa., 7 April, 1942.

Hon. Leo A. Achterman,
House of Representatives,
Harrisburg, Pennsylvania.

Dear Mr. Achterman:

Counties

It is my opinion that counties may appropriate money for various defense purposes by reason of the provisions of Section 447 of the County Code of 1929, P. L. 1278, which authorizes the appropriation of monies for the protection of the health, cleanliness, convenience, comfort and safety of the people of the county.

Boroughs

I believe boroughs may appropriate money and hire necessary employes for defense purposes under certain powers given in the Borough Code of 1927, P. L. 519, which provide as follows:

Section 1006, Clause VII, authorizes the council to appoint such officers as it shall deem necessary.

Section 1201, Clause XVII, authorizes the making of regulations necessary for the safety of the borough; Clause XVIII authorizes regulations deemed proper relative to the cause and management of fires and the prevention thereof; Clause XIX authorizes the purchase of fire apparatus and supplies.

Townships—First Class

I am convinced townships of the first class may appropriate money and hire employes for defense purposes under the following powers given by Section 1502 of the Act of 1931, P. L. 1206:

Clause (1) gives commissioners power to adopt resolutions and ordinances . . . generally regulating the affairs of the township. Clause III, to create any office, position or department which may be deemed necessary for the good government and interests of the township, and fix the compensation of persons appointed thereto. Clause XVI to make regulations, as may be deemed proper, relative to the cause and management of fires and the prevention thereof; to take measures for the extinguishment of fires, either by making annual appropriations towards the maintenance of fire companies or in such other manner as said board of commissioners may deem proper; to ordain rules and regulations for the government of such fire companies and their officers, and to regulate the method to be followed in the extinguishment of fires; to purchase and maintain apparatus for the extinguishment of fires, and to make rules and regulations for the management of same.

Townships—Second Class

The powers of townships of the second class are not as broad as those of the other political subdivisions, and there is some doubt how far they can go in spending money for defense purposes:

The Act of 1933, P. L. 103, Sections 514 and 516 authorize the supervisors to hire and fix the compensation of a road superintendent and laborers for the maintenance and repair of roads, bridges and culverts. Section 702, Clause IV, authorizes them to appropriate monies to fire companies located therein to secure fire protection for the inhabitants of the township. To enter into contracts with the proper authorities of near or adjacent cities, boroughs or townships, or fire departments, fire companies, or fire company therein, for the furnishing to such townships of fire protection by the fire department, fire departments, fire companies, or fire company of such cities, boroughs, or townships, and to make appropriations therefor: Provided, That such contracts before being entered into by township supervisors shall be first approved by the township auditors. (Amended by Act of July 15, 1935, P. L. 1016).

It seems to me duties could be given to persons hired for fire protection and road maintenance under the above provisions, which would help a defense program very materially.

Cities

There can be no doubt that cities have sufficient power to spend money and hire additional employes for defense purposes.

Sincerely,
HERBERT B. COHEN,
Director

PERMISSION TO ADDRESS HOUSE

Mr. TURNER asked and obtained unanimous consent to address the House.

Mr. Speaker, I listened with much interest to the statement by the gentleman from Monroe, Mr. Achterman, in reference to Senate Bill 21. With the legal conclusions at which the gentleman from Monroe arrived I have been in accord, if the expenditures were made by the municipalities in the ordinary processes of their legislative bodies' actions upon purchases and the authorization of payment of the same, but two things confront me with which I have been concerned and I hoped that this bill, if necessary, would be amended to meet them.

In the first place, in the first blush of the excitement following Pearl Harbor many of our municipalities, especially those along the Delaware River, where we have a great concentration of industries, rushed into expenditures for civilian defense, prompted partly by the national organization, sometimes by the army, sometimes by the civilian defense authorities and sometimes by the urging of the people within the community itself. I presume that our community is no exception to the spirit that existed in the other communities in the State. But I do know that immediately there were quite a number of meetings held which were attended sometimes by as high as two thousand people who gathered to offer their services as air raid wardens or to do whatever they could in the interest of civilian defense. There was a persistent demand upon our local officials to do something to defend the communities from what then seemed to be perhaps imminent danger of either a token raid or of sabotage that would create great destruction to our industries and to our closely populated sections.

Therefore, Mr. Speaker, these public officials were met with this public demand within the community, and they were met with the demand by the army and the navy and by civilian defense to make appropriations and to expend money in the interest of national defense. Many solicitors of many municipalities were doubtful, and many of the solicitors of our counties were doubtful of the legality of such expenditure. Nevertheless they were guided by what they thought was the urgency of the occasion and went ahead and made the expenditure. I think we should have protected them in this Session and validated their acts. It is very easy for some disgruntled taxpayer or some one in the community who is not in sympathy with the powers that be in the community or the officials of the community, some one who has a private grudge, to take them into court and ask that they be surcharged for the expenditure. These communities were brought face to face with the determination as to whether or not those expenditures were legal. By reason of the wide difference of opinion among attorneys for many of our municipalities and our counties there has arisen a problem which no one knows how the courts might determine. Therefore, in the protection of those officials who honestly were doing something that they believed was their patriotic duty, and their duty to the people of the community, I believe we should have validated those expenditures.

In the second place I can see no harm in passing the act, even if we believe they already have the power, there being this difference among lawyers as to whether it is legal to make these expenditures and I can see no reason why we should not pass the bill in order that we might relieve the minds of the officials and in order that we might close the question once and for all.

With reference to the question as to whether or not we shall give the power to make appropriations directly to the Council of Defense, I believe there is quite a broad question of policy there to which we can give careful consideration, I am sure, in the 1943 session, but as far as the question of taxation is concerned I believe that

there may come a time in the session of 1943 when you will find it necessary to give the municipalities some power to tax. On the other hand, I think for the present we could have omitted that from the bill and still have given something that was necessary.

Mr. Speaker, with the proposition of the gentleman from Monroe, Mr. Achterman, that the state should make some appropriation by which the municipalities that might bear the brunt of any attack would be protected—and I am not speaking of attack from the outside but of attacks from saboteurs and from what are commonly termed fifth columnists in this country. I have talked with some of the high officials who are charged with the responsibility of conducting the war activities in our area, and I want to say to you that they are more afraid of sabotage than they are of foreign invasion or raids of any kind. The fact that there has not been any sabotage committed as yet is not any indication that when the time may be ripe, when our enemies may consider the time to be ripe, we will not have some catastrophe or some destruction of some of our vital industries that will startle us. I say it is necessary for us to consider that the day may come, whether it be by foreign invasion or by local invasion, when we will have great destruction of property and life within the Commonwealth, and particularly in the great industrial areas of the state, and the burden that will be cast upon the local communities will be too great in many instances for the local communities to bear.

I like the spirit of the gentleman from Monroe when he said to me a few days ago, "I do not think that this is likely to happen in my community, we are away from the great industrial centers, but I believe the responsibility lies upon all the people to take some of the burden from those centers where it is likely to happen."

Down on the Delaware, if you started an airplane from the Bay and come up the Delaware, if you dropped a bomb every foot of the way along the shore, you would be sure to hit some industry. When you get into the densely populated sections of Philadelphia you will not only have loss of life and property but you will have destruction of municipal facilities such as light plants or water works. The destruction of many of those facilities in many of our municipalities would create a great burden because they are unable to borrow money. They will have to find some way to obtain money quickly because they cannot wait for an election to determine whether they can issue bonds. If the water works were destroyed they would have to find some source of raising money, they would have to get money immediately, hundreds of thousands and possibly millions of dollars. That is a responsibility I think the Legislature should assume, a responsibility that I think Pennsylvania should assume and we should do it and prepare for such a contingency.

PERMISSION TO ADDRESS HOUSE

Mr. HOLLAND asked and obtained unanimous consent to address the House.

Mr. Speaker, I have refrained from taking the floor of this House during this session because on the first day of the session I was very much impressed by the patriotic address made by the Governor and I felt that it was up to all of us to show our patriotism and avoid injecting any subject or any discussion into this session that might be termed political. But I cannot continue to take that stand.

I have heard the gentleman from Delaware, Mr. Turner, and the gentleman from Monroe, Mr. Achterman, speak regarding the bill we have just passed. I had intended speaking on the bill because if ever a bill was passed that the boys in the Army call "one hundred percent bunk," that was the bill. That bill is a mockery to the people of Pennsylvania. That bill does nothing to help civilian defense. All that bill does is to validate monies that have been expended. It says to the municipality, "If you have not reached your bonded indebtedness, you can borrow money and next year you can go to the people and increase real estate taxes."

Mr. Speaker, the newspapers throughout the state have been jibing the legislators for not doing anything in eight weeks. The reason the legislators of this House were not able to give the people of Pennsylvania real civilian defense lies on the shoulders of Governor James. Governor James so worded his call that every legislator in this House had his hands tied. Although the Governor made a patriotic speech of cooperation with the federal government, just like Scrooge, he wanted to keep all of his money so that when his term expires he will have a surplus. That money should be used now to protect the industries of the state of Pennsylvania. These poor people back home who own their own homes are the ones who are going to have to pay. These men and women who own homes in communities engaged in making war materials will have to dig down in their pockets to protect themselves. I want here to say that I am disappointed in Governor James because I believed he was sincere when he made his speech and said he wanted to do all he could to win this war, cooperate with the federal government, and so forth. In fact, I left that night feeling he was a great patriotic governor. I will leave here today or tomorrow feeling as usual that it was words, mere words.

SENATE MESSAGES

SENATE ADOPTS CONFERENCE COMMITTEE REPORT ON HOUSE BILL No. 8

The Clerk of the Senate being introduced, informed that the Senate has adopted the report of the Committee of Conference on the subject of the difference existing between the two Houses on House Bill numbered and entitled as follows:

HOUSE BILL No. 8.

An Act to further amend section two of and to add Sections four and five to the act approved the seventh day of June one thousand nine hundred seventeen (P. L. 660) entitled "An act providing that appointive officers and employes employed by the Commonwealth of Pennsylvania in its civil service or by any department bureau commission or office thereof or by any county municipality township or school district shall not be deemed or held to have resigned or abandoned their offices or employments by reason of enlistment enrollment or draft in the military or naval service of the United States or any branch or unit thereof in time of war or contemplated war prohibiting the removal from their offices or employments of such officers and employes during the period of their service in the Army or Navy directing that one-half of the salaries or wages of such officers or employes

as have dependent wives children or parents and not exceeding two thousand dollars per annum be paid during the term of their service in the Army or Navy to such dependents authorizing the employment during said term of substitutes to perform the duties theretofore performed by such officers or employes respectively and providing for the compensation of such substitutes" by more fully defining amounts payable limiting the time such amounts are payable and limiting the conditions of resumption of office or employment.

SENATE ADOPTS CONFERENCE COMMITTEE REPORT ON HOUSE BILL No. 68

The Clerk of the Senate being introduced, informed that the Senate has adopted the report of the Committee of Conference on the subject of the difference existing between the two Houses on House Bill numbered and entitled as follows:

HOUSE BILL No. 68.

An Act to amend section two of the act approved the tenth day of July one thousand nine hundred thirty-five (P. L. 645) entitled "An act imposing certain requirements on certain hospitals receiving State aid authorizing the withholding of appropriations and imposing duties on the Department of Welfare" by providing that during the present war and six months thereafter funds shall not be withheld from hospitals for violation of such act if the Secretary of Welfare determines that the constant attendance of a licensed physician or resident interne cannot be secured by such hospitals because of the war emergency

HOUSE BILL CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 101.

An Act to amend the appropriation to the Department of Military Affairs in section two of the act, approved the sixteenth day of June, one thousand nine hundred and forty-one (Appropriation Act No. 12-A), entitled "An act to provide for the ordinary expenses of the Executive, Legislative and Judicial Departments of the Commonwealth, interest on the public debt, and the support of the public schools for two years beginning June first, one thousand nine hundred and forty-one, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first, one thousand nine hundred and forty-one," by providing specifically for the expenses of the State Council of Defense for the maintenance of a nautical school.

With the information that the Senate has passed the same without amendment.

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 58.

An Act authorizing the Department of Property and Supplies with the approval of the Board of Commissioners of Public Grounds and Buildings as a temporary emergency war measure for a limited period of time to adopt certain rules and regulations governing purchases and contracts of the Department of Property and Supplies on behalf of the Commonwealth and with like approval to make and alter purchases and contracts pursuant thereto and suspending certain statutory provisions inconsistent with such rules and regulations

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend title, page 1, by striking out the entire title as follows: "An Act authorizing the Department of Property and Supplies with the approval of the Board of Commissioners of Public Grounds and Buildings as a temporary emergency war measure for a limited period of time to adopt certain rules and regulations governing purchases and contracts of the Department of Property and Supplies on behalf of the Commonwealth and with like approval to make and alter purchases and contracts pursuant thereto and suspending certain statutory provisions inconsistent with such rules and regulations" and inserting in lieu thereof the following: "To suspend existing laws providing for and requiring certain contracts or purchases made by the Commonwealth or any political subdivision thereof to be made with and from the lowest responsible bidder after notice by advertisement insofar as they apply to certain contracts and purchases and regulating the letting of contracts and the making of purchases by political subdivisions".

Amend bill, by striking out the whereas clauses on page 1 and 2 as follows: "Whereas The existence of a state of war between the United States of America and various foreign countries has necessitated the rationing of many materials or the establishment of priority ratings on such materials and

Whereas The economic disruption resulting from the speedy turnover of a large portion of American industries to war production has required and will further require the fixing of prices in many fields and

Whereas Unexpected and unforseeable labor and material shortages are hampering the activities of many corporations and individuals upon which the Commonwealth must rely for supplies materials or services and

Whereas The foregoing and other circumstances arising out of our prosecution of the present war frequently operate to render the present statutory procedure which must be followed in supplying the State Government with materials and facilities unduly slow and inefficient or even completely inadequate therefore".

Amend Section 1, pages 2 and 3, by striking out the entire section as follows: "Section 1 During the period the United States of America is at war with any foreign country and for six months thereafter but in no event longer than three months after the General Assembly convenes in regular session in the year one thousand nine hundred and forty-three the Department of Property and Supplies after first securing the approval of the Board of Commissioners of Public Grounds and Buildings may adopt appropriate rules and regulations governing the letting and performance of public contracts entered into by it eliminating the requirement for advertising and competitive bidding in the purchase of property and materials changing or modifying any specifications or schedules relative to the performance of such contracts or otherwise governing the activities of that department in furnishing materials supplies or facilities to the Commonwealth or any of the departments boards and commissions thereof", and inserting in lieu thereof the following: "Section 1 In order to expedite the making of contracts and purchases by the State Government and its political subdivisions which are necessary to further the defense efforts thereof the provisions of any Acts of Assembly providing for and requiring certain contracts or purchases made by the Commonwealth or any political subdivision thereof to be made with and from the lowest responsible bidder after notice thereof by advertisement

in a newspaper are hereby suspended during the continuance of the war in which the United States is now engaged insofar as such laws apply to contracts or purchases involving supplies and materials which are being rationed or sales of which are being directly or indirectly controlled by the Federal Government or any of its agencies Before any such supplies and materials shall be purchased or contract let therefor by any political subdivision under the provisions of this act the legislative body of the political subdivision shall pass a motion by a majority vote of all its members stating that an emergency exists requiring immediate action and that the contract proposed to be let or the purchase proposed to be made involves materials and supplies which are being rationed or the sale of which is being directly or indirectly controlled by the federal government or any of its agencies".

Amend Section 2, page 3, by striking out the entire section as follows: "Section 2 It shall be the duty of the Board of Commissioners of Public Grounds and Buildings in passing upon proposed rules and regulations submitted by the Department of Property and Supplies relative to the letting and performance of public contracts entered into by that department to take whatever action with respect thereto as may be deemed necessary to continue the efficient operation of the State Government and best protect the interests of the Commonwealth

The Board of Commissioners of Public Grounds and Buildings in approving any such rules and regulations shall fix the periods for which such rules and regulations may continue and shall of its own motion discontinue any rules or regulations previously allowed if it appears that the need therefor has ceased", and inserting in lieu thereof the following: "Section 2 This act shall become effective immediately upon final enactment and shall remain in force during the period in which the United States of America is engaged in war and for six months thereafter".

Amend Section 3, pages 3 and 4 by striking out the entire section as follows: "Section 3 No contract shall be entered into by the department, and no purchase of any property or materials shall be made by it, nor shall the department change or modify any specifications or schedules relative to the performance of any contract, nor furnish any materials, supplies or facilities to the Commonwealth or any of the departments, boards and commissions thereof, under or pursuant to any rule or regulation adopted under the provisions of this act unless and until the same shall have been approved by the Board of Commissioners of Public Grounds and Buildings".

On the question,

Will the House concur in the amendments made by the Senate?

Mr. ACHTERMAN. Mr. Speaker, I move that the House nonconcur in the amendments made by the Senate.

The motion was agreed to.

Ordered, That the Clerk inform the Senate accordingly.

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 76.

An Act suspending and modifying for the period of the present war and for a time thereafter the provisions of section one of the act, approved the eighth day of July, one thousand nine hundred and nineteen (P. L. 737), entitled "A supplement to an act, entitled 'An act to establish a Board of Commissioners of Navigation for the River Delaware and its navigable tributaries; regulating their jurisdiction over ships, vessels, and boats, and wharves, piers, bulkheads, docks, slips, and basins; and exempting cities of the first class from certain of its provisions; and making an appropriation therefor,' approved the eighth day of June, Anno Domini one thousand nine hundred and seven; authorizing and directing the commissioners to provide and maintain a nautical school for the education and training of pupils from the various counties of the Commonwealth of Pennsylvania in the science and practice of naviagation; and making an appropriation for two years from the first day of June, Anno Domini one thousand nine hundred and nineteen, towards its maintenance," and its amendments, in so far as they require, the furnishing of accommodations on board a proper vessel for the nautical school, when no such vessel is available and imposing upon the State Council of Defense the duty of furnishing other accommodations.

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend section 2, page 3, line 15, by inserting after the word "commission" the following: "Provided that no person assigned by the federal government or any agency thereof to said nautical school as an instructor shall be considered such a state employe or officer as is entitled to any of the benefits provided by the Act approved the seventh day of June one thousand nine hundred and seventeen (Pamphlet Laws 600) and its amendments".

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—192

Achterman,	Flynn,	Lyons,	Rose, W. H.,
Auker,	Foor,	Malloy,	Royer,
Baker,	French,	Marks,	Rush,
Balthaser,	Gallagher,	Maxwell,	Sarge,
Baugher,	Gates,	McClanaghan,	Sarraf,
Bentley,	Gerard,	McClester,	Scanlon,
Bentzel,	Gillan,	McDermott,	Schwab,
Boles,	Goodwin,	McDowell,	Serrill,
Boney,	Greenwood,	McFall,	Shaffer,
Boorse,	Gross,	McGrath,	Shepard,
Bower,	Gryskewicz,	McIntosh,	Simons,
Bradley,	Gyger,	McKinney,	Skale,
Breth,	Haberlen,	McLanahan,	Snyder,
Bretherick,	Haines,	McLane,	Sollenberger,
Brown,	Hall,	McMillen,	Sorg,
Brunner, C. H.,	Hamilton,	McSurdy,	Stambaugh,
Brunner, P. A.,	Hare,	Melchiorre,	Stank,
Burns,	Harris,	Mihm,	Stine,
Burris,	Heatherington,	Modell,	Stockham,
Cadwalader,	Helm,	Monks,	Tarr,
Chervenak,	Hering,	Mooney,	Tate,
Chudoff,	Herman,	Moran,	Taylor,
Cochran,	Hersch,	Moul,	Thompson, E. F.,
Cohen, M. M.,	Hewitt,	Muir,	Thompson, R. L.,
Cohen, R. E.,	Holland,	Munley	Trout,
Cook,	Huntley,	Nagel	Turner,
Cooper,	Imbrie,	Nunemacher	VanAllsburg,
Cordier,	James,	O'Brien,	Vincent,
Corrigan,	Jefferson,	O'Connor,	Vogt,
Croop,	Jones, G. E.,	O'Dare,	Voldow,
Cullen,	Jones, P. N.,	O'Mullen,	Wagner,
Dalrymple,	Keenan,	O'Neill,	Watkins,
Dennison,	Kenehan,	Owens,	Weingartner,
DiGenova,	Kline,	Petrosky,	Weiss,
Dix,	Knoble,	Pettit,	Welsh, E. B.,
Dolon,	Kolankiewicz,	Polaski,	Welsh, M. J.,
D'Ortona,	Komorofski,	Polen,	Wilkinson,
Duffy,	Krise,	Powers,	Williams,
Early,	Lee, E. A.,	Rank,	Wolf,
Elder,	Lee, T. H.,	Readinger,	Wood, L. H.,
		Reagan,	

Ely,	Leisey,	Reese, D. P.,	Wood, N.,
Falkenstein,	Leonard,	Reese, R. E.,	Woodring,
Finestone,	Lesko,	Regan,	Wright,
Finnerty,	Levy,	Reynolds,	Yeakel,
Fisher,	Leydic,	Rhea,	Yester,
Fise,	Lichtenwalter,	Riley,	Young,
Fleming,	Longo,	Rooney,	Kilroy,
Fletcher,	Lovett,	Rose, S.,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative, and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

SENATE ADOPTS CONFERENCE COMMITTEE REPORT ON SENATE BILL No. 19

The Clerk of the Senate being introduced, informed that the Senate has adopted the report of the Committee of Conference on the subject of the difference existing between the two Houses on Senate Bill numbered and entitled as follows:

SENATE BILL No. 19.

An Act to protect property and prevent sabotage by prohibiting, for a limited period of time, certain intentional injuries to, and interferences with, real and personal property; prohibiting certain intentional defects in workmanship; limiting the privileges of certain witnesses, prohibiting certain entries upon real property and waters authorizing the closing of highways or the regulation or restriction of travel thereon conferring powers on the Water and Power Resources Board and providing penalties

QUESTION OF INFORMATION

Mr. CHARLES H. BRUNNER. Mr. Speaker, I rise to a question of information.

The SPEAKER. The gentleman from Montgomery will state his question of information.

Mr. CHARLES H. BRUNNER. Mr. Speaker, has the conference report on Senate Bill No. 19 been called up for consideration by this House?

The SPEAKER. The Senate has informed the House that it has adopted the report of the Committee of Conference on Senate Bill 19, Printers No. 74. The procedure now is to call up the report in the House.

REPORT OF COMMITTEE OF CONFERENCE ON SENATE BILL No. 19

Mr. CHARLES H. BRUNNER. Mr. Speaker, I desire to call up the report of the Committee of Conference on Senate Bill No. 19, Printer's No. 74.

The report was read by the Clerk as follows:

To the Members of the Senate and House of Representatives:

We, the undersigned, Committee of Conference on the part of the Senate and House of Representatives for the purpose of considering Senate Bill No. 19, entitled: "An Act to protect property and prevent sabotage by prohibiting for a limited period of time certain intentional injuries to and interferences with real and personal property prohibiting certain intentional defects in workmanship limiting the privileges of certain witnesses and providing penalties."

Respectfully submit the following bill as our report:

George B. Stevenson,
Montgomery F. Crowe,
Frank W. Ruth,
(Committee on the Part of the Senate.)

Albert S. Readinger,
James E. Lovett,
Chas. H. Brunner, Jr.,
(Committee on the part of the House of Representatives.)

An Act to protect property and prevent sabotage by prohibiting for a limited period of time certain intentional injuries to and interferences with real and personal property prohibiting certain intentional defects in workmanship limiting the privileges of certain witnesses prohibiting certain entries upon real property and waters authorizing the closing of highways or the regulation or restriction of travel thereon conferring powers on the Water and Power Resources Board and providing penalties

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Short Title This act shall be known and may be cited as "The Sabotage Prevention Act"

Section 2 Destroying or Injuring Real and Personal Property Whoever with intent to injure interfere with or obstruct the United States any associate nation this State or any other state in defense or in preparing for or carrying on war or whoever with reason to believe that his act may injure interfere with or obstruct the United States any associate nation this State or any other state in defense or in preparing for or carrying on war shall wilfully injure or destroy or shall attempt to so injure or destroy any real or personal property within this State is guilty of a felony and upon conviction thereof shall be sentenced to pay a fine not exceeding ten thousand dollars ($10,000) or to undergo imprisonment not exceeding ten (10) years or both

Section 3 Making or Causing Articles to be Made in Defective Manner Whoever with intent to injure interfere with or obstruct the United States any associate nation this State or any other state in defense or in preparing for or carrying on war or whoever with reason to believe that his act may injure interfere with or obstruct the United States any associate nation this State or any other state in defense or in preparing for or carrying on war shall wilfully make or cause to be made in a defective manner or attempt to make or cause to be made in a defective manner any article or thing which he has reasonable grounds to believe is intended to be used in connection with defense or with the prosecution of war is guilty of a felony and upon conviction thereof shall be sentenced to pay a fine not exceeding ten thousand dollars ($10,000) or to undergo imprisonment not exceeding ten (10) years or both

Section 4 Witnesses' Privileges No person shall be excused from attending and testifying or producing any books papers or other documents before any court magistrate referee or grand jury upon any investigation proceeding or trial for or relating to or concerned with a violation of any section of this act or attempt to commit such violation upon the ground or for the reason that the testimony or evidence documentary or otherwise required of him by the state may tend to convict him of a crime or to subject him to a penalty or forfeiture but no person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction matter or thing concerning which he may so testify or produce evidence documentary or otherwise and no testimony so given or produced shall be received against him upon any criminal investigation proceeding or trial except upon a prosecution for perjury or contempt of court based upon the giving or producing of such testimony

Section 5 Unlawful Entry on Property Any individual partnership association or corporation or any political subdivision engaged in or preparing to engage in the manufacture transportation or storage of any product to be used in the defense of the United States or of this state or for the prosecution of war by the United States or the manufacture transportation distribution or storage of gas oil coal electricity or water or any of said natural or artificial persons owning or operating or both any public utility whose property except as hereinafter other-

wise provided is surrounded by a fence or wall or a fence or wall and buildings may post around such property at each gate entrance dock or railway entrance a sign reading "No Entry Without Permission" Provided That the following kinds of property may be similarly posted in the manner hereinafter provided without the necessity of fencing

(a) Property fronting on water at intervals of not more than three hundred feet along the water front

(b) Dams or breasts dikes and similar structures at both ends of such structures and also on such structures at suitable intervals

(c) Ponds and reservoirs created by dams breasts or similar structures at intervals of not more than three hundred feet on each side of the pond or reservoir

(d) Streams or other property immediately below dams or breasts dikes and similar structures at intervals of not more than three hundred feet on each side of such stream or property

(e) Water conduits flumes canals races waterways and electric telephone telegraph gas oil and water transmission or distribution lines at intervals of not more than one thousand feet

Whoever without permission of such individual partnership association corporation or political subdivision or its or their representative shall wilfully enter upon premises so posted or shall wilfully destroy deface or remove any such sign shall on conviction thereof in a summary proceeding be sentenced to pay a fine not exceeding fifty dollars ($50.00) or to undergo imprisonment not exceeding ten (10) days or both

Section 6 Where any dam breast ramp power house or other structure located on any navigable stream or river or on any stream or river declared by law to be a public highway and the pond or reservoir created thereby is used or being prepared to be used by any individual partnership association or corporation of or authorized to do business in this state or by the Commonwealth or any political subdivision thereof for the generation manufacture transportation and distribution of electricity or for the storage of water for domestic industrial or water power purposes the Water and Power Resources Board of the Department of Forests and Waters with the approval of the Governor may at the request of and at the expense of such individual partnership association corporation or political subdivision or at the expense of the Commonwealth where no private interest is involved post along each side of the pond or reservoir created by such dam or breast at intervals of not more than three hundred feet of water front from such dam or breast or any ramp and at intervals of not more than three hundred feet of water front on each bank of the river or stream below such dam breast ramp power house or other structure as the case may be signs reading "No Entry on these waters or property without Permission Commonwealth of Pennsylvania Water and Power Resources Board"

Whoever without permission of the Water and Power Resources Board shall wilfully enter or approach upon any dam or breast or on the waters of the pond or reservoir so posted shall on conviction thereof in a summary proceeding be sentenced to pay a fine not exceeding fifty dollars ($50.00) or to undergo imprisonment not exceeding ten (10) days or both

Section 7 Any individual partnership association corporation or political subdivision engaged in or preparing to engage in the manufacture transportation or storage of any product to be used directly or indirectly in the defense of the United States or of this state or in the prosecution of war by the United States or in the manufacture transportation distribution or storage of gas oil coal electricity or water or any of said natural or artificial persons operating any public utility who has property so used which he or it believes will be endangered if public use and travel is not regulated restricted or prohibited on one or more highways or parts of highways may petition the proper authorities of the Commonwealth or of any political subdivision thereof to close one or more of said highways or parts of highways to public use and travel or to regulate or restrict by regulations the use and travel upon one or more of said highways or parts of highways Upon receipt of such petition the proper authorities of the Commonwealth or of any political subdivision thereof as the case may be shall set a day for hearing and give notice thereof by publication in a newspaper having general circulation in the political subdivision in which such property is located such notice to be at least seven days prior to the date set for hearing If after hearing the proper authorities of the Commonwealth or of any political subdivision thereof determine that the public safety and the safety of the property of the petitioner requires it they may by regulation close to public use and travel or may by regulation restrict or regulate the use and travel upon one or more of said highways or parts of highways provided however that the proper authorities of the Commonwealth or of any political subdivision thereof may issue written permits to travel over the premises so closed to responsible and creditable persons for such term under such conditions and in such form as the public authorities may prescribe Notices in letters at least three inches high containing the following "Closed by Order of — — — Passing Prohibited under Penalty" or "public travel on this highway restricted or regulated by order of — — — Penalty for violation" shall be posted conspicuously at each end of the premises closed or regulated or restricted by such order The proper authorities of the Commonwealth or of any political subdivision thereof may at any time revoke or modify any regulation they have made

Whoever violates any regulation made under this section shall upon conviction thereof in a summary proceeding be sentenced to pay a fine not more than fifty dollars ($50.00) or to undergo imprisonment for not exceeding ten (10) days or both

Section 8 Rights of Labor Nothing in this act shall be construed to impair curtail or destroy the rights of employes and their representatives to self-organization to form join or assist labor organizations to bargain collectively through representatives of their own choosing and to engage in concerted activities for the purpose of collective bargaining or other mutual aid or protection

Section 9 Effective Period This act shall become effective immediately upon final enactment and shall remain in effect so long as a state of war exists between the United States and any foreign country

On the question,

Will the House adopt the report of the Committee of Conference?

Mr. CHARLES H. BRUNNER. Mr. Speaker, I am going to take up very little time to make what I think will be a final statement on this measure.

This bill as it appears before you now for final passage is a very good measure in my opinion. There are several important sections which have been reinstated which both clarify the existing law and also create new safeguards which will be in effect on our statute books during the present war. It represents what can be done in a legislative way when proponents and opponents get together and use reason and show interest in the welfare of this state and its citizens in settling a legislative problem.

I feel as though I would be remiss were I not to take this opportunity to thank the representatives of labor for their cooperation and fair treatment of this measure during the final consideration of it in the conference committee and during the final passage of the same.

On the question recurring,

Will the House adopt the report of the Committee of Conference?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—192

Achterman,	Flynn,	Lyons,	Rose, S.,
Auker,	Foor,	Malloy,	Rose, W. E.,
Baker,	French,	Marks,	Royer,
Balthaser,	Gallagher,	Maxwell,	Rush,
Baugher,	Gates,	McClanaghan,	Sarge,
Bentley,	Gerard,	McClester,	Sarraf,
Bentzel,	Gillan,	McDermott,	Scanlon,
Boies,	Goodwin,	McDowell,	Schwab,
Boney,	Greenwood,	McFall,	Serrill,
Boorse,	Gross,	McGrath,	Shaffer,
Bower,	Gryskewicz,	McIntosh,	Shepard,
Bradley,	Gyger,	McKinney,	Simons,
Breth,	Haberlen,	McLanahan,	Skale,
Bretherick,	Haines,	McLane,	Snyder,
Brown,	Hall,	McMillen,	Sollenberger,
Brunner, C. H.,	Hamilton,	McSurdy,	Sorg,
Brunner, P. A.,	Hare,	Melchiorre,	Stambaugh,
Burns,	Harris,	Mihm,	Stank,
Burris,	Heatherington,	Modell,	Stine,
Cadwalader,	Helm,	Monks,	Stockham,
Chervenak,	Hering,	Mooney,	Tarr,
Chudoff,	Herman,	Moran,	Tate,
Cochran,	Hersch,	Moul,	Taylor,
Cohen, M. M.,	Hewitt,	Muir,	Thompson, E. F.,
Cohen, R. E.,	Holland,	Munley,	Thompson, R. L.,
Cook,	Huntley,	Nagel,	Trout,
Cooper,	Imbrie,	Nunemacher,	Turner,
Cordier,	James,	O'Brien,	VanAllsburg,
Corrigan,	Jefferson,	O'Connor	Vincent,
Croop,	Jones, G. E.,	O'Dare,	Vogt,
Cullen,	Jones, P. N.,	O'Mullen,	Voldow,
Dalrymple,	Keenan,	O'Neill,	Wagner,
Dennison,	Kenehan,	Owens,	Watkins,
DiGenova,	Kline,	Petrosky,	Weingartner,
Dix,	Knoble,	Pettit,	Weiss,
Dolon,	Kolankiewicz,	Polaski,	Welsh, E. B.,
D'Ortona,	Komorofski,	Polen,	Welsh, M. J.,
Duffy,	Krise,	Powers,	Wilkinson,
Early,	Lee, E. A.,	Rank,	Williams,
Elder,	Lee, T. H.,	Readinger,	Wolf,
Ely,	Leisey,	Reagan,	Wood, L. H.,
Falkenstein,	Leonard,	Reese, D. P.,	Wood, N.,
Finestone,	Lesko,	Reese, R. E.,	Woodring,
Finnerty,	Levy,	Regan,	Wright,
Fisher,	Leydic,	Reynolds,	Yeakel,
Fiss,	Lichtenwalter,	Rhea,	Yester,
Fleming,	Longo,	Riley,	Young,
Fletcher,	Lovett,	Rooney,	Kilroy, Speaker

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative, and the report of the Committee of Conference was adopted.

Ordered, That the Clerk inform the Senate accordingly.

REPORT OF COMMITTEE OF CONFERENCE ON SENATE BILL No. 46

Mr. MELCHIORRE presented the report of the Committee of Conference on the part of the House on Senate Bill No. 46.

The SPEAKER. This being a Senate Bill the report will be printed by the Senate, and placed in the files of the Members of the House.

RESOLUTION

THANKING OFFICERS OF HOUSE

Messrs. WILLIAMS and ELLWOOD B. WELSH offered a resolution which was twice read, considered and adopted as follows:

In the House of Representatives, April 10, 1942.

Whereas, The membership of the House were agreeably surprised to find on their desks during this session flags of this Country and of the Commonwealth; and

Whereas, During the Special Session, the Chief Clerk's Office maintained its great tradition of personal service and courtesy to the members of the House; be it therefore

Resolved, That the House of Representatives thanks Thomas J. Callahan, Chief Clerk of the House, Dennis J. Mulvihill, Secretary of the House, and Mrs. Justine Cohen for the innumerable services and courtesies that they have extended to the members during this Special Session.

Mr. REUBEN E. COHEN IN THE CHAIR

RESOLUTION

TRIBUTE TO U. OF P. HOSPITAL SURGEON

Mr. SAMUEL ROSE offered a resolution and asked and obtained unanimous consent for its immediate consideration.

The resolution was twice read, considered and adopted as follows:

In the House of Representatives, April 10, 1942.

Whereas, It is a practice in the House of Representatives to pay tribute to the distinguished citizens of this Commonwealth; and

Whereas, One of our citizens has recently become preeminent, particularly in the field of surgery; and

Whereas, Dr. I. S. Ravdin of the University of Pennsylvania Hospital has been one of the foremost surgeons in the United States; and

Whereas, His presence at Pearl Harbor at the time of the treacherous attack of this island outpost by the Japanese saved countless lives of our wounded soldiers by his use of sulfanilamide; and

Whereas, His research into the use of the "sulfa" drugs has resulted in the amazing benefit which the practical application of these drugs has had in preventing secondary infections and deaths from the dreaded diseases of pneumonia and blood stream infections; be it therefore

Resolved, That the House of Representatives pays tribute to Dr. I. S. Ravdin for his great achievements in the field of surgery and medicine, and be it further

Resolved, That the Chief Clerk of the House transmit a copy of this resolution to Dr. I. S. Ravdin at the University of Pennsylvania Hospital, Philadelphia, Pennsylvania.

THE SPEAKER (Elmer Kilroy) IN THE CHAIR

The SPEAKER. The Chair thanks the gentleman from Philadelphia, Mr. Cohen, for presiding.

CONDOLENCE RESOLUTION

Mr. YESTER offered a resolution and asked and obtained unanimous consent for its immediate consideration.

The resolution was twice read, considered and adopted as follows:

In the House of Representatives, April 10, 1942.

Whereas, The House of Representatives has learned with deep sorrow of the passing of Private M. Wallace Flegal, 18 year old son of Mr. and Mrs. Foster Flegal of McKeesport, who met his death while serving in our armed forces in the Panama Canal Zone; and

Whereas, Private M. Wallace Flegal come from a family who had devotedly served under the flag of our country, with his father having participated in the Spanish-American War and his brother Clifford now in our armed forces by virtue of an enlistment; and

Whereas, Private Flegal was one of the thousands of our distinguished sons, who after the treacherous attack on Pearl Harbor enlisted in our armed forces so that

they might put a stop to this unwarranted aggression; and

Whereas, As a result of his death Mrs. Flegal will become the first Gold Star Mother in the City of McKeesport; be it therefore

Resolved, That the House of Representatives pauses in its deliberation to pay tribute to the memory of one of the sons of Pennsylvania who gave his life in the service of his country, as well as to pay their respects to Mrs. Flegal for having carried on the great tradition of American motherhood; and be it further

Resolved, That the Chief Clerk of the House be directed to transmit a copy of this resolution to the family of the deceased, conveying the profound sympathy of the membership of the House for them in their great bereavement.

PERMISSION TO ADDRESS HOUSE

Mr. BROWN asked and obtained unanimous consent to address the House.

Mr. Speaker at this Special Session of the Legislature House Bill 62, introduced by the gentleman from Luzerne, Mr. Boney, and Senate Bill 85, introduced by the Senator from Montgomery, Senator Edmonds, were almost identical pieces of legislation; with the exception that House Bill 62 contained several items not contained in Senate Bill 85. These bills were introduced as temporary war measures and had to deal with the question of our schools. House Bill 62 was referred to a sub-committee of which I was the Chairman. On that committee was the gentleman from Lancaster, Mr. Cohen, and the gentleman from Montgomery, Mr. Winner. The sub-committee reported unanimously its disapproval of House Bill 62.

After this action on House Bill 62, which was sustained by the Select Committee, Senate Bill 85 was given to me for study. I reported to the majority floor leader, the Chairman of the Select Committee, that the Senate Bill was almost identical with House Bill 62 and for that reason it was not taken up for discussion.

In view of the fact that the matter is of grave importance to the schools of the Commonwealth of Pennsylvania and in view of the further fact that very little attention has been given to the matter by the House because the bills were not before the House, I have the consent of the majority floor leader to introduce into the record my remarks as to why these bills were not before the House, and I ask consent of the House to extend my remarks on the record.

EXTENDED REMARKS OF Mr. BROWN

House Bill 62, introduced in this Special Session by the Honorable John L. Boney, an act prescribing temporary war measures with respect to certain provisions of the school laws of this Commonwealth; giving the right to the board of school directors of any school district, the Superintendent of Public Instruction and the State Council of Defense to determine how many days the schools of the various school districts of the Commonwealth shall remain in session, with certain limitations; the right to divide the school year into semesters or divisions; the right to determine the number of days per year the schools of the various school districts shall remain in session; the right to close the schools or accelerate the period of promotion and graduation of the pupils; the right to adjust the assignment or reassignment of teachers in such fields, subjects, schedules and semesters, or other periods of work and in such schools as their preparation, experience and certification may qualify them to perform; the right to employ teachers not citizens of the United States, with certain limitations; and the right to grant farm and domestic employment permits to pupils who have attained the age of fourteen years, was submitted as a temporary war measure.

Senate Bill 85 introduced in the Senate by Senator Franklin Spencer Edmonds and Senator T. B. Wilson and which passed the Senate, was a similar bill with the exception that it was limited to the question of keeping the schools in session and the closing of the schools; the adjustment of the assignment and reassignment of teachers and the granting of farm and domestic employment permits to pupils who have reached the age of fourteen years.

As the result of study, it is my opinion that the wide latitude now given to those in authority to meet the provisions of the bill, under certain conditions, is sufficient to cover most of the provisions contained in both House Bill 62 and Senate Bill 85. The unlimited power and authority given under both bills to the Superintendent of Public Instruction and the State Council of Defense would be a radical departure from the basic principles of our democratic form of government in that the Legislature, the law-making body of the State, would be completely surrendering its sovereign power to legislate in the fields covered by House Bill 62 and Senate Bill 85.

It is our contention that this power should only be surrendered when the need for such legislation has been proven. In this connection it must be noted that some thirty or forty organizations whose judgment and experience in school legislation cannot be questioned, registered vigorous protests against these two pieces of legislation above referred to. Among these organizations protesting were.

Philadelphia Federation of Teachers, Local 3 AFT
Erie Teachers Federation
York Federation of Trade Unions
State College Teachers Assn.
Pittsburgh Central Labor Union
Pittsburgh Federation of Teachers
Pennsylvania Federation of Teachers
Labor's Non-Partisan League of Penna.
Philadelphia Federation of Teachers
York County Federation of Teachers
Meadville Central Labor Union
Meadville Federation of Teachers
Secondary School Teachers Assn.
Public Education and Child Labor Assn. of Pennsylvania
Erie Teachers Federation
Pennsylvania State Teachers League

Erie Central Labor Union and many other organizations of a similar nature. As a matter of fact, a representative of the Department of Public Instruction of the Commonwealth of Pennsylvania stated for the record at a hearing before the sub-committee, that three provisions of House Bill 62 are not necessary at this time. At this same hearing an official of the Pennsylvania State Education Association advised the committee that the Executive Board of the Pennsylvania State Education Association desired no action on House Bill 62 although we were later informed that this organization did go on

record as being favorable to Senate Bill 85. This was the only endorsement received by me, as Chairman of the Sub-Committee, favoring passage of either of the bills already referred to.

In view of the foregoing, together with the fact that the Special Session, because of the time of adjournment could not thoroughly go into the subject matter of the bills and the fact of the vast importance in connection therewith, together with the fact that the school term will soon be closing, it is my opinion that House Bill 62 and Senate Bill 85 should not be passed.

BILL SIGNED BY SPEAKER

Bill numbered and entitled as follows having been prepared for presentation to the Governor and the same being correct, the title was publicly read as follows:

SENATE BILL No. 84.

An Act to conserve metal by suspending the provisions of article five of the act approved the first day of May one thousand nine hundred and twenty-nine (P. L. 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of the Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" and its amendments in so far as they require the issuance and use of more than one registration plate

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

RESOLUTION

MEMBER'S FILES

Mr. ACHTERMAN offered a resolution which was twice read, considered and adopted as follows:

In the House of Representatives, April 10, 1942.

Resolved, That the Bureau of Publications, through the Department of Property and Supplies, be directed to forward files and bills and journals on desks of Members desiring same to places designated by them. The Bureau of Publications to receive files through the Office of the Chief Clerk.

BILLS SIGNED BY SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

HOUSE BILL No. 76.

An Act suspending and modifying for the period of the present war and for a time thereafter the provisions of section one of the act approved the eighth day of July one thousand nine hundred and nineteen (P. L. 737) entitled "A supplement to an act entitled 'An act to establish a Board of Commissioners of Navigation for the River Delaware and its navigable tributaries regulating their jurisdiction over ships vessels and boats and wharves piers bulkheads docks slips and basins and exempting cities of the first class from certain of its provisions and making an appropriation therefor' approved the eighth day of June Anno Domini one thousand nine hundred and seven authorizing and directing the commissioners to provide and maintain a nautical school for the education and training of pupils from the various counties of the Commonwealth of Pennsylvania in the science and practice of navigation and making an appropriation for two years from the first day of June Anno Domini one thousand nine hundred and nineteen towards its maintenance" and its amendments in so far as they require the furnishing of accommodations on board a proper vessel for the nautical school when no such vessel is available and imposing upon the State Council of Defense the duty of furnishing other accommodations

HOUSE BILL No. 68.

An Act to amend section two of the act approved the tenth day of July one thousand nine hundred thirty-five (P. L. 645) entitled "An act imposing certain requirements on certain hospitals receiving State aid authorizing the withholding of appropriations tnd imposing duties on the Department of Welfare" by providing that during the present war and six months thereafter funds shall not be withheld from hospitals for violation of such act if the Secretary of Welfare determines that the constant attendance of a licensed physician or resident interne cannot be secured by such hospitals because of the war emergency

HOUSE BILL No. 8.

An Act to further amend section two of and to add Sections four and five to the act approved the seventh day of June one thousand nine hundred seventeen (P. L. 600) entitled "An act providing that appointive officers and employes employed by the Commonwealth of Pennsylvania in its civil service or by any department bureau commission or office thereof or by any county municipality township or school district shall not be deemed or held to have resigned or abandoned their offices or employments by reason of enlistment enrollment or draft in the military or naval service of the United States or any branch or unit thereof in time of water or contemplated war prohibiting the removal from their offices or employments of such officers and employes during the period of their service in the Army or Navy directing that one-half of the salaries or wages of such officers or employes as have dependent wives children or parents and not exceeding two thousand dollars per annum be paid during the term of their service in the Army or Navy to such dependents authorizing the employment during said term of substitutes to perform the duties theretofore performed by such officers or employes respectively and providing for the compensation of such substitutes" by more fully defining amounts payable limiting the time such amounts are payable and limitng the conditions of resumption of office or employment

HOUSE BILL No. 101.

An Act to amend the appropriation to the Department of Military Affairs in section two of the act, approved the sixteenth day of June, one thousand nine hundred and forty-one (Appropriation Act No. 12-A), entitled "An act to provide for the ordinary expenses of the Executive, Legislative and Judicial Departments of the Commonwealth, interest on the public debt, and the support of the public schools for two years beginning June first, one thousand nine hundred and forty-one, and for the pay-

ment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first, one thousand nine hundred and forty-one," by providing specifically for the expenses of the State Council of Defense for the maintenance of a nautical school.

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

QUESTION OF INFORMATION

Mr. BAKER. Mr. Speaker, I arise to a question of information.

The SPEAKER. The gentleman from Allegheny will state his question of information.

Mr. BAKER. Mr. Speaker, I desire to know whether it is permissible for a member of this House to think out loud as to what he thinks of the Senate of Pennsylvania. After looking at this clock and remembering the concurrent resolution, I would like to think out loud for just a few moments.

The SPEAKER. The gentleman can think in silence as far as the Senate is concerned.

Mr. BAKER. You can still think, Mr. Speaker?

The SPEAKER. The gentleman can.

SENATE MESSAGE

APPOINTMENT OF CONFERENCE COMMITTEE ON HOUSE BILL No. 58

The Clerk of the Senate being introduced, informed that the Senate has insisted upon its amendments, nonconcurred in by the House of Representatives, to House Bill No. 58, entitled:

An Act to suspend existing laws providing for and requiring certain contracts or purchases made by the Commonwealth or any political subdivision thereof to be made with and from the lowest responsible bidder after notice by advertisement insofar as they apply to certain contracts and purchases and regulating the letting of contracts and the making of purchases by political subdivisions

And has appointed Messrs. Miller, Thomas B. Wilson and Jaspan a Committee of Conference to confer with a similar committee of the House of Representatives (If the House of Representatives shall appoint such committee) on the subject of the differences existing between the two houses in relation to said bill.

Mr. ACHTERMAN. Mr. Speaker, I move that the House insist upon its nonconcurrence in the amendments made and insisted upon by the Senate and that a Committee of Conference be appointed.

The motion was agreed to.

APPOINTMENT OF COMMITTEE OF CONFERENCE ON HOUSE BILL No. 58

The SPEAKER. The Chair appoints as a Committee of Conference on said bill, Messrs. ACHTERMAN, PRESLEY N. JONES and WEINGARTNER.

Ordered, That the Clerk inform the Senate accordingly.

SENATE MESSAGE

APPOINTMENT OF CONFERENCE COMMITTEE ON SENATE BILL No. 35

The Clerk of the Senate being introduced, informed that the Senate insists on its concurrence in the amendments made and insisted upon by the House of Representatives to Senate Bill No. 35, entitled:

An Act authorizing the Department of Highways to construct replace or repair bridges in cities of the third class whether such bridges are owned and maintained by such cities or by the counties in which located which form connecting links on State highways necessary for National defense in cases where Federal funds and city or county funds are available for such purposes and authorizing the Secretary of Highways to enter into agreements with the proper Federal authorities and the authorities of cities of the third class or counties covering the construction replacement or repair of such bridges and making an appropriation

And has appointed Messrs. Tallman, Letzler and Cavalcante, a Committee of Conference to confer with a similar committee of the House of Representatives (if the House of Representatives shall appoint such committee) on the subject of the differences existing between the two Houses in relation to said bill.

Mr. ACHTERMAN. Mr. Speaker, I move that the House insist upon its amendments nonconcurred in by the Senate to Senate Bill No. 35 and that a Committee of Conference be appointed.

The motion was agreed to.

APPOINTMENT OF COMMITTEE OF CONFERENCE ON SENATE BILL No. 35

The SPEAKER. The Chair appoints as a Committee of Conference on said bill, Messrs. BROWN, PRESLEY N. JONES and LICHTENWALTER.

Ordered, That the Clerk inform the Senate accordingly.

ANNOUNCEMENT

The SPEAKER. Members are requested to leave their keys in the office of the Chief Clerk of the House immediately after the adjournment of the Session.

RECESS

The SPEAKER. If there is no objection the Chair is about to declare a recess for fifteen minutes. Is there objection? The Chair hears none and a recess is declared.

AFTER RECESS

The time of recess having expired the House was called to order.

The SPEAKER (Elmer Kilroy) in the Chair.

SENATE MESSAGES

AMENDED RESOLUTION RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced returned resolution from the House of Representatives as follows:

In the House of Representatives, April 10, 1942.

Resolved, (if the Senate concur), That the State Treasurer be and is hereby authorized to pay upon warrant of the Audior General to each Member of the General Assembly, the compensation and mileage to and from their homes at the rate of five cents a mile circular for each week a Member was in actual attendance at the sessions

of the Extraordinary Session of the General Assembly, (convened in session on call of the Governor February 17th, 1942), by virtue of the provisions of the Act of Assembly approved the tenth day of May, 1927, P. L. 880:

Resolved, That the State Treasurer be and is hereby authorized to pay upon warrant of the Auditor General to each employe of the Senate and House of Representatives, the salary or per diem compensation and mileage to their homes at the rate of five cents per mile circular, to which they are entitled under law for an Extraordinary Session of the General Assembly by virtue of the provisions of the Acts of Assembly under which they are elected or appointed.

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The amendments were read by the Clerk as follows:

Amend resolution second whereas clause, line 4, by striking out after the word "of" the word "five" and inserting in lieu thereof the word "ten."

On the question,

Will the House concur in the amendments made by the Senate?

They were concurred in.

On the question,

Will the House concur in the resolution as amended?

It was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

HOUSE BILL CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 112.

An Act to amend subsection (a) and to further amend subsection (b) of section nine of the act approved the first day of June one thousand nine hundred thirty-seven (P. L. 1168) entitled "An act to protect the right of employes to organize and bargain collectively creating the Pennsylvania Labor Relations Board conferring powers and imposing duties upon the Pennsylvania Labor Relations Board officers of the State government and courts providing for the right of employes to organize and bargain collectively declaring certain labor practices by employers to be unfair further providing that representatives of a majority of the employes be the exclusive representatives of all the employes authorizing the board to conduct hearings and elections and certify as to representatives of employes for purposes of collective bargaining empowering the board to prevent any person from engaging in any unfair labor practice and providing a procedure for such cases including the issuance of a complaint the conducting of a hearing and the making of an order empowering the board to petition a court of common pleas for the enforcement of its order and providing a procedure for such cases providing for the review of an order of the board by a court of common pleas on petition of any person aggrieved by such order and establishing a procedure for such cases providing for an appeal from the common pleas court to the Supreme Court providing the board with investigatory powers including the power to issue subpoenas and the compelling of obedience to them through application to the proper court providing for service of papers and process of the board prescribing certain penalties" fixing the rights and standing of the Pennsylvania Labor Relations Board as a party and as appellant in the courts in matters originating before the board and defining the jurisdiction of the Supreme Court on appeal

With the information that the Senate has passed the same without amendment.

PERMISSION TO ADDRESS HOUSE

Mr. BONEY asked and obtained unanimous consent to address the House.

Mr. Speaker, I desire to report on House Bill 62, of which I was sponsor, and I desire to submit this memo of my reaction to the report, and ask that it be spread upon the Journal of the House.

I am pleased with the action of the Committee in defeating House Bill 62. The fact that I was sponsor does not necessarily mean I was in favor of the measure. Bill was introduced on recommendation of the Department of Public Instruction, but at no time did I subscribe to the belief that the drastic provisions of the bill were necessary in order that the schools of Pennsylvania could do their part in National Defense.

CONDOLENCE RESOLUTION

Mr. McDERMOTT offered a resolution which was twice read, considered and adopted as follows:

In the House of Representatives, April 10, 1942.

Whereas, the House of Representatives just learned of the sudden passing of the Reverend J. Charles Rausch, father of the Honorable Paul C. Rausch, a member of this house, who died at the age of seventy-five years in the City of Allentown; and

Whereas, The Reverend J. Charles Rausch was one of the most distinguished clergymen of the Commonwealth of Pennsylvania who, for the past thirty years, served as pastor of the St. Luke's Lutheran Church in Allentown; and

Whereas, Reverend Rausch was an educator of great distinction, having been Superintendent of Buildings of Muhlenberg College for the past ten years, as well as a member of the Board of Education of the City of Allentown, and a member of the Board of Trustees of Muhlenberg College. In his capacity as an educator, he formulated many policies which today are recognized as having raised Muhlenberg College into its present high status among the universities of Pennsylvania; and

Whereas, Reverend Rausch devoted his life to the spiritual elevation of his parishioners, as well as to that of all the citizens of the City of Allentown; be it therefore

Resolved, That the House of Representatives pauses in its deliberations to pay tribute to the memory of this distinguished clergyman of the Commonwealth of Pennsylvania; and be it further

Resolved, That the Chief Clerk of the House be directed to transmit a copy of this resolution to the family of the deceased conveying thereby the profound sympathy of the members of the House to them in their great bereavement.

SENATE MESSAGE

SENATE ADOPTS CONFERENCE COMMITTEE REPORT ON SENATE BILL No. 46

The Clerk of the Senate being introduced, informed that the Senate has adopted the report of the Committee of Conference on the subject of the difference existing between the two Houses on Senate Bill numbered and entitled as follows:

SENATE BILL No. 46.

An Act to suspend for a limited time the operation of

laws regulating or relating to the movement loading lightering docking and anchorage of vessels carrying or having on board certain explosives insofar as the same relate to the handling or stowing of small arms ammunition or ammunition which contains the projectile and the explosive in one container or shell to from or in such vessels docking or anchoring in the Delaware River and its navigable tributaries and authorizing the framing of rules and regulations in certain cases by the Chairman of the Delaware River Navigation Commission and the Department of Wharves Docks and Ferries of the City of Philadelphia

REPORT OF COMMITTEE OF CONFERENCE ON SENATE BILL No. 46

Mr. TATE. Mr. Speaker, I desire to call up the report of the Committee of Conference on Senate Bill No. 46, Printer's No. 77.

The report was read by the Clerk as follows:

To the Members of the Senate and House of Representatives:

We, the undersigned, Committee of Conference on the part of the Senate and House of Representatives for the purpose of considering Senate Bill No. 46, entitled: An Act to suspend for a limited time the operation of laws regulating or relating to the movement loading lightering docking and anchorage of vessels carrying or having on board certain explosives insofar as the same relate to the handling or stowing of small arms ammunition or ammunition which contains the projectile and the explosive in one container or shell to from or in such vessels docking or anchoring in the Delaware River and its navigable tributaries.

Respectfully submit the following bill as our report:

Franklin Spencer Edmonds,
Louis H. Farrell,
John Fremont Cox,
(Committee on the part of the Senate.)

James H. J. Tate,
Charles Melchiorre,
Edwin A. Lee,
(Committee on the part of the House of Representatives.)

An Act to suspend for a limited time the operation of laws regulating or relating to the movement loading lightering docking and anchorage of vessels carrying or having on board certain explosives insofar as the same relate to the handling or stowing of small arms ammunition or ammunition which contains the projectile and the explosive in one container or shell to from or in such vessels docking or anchoring in the Delaware River and its navigable tributaries and authorizing the framing of rules and regulations in certain cases by the Chairman of the Delaware River Navigation Commission and the Department of Wharves Docks and Ferries of the City of Philadelphia

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 In order to facilitate the movement and transportation of certain explosives during the continuance of the war in which the United States is now engaged and for six months thereafter any laws or parts of laws of the Commonwealth and any regulations thereunder regulating or relating to the movement loading lightering docking or anchorage of vessels in the Delaware River and its navigable tributaries carrying or having on board gunpowder guncotton or other explosive insofar as the same regulates or relates to the movement loading lightering handling or stowing of small arms ammunition or ammunition which contains the projectile and the explosive in one container or shell to from or in such vessels are hereby suspended

Provided that to insure the safety of the public reasonable rules and regulations in furtherance of the objects of this act shall be framed by the Chairman of the Delaware River Navigation Commission and the Department of Wharves Docks and Ferries of the City of Philadelphia when the Port of Philadelphia is concerned

On the question,

Will the House adopt the report of the Committee of Conference?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—192

Achterman,	Flynn,	Malloy,	Rose, W. E.,
Auker,	Foor,	Marks,	Royer,
Baker,	French,	Maxwell,	Rush,
Balthaser,	Gallagher,	McClanaghan,	Sarge,
Baugher,	Gates,	McOlester,	Sarraf,
Bentley,	Gerard,	McDermott,	Scanlon,
Bentzel,	Gillan,	McDowell,	Schwab,
Boles,	Goodwin,	McFall,	Serrill,
Boney,	Greenwood,	McGrath,	Shaffer,
Boorse,	Gross,	McIntosh,	Shepard,
Bower,	Gryskewicz,	McKinney,	Simons,
Bradley,	Gyger,	McLanahan,	Skale,
Breth,	Haberlen,	McLane,	Snyder,
Bretherick,	Haines,	McMillen,	Sollenberger,
Brown,	Hall,	McSurdy,	Sorg,
Brunner, C. H.,	Hamilton,	Melchiorre,	Stambaugh,
Brunner, P. A.,	Hare,	Mihm,	Stank,
Burns,	Harris,	Modell,	Stine,
Burris,	Heatherington,	Monks,	Stockham,
Cadwalader,	Helm,	Mooney,	Tarr,
Chervenak,	Hering,	Moran,	Tate,
Chudoff,	Herman,	Moul,	Taylor,
Cochran,	Hersch,	Muir,	Thompson, E. F.,
Cohen, M. M.,	Hewitt,	Munley,	Thompson, R. L.,
Cohen, R. E.,	Holland,	Nagel,	Trout,
Cook,	Huntley,	Nunemacher,	Turner,
Cooper,	Imbrie,	O'Brien,	Van Allsburg,
Cordier,	James,	O'Connor,	Vincent,
Corrigan,	Jefferson,	O'Dare,	Vogt,
Croop,	Jones, G. E.,	O'Mullen,	Voldow,
Cullen,	Jones, P. N.,	O'Neill,	Wagner,
Dalrymple,	Keenan,	Owens,	Watkins,
Dennison,	Kenehan,	Petrosky,	Weingartner,
DiGenova,	Kline,	Pettit,	Weiss,
Dix,	Knoble,	Polaski,	Welsh, E. B.,
Dolon,	Kolankiewicz,	Polen,	Welsh, M. J.,
D'Ortona,	Komorofski,	Powers,	Wilkinson,
Duffy,	Krise,	Rank,	Williams,
Early,	Lee, E. A.,	Readinger,	Wolf,
Elder,	Lee, T. H.,	Reagan,	Wood, L. H.,
Ely,	Leisey,	Reese, D. P.,	Wood, N.,
Falkenstein,	Leonard,	Reese, R. E.,	Woodring,
Finestone,	Lesko,	Regan,	Wright,
Finnerty,	Levy,	Reynolds,	Yeakel,
Fisher,	Leydic,	Rhea,	Yester,
Fiss,	Lichtenwalter,	Riley,	Young,
Fleming,	Longo,	Rooney,	Kilroy,
Fletcher,	Lovett,	Rose, S.,	Speaker.
	Lyons,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative, and the report of the Committee of Conference was adopted.

Ordered, That the Clerk inform the Senate accordingly

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bil from the House of Representatives numbered and entitle as follows:

HOUSE BILL No. 113.

An Act creating a joint legislative committee to stud partial unemployment as related to unemployment com pensation defining its powers and duties authorizing th

employment of counsel and employes and making an appropriation

With the information that the Senate has passed the same with amendment, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendment.

The Clerk read the amendment as follows:

Amend Section 5, page 3, line 4, by striking out after the word "of" the words and figures "ten thousand dollars ($10,000)" and inserting in lieu thereof the following: "five thousand dollars ($5,000)"

On the question,

Will the House concur in the amendment made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—192

Achterman,	Flynn,	Lyons,	Rose, W. E.,
Auker,	Foor,	Malloy,	Royer,
Baker,	French,	Marks,	Rush,
Balthaser,	Gallagher,	Maxwell,	Sarge,
Baugher,	Gates,	McClanaghan,	Sarraf,
Bentley,	Gerard,	McClester,	Scanlon,
Bentzel,	Gillan,	McDowell,	Schwab,
Boles,	Goodwin,	McFall,	Serrill,
Boney,	Greenwood,	McGrath,	Shaffer,
Boorse,	Gross,	McDermott,	Shepard,
Bower,	Gryskewicz,	McIntosh,	Simons,
Bradley,	Gyger,	McKinney,	Skale,
Breth,	Haberlen,	McLanahan,	Snyder,
Bretherick,	Haines,	McLane,	Sollenberger,
Brown,	Hall,	McMillen,	Sorg,
Brunner, C. H.	Hamilton,	McSurdy,	Stambaugh,
Brunner, P. A.,	Hare,	Melchiorre,	Stank,
Burns,	Harris,	Mihm,	Stine,
Burris,	Heatherington,	Modell,	Stockham,
Cadwalader,	Helm,	Monks,	Tarr,
Chervenak,	Hering,	Mooney,	Tate,
Chudoff,	Herman,	Moran,	Taylor,
Cochran,	Hersch,	Moul,	Thompson, E. F.,
Cohen, M. M.,	Hewitt,	Muir,	Thompson, R. L.,
Cohen, R. E.,	Holland,	Munley	Trout,
Cook,	Huntley,	Nagel	Turner,
Cooper,	Imbrie,	Nunemacher	VanAllsburg,
Cordier,	James,	O'Brien,	Vincent,
Corrigan,	Jefferson,	O'Connor,	Vogt,
Croop,	Jones, G. E.,	O'Dare,	Voldow,
Cullen,	Jones, P. N.,	O'Mullen,	Wagner,
Dalrymple,	Keenan,	O'Neill,	Watkins,
Dennison,	Kenehan,	Owens,	Weingartner,
DiGenova,	Kline,	Petrosky,	Weiss,
Dix,	Knoble,	Pettit,	Welsh, E. B.,
Dolon,	Kolankiewicz,	Polaski,	Welsh, M. J.,
D'Ortona,	Komorofski,	Polen,	Wilkinson,
Duffy,	Krise,	Powers,	Williams,
Early,	Lee, E. A.,	Rank,	Wolf,
Elder,	Lee, T. H.,	Readinger,	Wood, L. H.,
Ely,	Leisey,	Reagan,	Wood, N.,
Falkenstein,	Leonard,	Reese, D. P.,	Woodring,
Finestone,	Lesko,	Reese, R. E.,	Wright,
Finnerty,	Levy,	Regan,	Yeakel,
Fisher,	Leydic,	Reynolds,	Yester,
Fiss,	Lichtenwalter,	Rhea,	Young,
Fleming,	Longo,	Riley,	Kilroy,
Fletcher,	Lovett,	Rooney,	Speaker.
		Rose, S.,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

RESIGNATION

The SPEAKER laid before the House a communication which was read by the Clerk as follows:

April 10, 1942.

Honorable Elmer Kilroy
Speaker, House of Representatives
Harrisburg, Pennsylvania

Dear Mr. Speaker:

I herewith tender my resignation as a Member of the General Assembly for the 20th District Philadelphia. This resignation to become effective April 11, 1942.

Since there appears to be little likelihood of there being any further legislative business during the balance of my term, I have accepted a position with the Army Air Corps which will take me out of the State of Pennsylvania for the duration of the war.

I should hesitate to leave the General Assembly for any reason less compelling than work in connection with the National Defense, for I shall not only miss the legislative work, but also the pleasant companionship of my associates.

With best wishes for you and the other members of the General Assembly, I am

Sincerely yours,
(Signed) JAMES RUSSELL ROONEY.

RESOLUTION

HEROES OF BATAAN

Messrs. HERSCH and DUFFY offered a resolution and asked unanimous consent for its immediate consideration.

The resolution was twice read, considered and adopted as follows:

In the House of Representatives, April 10, 1942.

Whereas, The history of our Nation is replete with the heroic achievements of our soldiers when engaged in a struggle to protect the ideals and institutions we all cherish; and

Whereas, Prior to the outbreak of the present war, we were pictured abroad as a nation which had grown sluggish and unable to fight with the new weapons of war; and

Whereas, A determined band of Filipino and American soldiers on the Island of Bataan withstood the savage inslaughts of Japanese forces numerically superior and well armed and provisioned for months, in an epic stand which rivals the glorious achievements of our heroes of the past; and

Whereas, By their example, they demonstrated to the world that the American soldier can fight, will fight and shall ultimately prevail; and

Whereas, We shall long remember and always note their great accomplishment under the most terrible of all handicaps, and remembering turn to ashes the taste of their hollow victory in the mouths of the Japanese hordes; be it therefore

Resolved, That the House of Representatives pays tribute to these, our heroes on Bataan, and vows with the citizens of this Commonwealth and those of our Nation, that they shall be soon avenged.

SENATE MESSAGE

CONFERENCE COMMITTEE ON SENATE BILL No. 41 DISCHARGED

The Clerk of the Senate being introduced, informed that the Senate has discharged its Committee of Conference on the subject of differences existing between the two houses and that the Senate insists on its nonconcurrence in the amendments made and insisted upon by the House to Senate Bill No. 41, entitled:

An Act to further amend the act approved the fifth day of December, one thousand nine hundred and thirty-six

(P. L. 2897, 1937), entitled "An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry and its existing and newly created agencies, with personnel (with certain exceptions) selected on a civil service basis, requiring employers to keep records and make reports and certain employers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons, providing procedure and administrative details for the determination, payment and collection of such contributions and the payment of such compensation, providing for cooperation with the Federal Government and its agencies, creating certain special funds in the custody of the State Treasurer and prescribing penalties," changing the provisions thereof and the rights, obligations and procedure thereunder.

HOUSE CONFERENCE COMMITTEE ON SENATE BILL No. 41 DISCHARGED

Mr. REUBEN E. COHEN. Mr. Speaker, we have just been informed that the Senate has insisted upon its original bill, Senate Bill 41, commonly known as Unemployment Compensation Bill. They have also informed us that they have discharged their Committee of Conference.

As a member of the Committee of Conference on the part of this House I now wish to report to you, Mr. Speaker, and to the members of the House that we were unable to agree with the Senate conferees, and I therefore, move that the Committee of Conference on the part of the House be discharged.

The motion was agreed to.

On the question,

Will the House recede from its amendments nonconcurred in by the Senate?

Mr. REUBEN E. COHEN. I should like at this time, Mr. Speaker, and members of the House, very briefly to state my position and what I think the position of many members of this House is or should be on this legislation. It would be foolish to repeat ancient history. We know that in the regular 1941 session the Governor, as the third or fourth item on his list of things that he hoped we might accomplish for Pennsylvania, called for liberalization of the Unemployment Compensation Law.

It would be foolish to repeat the stories of the regular session of 1941 and the tremendous effort of the Governor and his party to liberalize Unemployment Compensation benefits by raising the minimum from seven dollars and fifty cents to eight dollars and allowing the maximum benefits to remain at fifteen dollars.

After quite a bit of work last year the bill died in conference. There was no such thing as liberalization in the bill that the Senate insisted upon at that time, and the bill died.

Apparently the Governor felt that there should be liberalization of Unemployment Compensation—at least I thought so, when it was included in the call for this Special Session, which was to have been called for the purpose of enacting a great deal of emergency legislation, vital legislation. I felt rather good that the Governor saw fit to call for the liberalization of the Unemployment Compensation Law again, and I hoped that possibly the preachings on this side of the House in the last session might have taken some root and that the Governor was ready to have enacted some liberalization of the Pennsylvania law.

There was introduced some time ago in this House by the gentleman from Lackawanna, Mr. O'Neill and myself a liberal Unemployment Compensation bill, and another bill on the same subject was introduced in the Senate. The Senate passed its bill and sent it over to the House. The House passed its bill and sent it over to the Senate for their consideration, which it did not get.

The matter also became the subject of a great deal of controversy and conference. I had anticipated that all the controversy had taken place before the bill finally came up for vote so that the differences between the two houses might be decided in advance and that we might not have had to appoint conference committee and keep this House in session beyond the time appointed for its final adjournment.

However, despite all the arrangements that had been made, despite all the promises that had been made and despite the continual receding from positions that this House took in the passage of House Bill 18, the Republican party's representatives, who are not Members of this House, insisted upon a position of compromise and deliberation which stated very flatly, "It's either the Senate bill or its nothing at all."

An examination of the Senate bill gives us the following great liberalization—the term "great" is use advisedly: the minimum payment of seven dollars and fifty cents to be increased to eight dollars, the maximum payments of fifteen dollars are to be increased to eighteen dollars, the number of benefit weeks is to be increased from thirteen to sixteen, and the payments to those persons who fall between the minimum and the maximum is to remain at fifty per cent as the law now stands.

There are some other administrative changes that do not mean a great deal to the administration of this law, and on those points there was no disagreement between the two houses. The only disagreement was as to what was a liberal bill. Therefore let us briefly take the figures and see whether there is any such thing as liberalization in the bill which we have before us for consideration, the Senate bill.

The least number of persons who benefit under the act are those who receive the minimum and those who receive the maximum, so that to those comparatively few people there are some benefits, but by and large to the greatest number of people in Pennsylvania who for some reason or other are separated from their employment in times like these, through no fault on their part for that unemployment, and for possibly eighty per cent of the workers in Pennsylvania there is no liberalization—there is I would say little liberalization, because the fifty per cent of the weekly wage benefit remains the same. The House bill was sixty per cent, and there was no disagreement when this House voted unanimously two weeks ago to liberalize the law to that extent, so that we find the Members of this House on both sides compelled to take the position that, not to get half a loaf, but to get one-tenth possibly of a loaf we must accept the Senate bill. We find that on the matter of liberalization the men on the other side of this House—I do not like to make this indictment, but the fault certainly was not with the Democratic party; the fault must lie somewhere and it is because there is no leadership in the Republican party and no leadership in the state government; certainly there is no guidance or leadership from the Governor's office, so

that the indictment must fall on that party, that party which insisted not once, but twice on liberalization—made it a part of its program, thought it enough of an emergency to put it up to the Special Session of this Legislature and then came out with a liberalization program which is at least seven per cent lower than what this House unanimously agreed on several weeks ago. We are now put in a position where we must accept that or nothing at all.

I am beginning to feel that maybe the best progress is slow progress. I think the progress we have made is too small. Persons who go on unemployment relief and receive benefits under the unemployment act are persons who receive at best only a small portion of their usual earnings, and they are met, of course, with a situation where the cost of living has risen measurably—it has risen measurably since 1936, when the seven dollars and fifty cents to fifteen dollar scale was first put into effect. To say that eighteen dollars is liberal today is only window dressing, so that when we are asked to vote on a liberal bill, and are given a bill which is distinctly not liberal, we are voting for a sham.

As I said before, possibly slow progress is the best progress. It is my hope that possibly a little later on in other sessions that those in power may see the light, that those in power may have been told by the will of their constituents in November that this might have been one of the things that caused them to consider carefully in not voting for a person who does not vote for a more liberal program.

Organized labor in Pennsylvania is not satisfied. Organized labor takes the view that we will have to take something rather than get nothing. The people of Pennsylvania are going to be fooled by this window dressing, because they are going to be told that the benefits to the minimum are going to be raised three weeks, and they are not going to be able to take the time to examine the complicated formula for unemployment compensation benefits, so that possibly to the great majority of the people the lack of real liberalization will not be apparent soon.

We hope that by the time this may or may not help them in their deliberations as to what party or what program they would care to support, that they might understand. At any event what we have got now is almost nothing.

This House was unanimous a few weeks ago in at least saying, and I think they meant it, that they wanted a bill. This as one of the conferees, I am sorry to tell you is the bill. It is almost an apology for a bill, but that is what we have to offer you at this time. We may have more to offer you the next time, but I want you to feel that we have been, I think, somewhat imposed upon because our unanimous will and opinion in this House was that we should give more benefits. The only point of real controversy on House Bill 18 when it passed was that partial benefits had no place in the bill, and every Member on the other side of this House voted for that bill with a mental reservation, a resolve against partial benefits. Partial benefits disappeared from the discussion of the bill sometime ago.

We then proceeded to the next matter of controversy, and it disappeared. Consideration of the measure proceeded paragraph by paragraph and section by section, and your House conferees, then acting unofficially retreated until finally this morning, despite the fact that we were told that some of our schedules were really fine, were really good, we were told the compromise we were to be offered, as the result of all the conferring and deliberations of your representatives on the conference committee, despite our pleadings, and our requests amounted to taking the will of the other house as expressed in Senate Bill 41.

That bill is no bargain, that bill is not liberal, that bill is almost no good, but it is a little bit, and I for one am willing to take it, hoping that possibly the education we have all received in the discussions on this measure will lead to a better understanding of it by the Members at the next session, and whether it be this particular body or other persons acting in its stead, at least we may have some little light that may ignite and give us the bonfire of liberalization that I think the subject requires.

Mr. Speaker, I, therefore, request that this House do now recede from its amendments to Senate Bill 41.

Mr. WALTER E. ROSE. Mr. Speaker, I have listened with a great deal of personal interest to the remarks of the gentleman from Philadelphia, Mr. Cohen, because I know how very deep his interest is in this subject, and I know how keenly he feels his disappointment that he did not get more of the provisions he wanted. I on behalf, I believe, of the Members on this side of the House gratefully accept the favor which he has bestowed on us by not blaming the Members on this side of the House for his disappointment.

However, it must be remembered that although he has given us a personal tribute, or a commendation for our willingness to be more liberal than the terms of the present bill, nevertheless he did include in his remarks an indictment against the party, and as members of that party that indictment affects us just as much as it affects other members of the party.

I think the gentleman is correct, I think the Governor is correct, I think the newspapers have been correct and I think all have been correct when we say it is the view of the Republican party that unemployment compensation benefits should be liberalized. There seems not to have been any dispute about this before except in the manner as to how they were to be liberalized, and in this we can expect some points of difference. I may be a little more liberal than somebody else, I may be less liberal than somebody else. Nevertheless I would ask them to respect my views as I must respect their views.

The words of the gentleman were reserved. I know he was acting under restraint when he veiled the persons whom he was attempting to blame for the lack of greater liberalization. I say that it is not my place to defend some other individual in the party but I do say that as a Member of the House of Representatives I respect the opinion of any other Member of this House or any Member on the other side of the Legislative body. Even if I disagree with them I must respect the motives under which they acted.

One of the points of interest to the Members on the other side of the Conference Committee, and when I say "the other side," I mean on the part of the Senate, was their fear that this fund would be completely wiped out within a short period after the termination of the war. We had to deal only with estimates; we were unable to tell how many men are going to come from

the war or know how many of them will be entitled under this bill to payment of unemployment compensation benefits. The estimates run as high as two million persons. Two million times two hundred dollars is four hundred million dollars in one year, and that would wipe out the fund.

These men were acting for protection of those men who are receiving, as was mentioned on the floor of the House the other day, only three cents an hour for their work, without any limitation on the maximum of days per week, or the number of hours a day, or the number of minutes an hour they must work. I think they ought to be commended on their caution in this regard. It is much more important to them that they have enough left in this fund at the close of the war to tide over the readjustment period which must necessarily follow that war than they are in increasing the benefits to a scale more than the rise in the cost of living.

These maximum payments are increased approximately twenty per cent; the cost of living on the average, I think, has not been in excess of twenty per cent, and while I do not by any means want to be placed in the position of being misunderstood that I think this is what most of the men in Pennsylvania should have gotten, I do say that we are to be respected in granting at least this much when the cost of living has probably not exceeded this amount.

The gentleman from Philadelphia has admitted that this is a step in the right direction. His only complaint, and I agree with him in quite a substantial number of items, as he himself will say, is that they are only receiving ten per cent of what they should get. Maybe I disagree with his fractions, but I agree that liberalization is necessary in our State.

If we are taking a step in the right direction, I say that even though it is disappointing in the amount of speed, direction is always more important than speed. Slow progress is and always has been the more enduring progress. It is better to have gone not quite far enough this time than to have gone overboard, gone so far that we must come back another time and take a backward step. It is better, Mr. Speaker, that we go along and offer some liberalization, however slight, in order that we can study the development and determine its effect upon the fund.

It will only be a question of a few months, when the Legislature will be back in regular session and not in extraordinary session, considering these same questions, and considering them with the benefit of the experience gained by the liberalization made in this present law.

If I may differ flatly with one statement made by the gentleman from Philadelphia, I would like to point out that we did not, as he said, vote for the bill a few weeks ago with mental reservations against partial payments. That was not the position of the Members on this side in regard to the question of partial payments, but we did feel that the plan proposed by him and the effective day plan based on a five day work week was too radical and too dangerous to this fund, of which this body acts as a trustee for the benefit of the employes of the Commonwealth.

I repeat, and want it made clear that we are not against partial payments; we have supported a bill here this evening, and we have done it before, authorizing an appropriation for the study of payment of unemployment compensation for partial unemployment.

In closing I would like again to compliment the gentleman from Philadelphia on the reserve with which he approached the problem which I know which is very deep in his heart. He has worked on it a lot, he feels he has not been given a square deal, as he has said in a number of instances, but Mr. Speaker, the very fact that this time we are taking half a loaf rather than none, instead of doing as we did in the regular 1941 session and saying, "We want the whole loaf or none," to the detriment of the employes of Pennsylvania, indicates, Mr. Speaker, that we are making progress, and if I agree with the gentleman from Philadelphia that it is a little less than I had hoped for, still I insist it is progress and something for which the people of Pennsylvania will be thankful and for which we Members or our successors as Members of the Legislature will be thankful for the experience gained, and the increase secured in order to further liberalize by further amendments the Unemployment Compensation law.

Mr. REUBEN E. COHEN. Mr. Speaker, so that this debate may be well rounded in accordance with the rules, I am going to take just a few moments for rebuttal.

I am quite satisfied the gentleman from Cambria agrees with my conclusions. By agreeing with my conclusions he has clearly told us of the error in the position the Senate has taken on Senate Bill 41, as to the percentage of liberalization. The increase of maximum payment of twenty percent and possibly six percent for the minimum provides no percent for the eighty percent of the receivers between the minimum and the maximum. The plan that I offered called for and sought to set a standard of an approximately level twenty percent increase all the way down the line.

Also, Mr. Speaker, for the purpose of the record, I think it is important in my view to tell the Members of this House that by an agreement reached between the opposition and myself, a bill was introduced and passed which provided for a five thousand dollar appropriation for the purpose of studying partial benefit payments, a joint committee between the House and the Senate, an equal number from each house, to report back to the next session. There has been some thought that such a bill setting up such a committee and such an appropriation might not meet the constitutional test since the subject was not clearly within the call. It was the feeling of the persons who made the agreement, the Members of the other house and the Members of this House, that the appointment of a committee for the purpose of studying partials was definitely within the purview of the contentions between the parties, that rather than put such a provision in the bill itself we should have a separate bill, and not be compelled to reprint the Senate bill, thereby cause a great deal of additional expense and also possibly holding up this House in its adjournment. As the matter now stands we are going to pass the bill without any printing cost, which I believe the gentleman from Centre, Mr. Haines, will like very much.

At any rate our real intention was to have a bill setting up a commission that would be at least constitutional, that would express clearly the intent of this House and the Senate that we want to have a study made of the partial payment plan.

May I also say since I last spoke on this subject on the floor that a committee in the state of New York, headed by, I believe, Senator Ivens, who is the leader of the Republican Party in Albany, after a study of almost a year's time on the very same subject recently recommended to the Legislature in Albany that they increase their benefits as we were seeking to do. I believe they will decide on sixteen or possibly eighteen, and they have also recommended as the best and fairest and simplest method of computing partial payments the effective day theory set forth in House Bill 18.

However, I am perfectly willing to wait eight or nine months when I know that a study will reveal by an overwhelming preponderance that such a plan is practical and feasible, and I hope when it gets here it will be adopted. I thank you.

Mr. LOVETT. Mr. Speaker, in the closing days of the session I realize we do not like to get up and take the time of the Members of the House who are sitting here patiently waiting for the hour to come when we may adjourn. However, we always find at the end of such a session that we have these very important measures before us. We do not have time to talk on these very important measures until the closing hours of the session.

I want to say that I sympathize with my good friend, Mr. Rose, on the other side of the House, who is trying at least to protect the interests of his party, which I find no fault in his doing, but I feel sorry for him. To the other Members of the House on this side, I want to say that they deserve a lot of credit for the position which they have taken on this particular measure.

If I understand my good friend from Philadelphia, Mr. Cohen, about eighty percent of the people who receive unemployment insurance will not receive any liberalization under this particular bill. Those are the people whom I am interested in and whom you men on the other side of this House are interested in, and about the only ones I see who are not interested, are the members of the Senate of Pennsylvania.

They say there are only a few of them but those few seem to be able to tell the many on this side what we shall do. I could not sit here tonight and vote for this bill without getting up and saying something in the interests of those people. I realize that we are fighting here for legislation to stop sabotage in Pennsylvania. In fact some of us bent over backwards and put amendments in the bill that we felt were not necessary for protection from sabotage. I maintain that the way to correct sabotage in our state is to treat all the people honestly, equally and fairly, and we would then need not feel any danger of sabotage, but, Mr. Speaker, when we, as members of the Legislature pass legislation that forgets eighty percent of those people, then I say to you we are not trying to protect our government when we do those things. I realize that you will say at this time, when men are working, when plants are working, there is not much unemployment, but I realize that the turnover to war production will cause some unemployment, and leave masses of those people who will be unemployed, possibly to fall into the category of those eighty percent who will not receive any benefits under this liberalized unemployment compensation law. I say to you again we must bow our heads and vote for this bill because the members of the Senate force us to vote for it.

QUESTION OF INFORMATION

Mr. LEVY. Mr. Speaker, I rise to a question of information.

The SPEAKER. The gentleman from Philadelphia will state his question of information.

Mr. LEVY. Mr. Speaker, do I understand now that the kissing game on unemployment compensation is over?

Mr. TURNER. Mr. Speaker, may I answer the gentleman's question?

The SPEAKER. The gentleman from Delaware may answer the question of the gentleman from Philadelphia.

Mr. TURNER. Mr. Speaker, if the gentleman from Philadelphia wants to know whether it is over I am willing to start something right here and now.

Mr. LEVY. Mr. Speaker, the only reason I asked the question was because I have been in the Assembly now for the past five or six or seven weeks, and I have heard nothing but unemployment compensation in relation to the Governor's office and the Senate.

The only thing I want to say is that I listened very carefully to the gentleman from Cambria, who on one hand attempts to say that he agrees with the Democratic majority and on the other hand attempts to defend his colleagues. The only thing I say, Mr. Speaker, is I hope by the next session of the Legislature Mr. Rose and the Republican members may be straightened out on this question and find out once and for all whether they are for liberalized unemployment compensation or just attempting to kid the people of the Commonwealth.

Mr. TURNER. Mr. Speaker, the gentleman from Philadelphia reminds me of the story of an old judge down south who was accustomed to imbibe all during the sessions of his court.

One day while sitting there with a bottle in his pocket and a long straw, he imbibed too freely. When court adjourned he came out and was having quite a time navigating. He went down to get his horse at the hitching post. When he got to the horse he picked up his saddle, and when he put the saddle on the horse he put it on the wrong way.

Some one said, "Judge, you put the saddle on the wrong way."

The Judge said "How the H--- did you know which way I was going?"

I have listened to this very interesting debate between our two young friends, and I think we should all compliment them on the fact that they have maintained a very high plane in this debate and throughout this session. I know we on the Republican side have been very proud of the gentleman from Cambria and the manner in which he has handled the subject.

This is an important question that is going to come back to haunt all of the Members of the Legislature in the future. It is going to be a continuing question, and as on other occasions when you have a lot of money in your pocket you want to spend it. The unfortunate thing about it is that while money is coming in very heavily at the present time, and everybody feels we should be liberal, there will come a time when the income will not be as great, when the fund will be lower and when the demands upon it will be greater. It is a lot easier to protest it now than to have a come-back.

One thought I would like to leave with the Members of the Legislature, and I hope they will consider and study it in the future,—I havent heard anyone say anything about it,—it is a very popular question, and I am surprised that many of you didn't think about it before, this being an election year and many of you being candidates, and that is that nobody has said anything about the man who pays this money; no one has said anything about those who pay into this fund, and I want to make a plea for the small business man and the employe who has continuous employment and who pays money in but who does not make much demand upon the fund, and who by the continuity of his business is able to keep all his people employed, so that there isn't much demand on the fund, yet all the time he is paying money into the fund.

I know from my own experience with my little group of employes, I do not know anybody who has less unemployment, but we have to pay quarterly into the fund; and there isn't anybody in my employ who gets any benefit out of it; the payments go to other employes who do have periods of unemployment. So when you do think about this fund and the payments into it, you should be thinking about the tremendous amount of money scattered about with which you could help our people, and it is proper that you should help them; you should be thinking of the taxpayer and the fellow who has to pay continually into this fund, because it plays an important part in the expense of operating a small business. Big business doesn't mind it. It is not the big employer who complains or raises any question about payment of unemployment compensation. It is nothing to them, and they think nothing about it. But the thousands of small business men who under the Pennsylvania Law, must pay this money—because it applies to those who employ less than eight, which is the same provision as the Federal law—those are the people who feel the brunt of unemployment compensation payments, so I leave a little bequest to the House of 1943, and may I say "I give and bequeath to you consideration for the small employer, the employer who has continuity of employment, the small taxpayer of Pennsylvania."

Mr. WALTER E. ROSE. Mr. Speaker, in reply to the remarks made by some of the gentlemen on the other side of the House, which were in turn made in answer to some of the remarks made by me, I would like to point out one more time that the difference between their views, and our views is entirely one of estimates, one of figures, one of calculations. We have no statistics, Mr. Speaker, which can show that eighty percent of these employes will not be helped by this act. That is a guess. I think the figure is too high. I think it will help many more than twenty percent.

I further desire to say that this is an honest difference of opinion, and the views of either side are not to be held up as the perfect ones; neither the radical figure nor the compromise or cautious figure, if you prefer to call it that, is to be held up as being the perfect one.

I would like to make one more point in particular in reply to the gentleman from Philadelphia, Mr. Cohen, and that is he has in his debate referred to the unemployment compensation plan of another state, when we have always agreed that we must with the greatest of caution compare our plan with that of any other state, because of the difference in the economic makeup of the states. New York has a situation somewhat akin to ours but not entirely the same. It is not identical, and I might point out further that the gentleman neglected to mention that in the plan set forth by Mr. Ivens in New York the plan is based on a contribution by the employes of one percent to the fund. We do not have that; at present we are hoping to avoid ever having to have it. For this reason I say it is not fair to pick out one feature of some other plan and point out that we do not have it in Pennsylvania. We must apply all of the facts in each situation and get a composite picture in order to make a comparison. That is the purpose of our proceeding slowly in order that we may do that.

Lastly, Mr. Speaker, I would like to say to the gentleman from Philadelphia, Mr. Levy, that I am sorry that he is disappointed in that we have been indulging in a "kissing game." I am sorry that he prefers to adopt other tactics, but I believe that we as legislators would go a little bit farther and get more accomplished if we had a little bit more of the "kissing game" and a little less of name calling and verbal explosions by the Members as a result of their opinions and pent up emotions on the subjects in question.

If I need sympathy from anybody here it is not sympathy for defending my own views or my party's views for any of its actions. The only sympathy I ask, is if I am wrong in being so naive as to expect that we can some day have legislative discussion and debate without indulging in personal name calling. I think the progress that we have made is due to the fact that we have refrained from doing that. We have been as cooperative as we possibly could, and while it may have been little cooperation in the opinion of the gentlemen on the other side, still I would say that we would have no benefits if we had not kept our debate on the level of cooperation and avoided falling into the pitfalls of the 1941 session, when we lost everything because of the personal friction of the people involved in working out the bill. This progress is something we need not be ashamed of; we can be disappointed if we like, but we are going to have something when we come back in 1943 on which to base further comprehensive studies on unemployment compensation to the best interests of the employes of the state of Pennsylvania.

Mr. GALLAGHER. Mr. Speaker, I have had a throat condition for the past several weeks and had no intention to take the floor on this particular measure tonight. However, the Federal Government and the state government have from time to time come out in the public press and have told the people, particularly in the anthracite region, about all the things that they would like to do for our people back home. I believe the unemployment compensation bill which was passed by the House would have helped very much to remedy the condition in our field.

However, Mr. Speaker, we were particularly interested in the effective day plan because we have instances, even at the present time, no later than last week, where some of the old line collieries in the anthracite region have been idle for an entire week. They, of course, gave our people compensation for that particular week, but we have had a condition continually where collieries are working three or four or two days a week, and of course it is necessary because of market conditions that the coal companies and the men arrange their working time so that they may be able to fill the orders when the coal

companies get them. Of course, that condition brings about a curtailment of unemployment compensation to the people in the anthracite regions.

I say to you, Members of this House, that the men and women, particularly the men in the mines of the anthracite region, and organized labor in general in the State of Pennsylvania, would like at this time to pay a small tribute to one who has worked consistently, who has worked hard and who has spent many hours working on this bill. They would like to pay a little tribute to the gentleman from Philadelphia, who has not only during this special session given a lot of his time, but even in the last regular session contributed much of his time which he could have devoted to some other things that would possibly have been of more benefit to him in the days that are coming.

Mr. TARR. Mr. Speaker, I wish to rise at this time to say one word on this question. It seems to me that the society for mutual admiration has had the floor for some time and everyone has given credit to everyone else who has worked on the bill. If I presume rightly, we are in a couple of hours to go home and tell our constituents and those persons who are vitally interested in unemployment compensation that again the Senate has ruled out unemployment compensation in Pennsylvania.

I am not a candidate for election to the Senate of Pennsylvania. I never have been and I have never been a Member of that body. However, during the session of 1939, I went home after the session was over and said that we cannot do anything about unemployment compensation due to the fact that the Senate won't go along.

I come back to the session of 1942 and again we are faced with going back home and saying the same thing. Am I to believe from that, Mr. Speaker, that we in the House have no power over unemployment compensation? True, there is some small benefit to be derived from this bill but when it is all said we are again dragging a red herring across the path of those persons who need the protection of a good unemployment compensation act. I also heard someone talk about the rates of the small businessman. Unless I have been badly misinformed, Mr. Speaker, we have nothing to do with the setting of the rates to the contributors.

I am not going to take any more of the time of the House. I am just going to register in this manner my disapproval of this House stopping now and quitting and saying, "Well, the Senate of Pennsylvania is the only body big enough to deal with unemployment compensation and since they have so decided we will quit." I thank you.

Mr. TURNER. Mr. Speaker, I do not want to prolong the debate on the subject, but the gentleman from Fayette, Mr. Tarr, when he said he went home and told his constituents that the Senate of Pennsylvania was responsible for the breakdown of the unemployment compensation legislation in 1941, was deceiving the people of his county, because I distinctly remember that the Joint State Government Commission made a study, there were certain recommendations made by the Joint State Government Commission which they were embodied in a bill. It was believed that those twenty-two, I think it was, amendments, had the support of labor and had the support of some of the representatives in the Senate and that those twenty-two points would be embodied when it got over to the House.

The gentleman from Philadelphia, Mr. Cohen, did some fancy work on the bill and when it came back it did not look anything like the measure we had before. Therefore, it got into a deadlock between the House and the Senate. I don't know whether you can blame the Senate any more than you can blame the Democratic majority in this House. Each had its own views. One body was resting on the study made by a commission and on the recommendations which seemed to be agreed to. The other group had some other idea. When an irresistible force meets an immovable body you don't move. No one has the right to stand up and say the other fellow is wrong. That is just like the Quaker who said, "Everybody is crazy except me and thee, and sometimes I think thee is a little bit nutty."

Mr. TARR. Mr. Speaker, I understand the gentleman from Delaware to say the session of 1941. I believe the gentleman misunderstood me. I said the session of 1939. I believe that Mr. Turner will remember just which party was in control of the Joint State Government Commission in the session of 1941.

Mr. LOVETT. Mr. Speaker, in answer to the gentleman from Delaware, Mr. Turner, I just want to say it seems to me that it is not two irresistible objects; I think the House is going to recede, but it is the Senate we cannot move.

Mr. TURNER. Mr. Speaker, just to keep my young friend from Fayette, Mr. Tarr, from making any more statements that are wrong to his constitutents, I just recall that there was no unemployment compensation bill in the 1939 Session; it was in 1941 that that took place.

On the question recurring,

Will the House recede from its amendments nonconcurred in by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—140

Achterman,	Gerard,	McClester,	Rush,
Auker,	Gillan,	McDermott,	Sarraf,
Balthaser,	Goodwin,	McDowell,	Scanlon,
Baugher,	Gross,	McFall,	Shaffer,
Bentzel,	Gryskewicz,	McGrath,	Shepard,
Boney,	Haines,	McIntosh,	Simons,
Boorse,	Hall,	McKinney,	Snyder,
Bower,	Hare,	McLanahan,	Sollenberger,
Brown,	Harris,	McLane,	Stambaugh,
Brunner, P. A.,	Heatherington,	McSurdy,	Stank,
Burns,	Hering,	Mihm,	Stine,
Burris,	Hersch,	Modell,	Stockham,
Chudoff,	Hewitt,	Mooney,	Tarr,
Cochran,	Holland,	Moran,	Tate,
Cohen, R. E.,	Imbrie,	Moul,	Taylor,
Cooper,	James,	Muir,	Thompson, E. F.,
Cordier,	Jefferson,	Munley,	Thompson, R. L.,
Corrigan,	Jones, G. E.,	Nagel,	Turner,
Croop,	Jones, P. N.,	Nunemacher,	Van Allsburg
Dalrymple,	Keenan,	O'Brien,	Vincent,
Dix,	Kenehan,	O'Dare,	Voldow,
Dolon,	Kline,	O'Mullen,	Wagner,
D'Ortona,	Knoble,	Owens,	Watkins,
Duffy,	Kolankiewicz,	Pettit,	Weingartner,
Early,	Komorofski,	Polaski,	Weiss,
Ely,	Leonard,	Polen,	Welsh, E. B.,
Falkenstein,	Lesko,	Powers,	Welsh, M. J.,
Finestone,	Leydic,	Readinger,	Williams,
Fisher,	Lichtenwalter,	Reese, D. P.,	Wolf,
Fiss,	Longo,	Regan,	Woodring,
Fleming,	Lovett,	Reynolds,	Wright,
Fletcher,	Lyons,	Rhea,	Yeakel,

Flynn,	Malloy,	Rooney,	Yester,
French,	Marks,	Rose, S.,	Young,
Gallagher,	Maxwell,	Rose, W. E.,	Kilroy, Speaker
Gates,	McClanaghan,	Royer,	

NAYS—5

Bentley,	Levy,	Monks,	Schwab,
Hamilton,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative, and the House receded from its amendments nonconcurred in by the Senate.

Ordered, That the Clerk inform the Senate accordingly.

CONFERENCE COMMITTEE ON SENATE BILL No. 35 DISCHARGED

Mr. BROWN. Mr. Speaker, I move that the Committee of Conference appointed on the part of the House on Senate Bill No. 35, be discharged as the committee was unable to reach an agreement.

The motion was agreed to.

Ordered, That the Clerk inform the Senate accordingly.

Mr. BROWN. Mr. Speaker, on behalf of the members of the House Committee we wish to express our appreciation to the sponsor of Senate Bill 35, Senator Tallman, who because of saving the time and expense of printing the bill, allowed the bill to go through as it is now presently drafted, which I think will be shown by the report of the Senate.

SENATE MESSAGES

CONFERENCE COMMITTEE ON SENATE BILL No. 35 DISCHARGED

The Clerk of the Senate being introduced, informed that the Senate has discharged its committee of conference on subject of differences existing between the two Houses, and that the Senate recedes from its nonconcurrence in the amendments made and insisted upon by the House to Senate Bill No. 35, entitled:

An Act authorizing the Department of Highways to construct replace or repair bridges in cities of the third class whether such bridges are owned and maintained by such cities or by the counties in which located which form connecting links on State highways necessary for National defense in cases where Federal funds and city or county funds are available for such purposes and authorizing the Secretary of Highways to enter into agreements with the proper Federal authorities and the authorities of cities of the third class or counties covering the construction replacement or repair of such bridges and making an appropriation

SENATE ADOPTS CONFERENCE COMMITTEE REPORT ON SENATE BILL No. 65

The Clerk of the Senate being introduced, informed that the Senate has adopted the report of the Committee of Conference on the subject of the difference existing between the two Houses on Senate Bill numbered and entitled as follows:

SENATE BILL No. 65.

An Act to amend section twenty-one as amended, of the act, approved the seventh day of June, one thousand nine hundred and fifteen (P. L. 900), entitled "An act to provide for the immediate registration of all births and deaths throughout the Commonwealth of Pennsylvania, by means of certificates of births and deaths, and burial or removal permits; requiring prompt returns to the Central Bureau of Vital Statistics, as required to be established by the State Department of Health; and, in order to secure prompt and faithful registration of births, marriages, deaths, and diseases of practitioners of medicine, and surgery, or midwives, nurses, and undertakers, and of all persons whose occupation is deemed to be of importance in obtaining complete registration of births, deaths, marriages, and diseases throughout the State, as provided in section ten of an act, entitled 'An act creating the Department of Health and defining its powers and duties,' approved the twenty-seventh day of April, nineteen hundred and five, and providing penalties for violations of this act," by further regulating the giving of certified copies of birth certificates to soldiers, sailors and marines and war nurses and their dependents

REPORT OF COMMITTEE OF CONFERENCE ON SENATE BILL No. 65

Mr. VAN ALLSBURG. Mr. Speaker, I desire to call up the report of the Committee of Conference on Senate Bill No. 65, Printer's No. 78.

The report was read by the Clerk as follows:

To the Members of the Senate and House of Representatives:

We, the undersigned, Committee of Conference on the part of the Senate and House of Representatives for the purpose of considering Senate Bill No. 65, entitled:

An Act to amend section twenty-one as amended of the act approved the seventh day of June one thousand nine hundred and fifteen (P. L. 900) entitled "An act to provide for the immediate registration of all births and deaths throughout the Commonwealth of Pennsylvania by means of certificates of births and deaths and burial or removal permits requiring prompt returns to the Central Bureau of Vital Statistics as required to be established by the State Department of Health and in order to secure prompt and faithful registration of births marriages deaths and diseases of practitioners of medicine and surgery or midwives nurses and undertakers and of all persons whose occupation is deemed to be of importance in obtaining complete registration of births deaths marriages and diseases throughout the State as provided in section ten of an act entitled 'An act creating the Department of Health and defining its powers and duties' approved the twenty-seventh day of April nineteen hundred and five and providing penalties for violations of this act" by further regulating the giving of certified copies of birth certificates to soldiers sailors and marines and war nurses.

Respectfully submit the following bill as our report:

Robert M. Miller,
Charles R. Mallery,
Edward J. Coleman,
(Committee on the part of the Senate.)

William J. Yester,
John E. Van Allsburg,
(Committee on the part of the House of Representatives.)

An Act to amend section twenty-one as amended of the act approved the seventh day of June one thousand nine hundred and fifteen (P. L. 900) entitled "An act to provide for the immediate registration of all births and deaths throughout the Commonwealth of Pennsylvania by means of certificates of births and deaths and burial or removal permits requiring prompt returns to the Central Bureau of Vital Statistics as required to be established by the State Department of Health and in order to secure prompt and faithful registration of births marriages deaths and diseases of practitioners of medicine and surgery or midwives nurses and undertakers and of all persons whose occupation is deemed

to be of importance in obtaining complete registration of births deaths marriages and diseases throughout the State as provided in section ten of an act entitled 'An act creating the Department of Health and defining its powers and duties' approved the twenty-seventh day of April nineteen hundred and five and providing penalties for violations of this act" by further regulating the giving of certified copies of birth certificates to soldiers sailors and marines and war nurses and their dependents

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section twenty-one of the act approved the seventh day of June one thousand nine hundred and fifteen (P. L. 900) entitled "An act to provide for the immediate registration of all births and deaths throughout the Commonwealth of Pennsylvania by means of certificates of births and deaths and burial or removal permits requiring prompt returns to the Central Bureau of Vital Statistics as required to be established by the State Department of Health and in order to secure prompt and faithful registration of births marriages deaths and diseases of practitioners of medicine and surgery of midwives nurses and undertakers and of all persons whose occupation is deemed to be of importance in obtaining complete registration of births deaths marriages and diseases throughout the State as provided in section ten of an act entitled 'An act creating the Department of Health and defining its powers and duties' approved the twenty-seventh day of April nineteen hundred and five and providing penalties for violations of this act" as last amended by the act approved the twenty-second day of April one thousand nine hundred and thirty-seven (P. L. 309) is hereby further amended to read as follows

Section 21 The Department of Health shall upon request and the payment of the fee as hereinafter provided furnish any applicant a certified copy of the record of any birth death or marriage registered under provisions of this act Provided however That no certified copy of an illegitimate birth record nor any information relative thereto except as herein otherwise provided shall be furnished to any person other than the illegitimate child or the mother of the child or upon an order of a court of competent jurisdiction When a certified copy is furnished of a birth certificate which was not filed within ten days from the birth there shall be furnished with such copy a true copy of any affidavit or affidavits or other papers filed with such birth certificate When a request is made for a birth certificate of any person who has been adopted by any other person pursuant to the provisions of any law and there is filed with such request a certified copy of the decree of the court in such adoption proceedings the department shall upon special request therefor issue in lieu of a certified copy of the original record a certificate showing only (a) the name of the adopted person as changed by the decree of adoption if changed (b) the date and place of birth (c) the names of the adopting parent or parents and (d) the permanent file number of the original birth certificate Such special certificate shall be accepted by all school authorities as evidence of the child's age for all purposes connected with employment or school attendance For the making and certification of each certified copy of the record of any birth death or marriage or of any special birth certificate the department shall be entitled to a fee of one dollar to be paid by the applicant and any such copy of the record of a birth or death or marriage when properly certified by the Department of Health to be a true copy thereof shall be prima facie evidence in all courts and places of the facts therein stated Provided That certified copies of the record of any birth death or marriage shall be furnished to honorably discharged soldiers sailors marines war nurses and their dependents and to the dependents of soldiers sailors marines and war nurses who have lost their lives while in the service of the United States during any war in which the United States is engaged without the payment of any fee [for] For any search of the files and records when no certified copy is made the Department of Health shall be entitled to a fee of fifty cents for each hour or fractional hour of time of search to be paid by the applicant And the Department of Health shall keep a true and correct account of all fees by it received under these provisions and pay the same into the State Treasury through the Department of Revenue

On the question,

Will the House adopt the report of the Committee of Conference?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—193

Achterman,	Foor,	Malloy,	Rose, W. E.,
Auker,	French,	Marks,	Royer,
Baker,	Gallagher,	Maxwell,	Rush,
Balthaser,	Gates,	McClanaghan,	Sarge,
Baugher,	Gerard,	McClester,	Sarraf,
Bentley,	Gillan,	McDermott,	Scanlon,
Bentzel,	Goodwin,	McDowell,	Schwab,
Boles,	Greenwood,	McFall,	Serrill,
Boney,	Gross,	McGrath,	Shaffer,
Boorse,	Gryskewicz,	McIntosh,	Shepard,
Bower,	Gyger,	McKinney,	Simons,
Bradley,	Haberlen,	McLanahan,	Skale,
Breth,	Haines,	McLane,	Snyder,
Bretherick,	Hall,	McMillen,	Sollenberger,
Brown,	Hamilton,	McSurdy,	Sorg,
Brunner, C. H.,	Hare,	Melchiorre,	Stambaugh,
Brunner P. A.	Harris,	Mihm,	Stank,
Burns,	Heatherington,	Modell,	Stine,
Burris,	Helm,	Monks,	Stockham,
Cadwalader,	Hering,	Mooney,	Tarr,
Chervenak,	Herman,	Moran,	Tate,
Chudoff,	Hersch,	Moul,	Taylor,
Cochran,	Hewitt,	Muir,	Thompson, E. F.,
Cohen, M. M.,	Holland,	Munley	Thompson, R. L.,
Cohen, R E.,	Huntley,	Nagel	Trout,
Cook,	Imbrie,	Nunemacher	Turner,
Cooper,	James,	O'Brien,	VanAllsburg,
Cordier,	Jefferson,	O'Connor,	Verona,
Corrigan,	Jones, G. E.,	O'Dare,	Vincent,
Croop,	Jones, P. N.,	O'Mullen,	Vogt,
Cullen,	Keenan,	O'Neill,	Voldow,
Dalrymple,	Kenehan,	Owens,	Wagner,
Dennison,	Kline,	Petrosky,	Watkins,
DiGenova,	Knoble,	Pettit,	Weingartner,
Dix,	Kolankiewicz,	Polaski,	Weiss,
Dolon,	Komorofski,	Polen,	Welsh, E. B.,
D'Ortona,	Krise,	Powers,	Welsh, M. J.,
Duffy,	Lee, E. A.,	Rank,	Wilkinson,
Early,	Lee, T. H.,	Readinger,	Williams,
Elder,	Leisey,	Reagan,	Wolf,
Ely,	Leonard,	Reese, D P.,	Wood, L. H.
Falkenstein,	Lesko,	Reese, R E.,	Wood, N.,
Finestone,	Levy,	Regan,	Woodring,
Finnerty,	Leydic,	Reynolds,	Wright,
Fisher,	Lichtenwalter,	Rhea,	Yeakel,
Fiss,	Longo,	Riley,	Yester,
Fleming,	Lovett,	Rooney,	Young,
Fletcher,	Lyons,	Rose, S.,	Kilroy, Speaker.
Flynn,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative, and the report of the Committee of Conference was adopted.

Ordered, That the Clerk inform the Senate accordingly.

BILLS SIGNED BY SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

HOUSE BILL No. 112.

An Act to amend subsection (a) and to further amend subsection (b) of section nine of the act approved the first day of June one thousand nine hundred thirty-seven

(P. L. 1168) entitled "An act to protect the right of employes to organize and bargain collectively creating the Pennsylvania Labor Relations Board conferring powers and imposing duties upon the Pennsylvania Labor Relations Board officers of the State government and courts providing for the right of employes to organize and bargain collectively declaring certain labor practices by employers to be unfair further providing that representatives of a majority of the employes be the exclusive representatives of all the employes authorizing the board to conduct bearings and elections and certify as to representatives of employes for purposes of collective bargaining empowering the board to prevent any person from engaging in any unfair labor practice and providing a procedure for such cases including the issuance of a complaint the conducting of a hearing and the making of an order empowering the board to petition a court of common pleas for the enforcement of its order and providing a procedure for such cases providing for the review of an order of the board by a court of common pleas on petition of any person aggrieved by such order and establishing a procedure for such cases providing for an appeal from the common pleas court to the Supreme Court providing the board with investigatory powers including the power to issue subpoenas and the compelling of obedience to them through application to the proper court providing for service of papers and process of the board prescribing certain penalties" fixing the rights and standing of the Pennsylvania Labor Relations Board as a party and as appellant in the courts in matters originating before the board and defining the jurisdiction of the Supreme Court on appeal

HOUSE BILL No. 113.

An Act creating a joint legislative committee to study partial unemployment as related to unemployment compensation defining its powers and duties authorizing the employment of counsel and employes and making an appropriation

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

SENATE BILL No. 19.

An Act ot protect property and prevent sabotage by prohibiting for a limited period of time certain intentional injuries to and interferences with real and personal property prohibiting certain intentional defects in workmanship limiting the privileges of certain witnesses prohibiting certan entries upon real property and waters authorizing the closing of highways or the regulation or restriction of travel thereon conferring powers on the Water and Power Resources Board and providing penalties

SENATE BILL No. 35.

An Act authorizing the Department of Highways to construct replace or repair bridges in cities of the third class whether such bridges are owned and maintained by such cities or by the counties in which located which form connecting links on State highways necessary for National defense in cases where Federal funds and city or county funds ar available for such purposes and authorizing the Secretary of Highways to enter into agreements with the proper Federal authorities and the authorities of cities of the third class or counties covering the construction replacement or repair of such bridges and making an appropriation

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

SENATE MESSAGE

AMENDED SENATE BILL CONCURRED IN BY SENATE

The Clerk of the Senate being introduced informed that the Senate has concurred in the amendments made by the House of Representatives to Senate Bill numbered and entitled as follows, viz:

SENATE BILL No. 49.

An Act authorzing in certain cases the drawing of agricultural machinery and wagons on the highways in this Commonwealth by tractors and motor vehicles without such machinery or wagons being registered and the temporary suspension of existing laws requiring the registration thereof

BILLS SIGNED BY SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

SENATE BILL No. 49.

An Act authorizing in certain cases the drawing of agricultural machinery and wagons on the highways in this Commonwealth by tractors and motor vehicles without such machinery or wagons being registered and the temporary suspension of existing laws requiring the registration thereof

SENATE BILL No. 46.

An Act to suspend for a limited time the operation of laws regulating or relating to the movement loading lightering docking and anchorage of vessels carrying or having on board certain explosives insofar as the same relate to the handling or stowing of small arms ammunition or ammunition which contains the projectile and the explosive in one container or shell to from or in such vessels docking or anchoring in the Delaware River and its navigable tributaries and authorizing the framing of rules and regulations in certain cases by the Chairman of the Delaware River Navigation Commission and the Department of Wharves Docks and Ferries of the City of Philadelphia

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

SENATE MESSAGE

AMENDED SENATE BILL CONCURRED IN BY SENATE

The Clerk of the Senate being introduced informed that the Senate has concurred in the amendments made by the House of Representatives to Senate Bill numbered and entitled as follows, viz:

SENATE BILL No. 64.

A Supplement to the act approved March eleventh one thousand nine hundred forty-two entitled "An act to provide for the expenses of the extraordinary session of the Legislature assembled February seventeenth one thousand nine hundred forty-two in pursuance of the proclamation of the Governor of the Commonwealth dated February tenth one thousand nine hundred forty-two and the supplement thereto"

BILL SIGNED BY SPEAKER

Bill numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the title was publicly read as follows:

SENATE BILL No. 64.

A Supplement to the act approved March eleventh,

one thousand nine hundred forty-two, entitled "An act to provide for the expenses of the Extraordinary Session of the Legislature assembled February seventeenth, one thousand nine hundred forty-two in pursuance of the proclamation of the Governor of the Commonwealth dated February tenth, one thousand nine hundred forty-two, and the supplement thereto."

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

SENATE MESSAGE

AMENDED SENATE BILL CONCURRED IN BY SENATE

The Clerk of the Senate being introduced informed that the Senate has concurred in the amendments made by the House of Representatives to Senate Bill numbered and entitled as follows, viz:

SENATE BILL No. 21.

An Act authorizing certain political subdivisions to make appropriations for the payment of expenses of local or district councils of defense within said political subdivisions and for the protection or preparation for the protection of the health welfare and safety of the civilian population of said political subdivision during emergencies resulting from air raids blackouts or sabotage regulating the manner of payment of expenses of local and district councils of defense authorizing such political subdivisions to borrow money under certain conditions for such purposes providing for the repayment thereof and ratifying confirming and validating appropriations heretofore made for said purposes

BILL SIGNED BY SPEAKER

Bill numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the title was publicly read as follows:

SENATE BILL No. 21.

An Act authorizing certain political subdivisions to make appropriations for the payment of expenses of local or district councils of defense within said political subdivisions and for the protection or preparation for the protection of the health welfare and safety of the civilian population of said political subdivision during emergencies resulting from air raids blackouts or sabotage regulating the manner of payment of expenses of local and district councils of defense authorizing such political subdivisions to borrow money under certain conditions for such purposes providing for the repayment thereof and ratifying confirming and validating appropriations heretofore made for said purposes

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

CONGRATULATORY RESOLUTION

Messrs. McCLANAGHAN and MONKS offered a resolution which was twice read, considered and adopted as follows:

In the House of Representatives, April 10, 1942.

Whereas, It is true as the poet sings "that time waits for no man"; and

Whereas, It is equally as true that congressional apportionment was a problem which was solved only after the passage of considerable time; and

Whereas, The troubles of determining an equitable apportionment plan rested very heavily on one of the members of the committee designated to effect a solution to this problem, so that his brow became furrowed and his hair grew gray; and

Whereas, In spite of all the above, he is today just as young in spirit as he was a year ago, although today on his birthday he is exactly one year older; be it therefore

Resolved, That the House of Representatives congratulates the Honorable James H. Tate on his birthday, and wishes him many happy returns of the day; and be it further

Resolved, That the Chief Clerk transmit a copy of this resolution to the Honorable James H. Tate.

PERMISSION TO ADDRESS HOUSE

Mr. TAYLOR asked and obtained unanimous consent to address the House.

Mr. Speaker, Since many measures at this session have been concerned with National Defense Legislation, and my attention having been directed to the motion picture entitled "To the Shores of Tripoli," Produced by 20th Century-Fox Organization, with government sanction, at the United States Marine Base in San Diego, California; and this motion picture, made in Technicolor and designed to stimulate enlistment in the Marine Corps, an outstanding branch of our military forces;

I therefore desire to call to the attention of the Members of the House this motion picture which is now being shown in the various Motion Picture Theatres throughout the United States and is scheduled for presentation at the Colonial Theatre in Harrisburg beginning April 16th.

BILLS SIGNED BY SPEAKER

Bills numbered and entilted as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

SENATE BILL No. 61.

An Act to add section one thousand one hundred and ten to the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-nine (P. L. 872) entitled "An act to consolidate, amend and revise the penal laws of the Commonwealth," by prescribing additional penalties in the case of the commission of larceny or robbery of things affected by priorities, rationing or other restrictions during time of war.

SENATE BILL No. 65.

An Act to amend section twenty-one as amended of the act approved the seventh day of June one thousand nine hundred and fifteen (P. L. 900) entitled "An act to provide for the immediate registration of all births and deaths throughout the Commonwealth of Pennsylvania by means of certificates of births and deaths and burial or removal permits requiring prompt returns to the Central Bureau of Vital Statistics as required to be established by the State Department of Health and in order to secure prompt and faithful registration of births marriages deaths and diseases of practitioners of medicine and surgery or midwives nurses and undertakers and of all persons whose occupation is deemed to be of importance in obtaining complete registration of births deaths marriages and diseases throughout the State as provided in section ten of an act entitled 'An act creating the Department of Health and defining its powers and duties' approved the twenty-seventh day of April nineteen hundred and five and providing penalties for violations of this act" by further regulating the giving of certified copies of birth certificates to soldiers sailors and marines and war nurses and their dependents

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

RECESS

The SPEAKER. If there is no objection the Chair is about to declare a recess for fifteen minutes. Is there objection? The Chair hears none and a recess is declared.

AFTER RECESS

The time of recess having expired the House was called to order.

The SPEAKER. (Elmer Kilroy) in the Chair.

PARLIAMENTARY INQUIRY

Mr. BROWN. Mr. Speaker, I rise to a question of parliamentary inquiry.

The SPEAKER. The gentleman from Allegheny will state his question of parliamentary inquiry.

Mr. BROWN. Mr. Speaker, is the Special Session of the General Assembly convened by the Governor in 1942 still in session?

The SPEAKER. The House is still in session.

Mr. BROWN. Mr. Speaker, a further question of parliamentary inquiry.

The SPEAKER. The gentleman will proceed.

Mr. BROWN. Mr. Speaker, is the General Assembly still in session?

The SPEAKER. The Chair has no official notice in regard to the General Assembly, but the House is in session.

Mr. BROWN. I am sorry, Mr. Speaker, to press the question, but if the Speaker cannot answer the question, may I interrogate the majority floor leader?

The SPEAKER. Will the majority floor leader permit himself to be interrogated?

Mr. ACHTERMAN. I will, Mr. Speaker.

Mr. BROWN. Mr. Speaker, I would like to ask the majority floor leader, the gentleman from Monroe, Mr. Achterman; is the Special Session of 1942 still in session?

Mr. ACHTERMAN. In my opinion it is, Mr. Speaker.

Mr. BROWN. May I ask the gentleman a further question, Mr. Speaker, whether or not it is a fact that the Senate having found that the hour of four o'clock of the day set for adjournment had arrived, the Senate adjourned sine die?

Mr. ACHTERMAN. Unofficially, Mr. Brown, I am told that the Senate has left, but that is not surprising. The Senate has been wanting to quit for a month and a half.

Mr. BROWN. Mr. Speaker, a further question of parliamentary inquiry.

The SPEAKER. The gentleman will proceed.

Mr. BROWN. Mr. Speaker, if it is the fact that the Senate did find that the hour of four o'clock had arrived, the hour set for adjournment of this session sine die, and action was taken in the Senate to that effect, would the Special Session still be in session?

The SPEAKER. To whom is the gentleman addressing that question?

Mr. BROWN. The majority floor leader, Mr. Speaker.

Mr. ACHTERMAN. I beg pardon, Mr. Speaker, I thought the gentleman was raising a parliamentary question. Would he mind repeating the question?

Mr. BROWN. I am sorry, Mr. Speaker. I asked the gentleman from Monroe, if it is a fact that the Senate several hours ago having found that the hour of four o'clock of the day set for adjournment under the concurrent resolution had arrived, and the Senate did act on that resolution and did adjourn, would this Special Session still be in session and have the authority to transact any further business?

Mr. ACHTERMAN. Mr. Speaker, I think it is entirely within the province of this House to determine whether the hour to adjourn has arrived, and that I can say officially we have not found at the present time, so that as far as we are concerned the General Assembly is still in session.

CONSTITUTIONAL POINT OF ORDER

Mr. BROWN. Mr. Speaker, I rise to a constitutional point of order.

The SPEAKER. The gentleman will state his constitutional point of order.

Mr. BROWN. Mr. Speaker, I raise the question of constitutionality, that the General Assembly is not in session, the Senate having adjourned sine die, the hour of four o'clock having arrived, which was the hour set for adjournment by concurrent resolution.

QUESTION OF INFORMATION

Mr. ACHTERMAN. Mr. Speaker, I rise to a question of information.

The SPEAKER. The gentleman from Monroe will state his question of information.

Mr. ACHTERMAN. Mr. Speaker, has the hour of adjournment fixed by concurrent resolution arrived, in the opinion of the Chair?

The SPEAKER. The Speaker is not the time keeper of the House, and if the House determined that it was not four p. m. on the legislative day of April 10th, it was the business of the House and not that of the Chair.

Mr. ACHTERMAN. Does the Chair know whether the House has officially found that the official day and hour of adjournment has arrived?

The SPEAKER. The Chair has no knowledge that the House has found that the official hour of four o'clock has arrived.

Mr. ACHTERMAN. A further question of inquiry, Mr. Speaker.

The SPEAKER. The gentleman will proceed.

Mr. ACHTERMAN. Mr. Speaker, does not this House govern its time by the time shown on the clock at the rear of the hall?

The SPEAKER. That is correct.

Mr. ACHTERMAN. Mr. Speaker, do you know whether the House has officially found that that clock has indicated that the time to adjourn has arrived?

The SPEAKER. The Chair has no knowledge that the House has officially found that the hour of four o'clock has arrived.

Mr. ACHTERMAN. A further question of inquiry, Mr. Speaker.

The SPEAKER. The gentleman will proceed.

Mr. ACHTERMAN. Does the record of this House anywhere indicate that the House has so found, Mr. Speaker?

The SPEAKER. The records of the House do not indicate that the hour of adjournment has arrived.

For the information of the gentleman from Allegheny, Mr. Brown, the Chair is required to submit constitutional question to the House, which the Chair now does.

On the question,

Will the House sustain the Constitutional point of order?

Mr. GATES. After listening to the discussion of the Honorable Mr. Brown on the other side of the House, I would move that someone be appointed to turn the hands of the clock to four o'clock and that this House adjourn sine die.

The SPEAKER. For the information of the gentleman from Armstrong, Mr. Gates, there is a question before the House on the constitutionality of the House being in session.

Mr. GATES. I will withdraw my motion, Mr. Speaker.

The SPEAKER. The gentleman from Armstrong withdraws his motion.

On the question recurring,

Will the House sustain the constitutional point of order?

Mr. BROWN. Mr. Speaker, we all regret that in the Commonwealth of Pennsylvania in the General Assembly constitutional order has completely broken down, and we must hide our faces in shame when we know the causes of the breakdown of constitutional law and order. It is not permitted, of course, for me to discuss the causes of the breakdown, and I shall not, much as I would like to do so because with those causes we must tie up the breakdown.

I think every Member of this House knows that under the Constitution one branch cannot be in session if the other branch of the General Assembly has adjourned sine die. The General Assembly is composed of two branches, the lower house and the upper house, and if one part or one branch of the General Assembly is not in session, then the other part cannot be in session.

QUESTION OF INFORMATION

Mr. NAGEL. Mr. Speaker, I rise to a question of information.

The SPEAKER. The gentleman from Beaver will state his question of information.

Mr. NAGEL. Mr. Speaker, I would like to ask, —

The SPEAKER. Will the gentleman yield. The gentleman from Allegheny, Mr. Brown, has the floor. Will the gentleman permit himself to be interrogated?

Mr. BROWN. I shall be glad to do that, Mr. Speaker, or I shall be happy to yield at this point.

Mr. NAGEL. I do not ask the gentleman to yield, Mr. Speaker. I sought to ask a question that will clarify, if permitted.

The SPEAKER. The gentleman will proceed.

Mr. NAGEL. Mr. Speaker, does the gentleman have any official knowledge that the other branch of this General Assembly is not in session at this moment—official knowledge, official notice?

Mr. BROWN. May I ask again, if you ask me to yield, or are you interrogating me, Mr. Nagel?

Mr. NAGEL. I am interrogating the gentleman.

Mr. BROWN. The answer to that, of course, is this, that we have no notice on the record, because we were not here so that notice could go on the record, but there is a principle of law which is adhered to by all the courts of the land, what is known as judicial notice. We have legislative notice, which is not notice of record, but just as strong as if it were of record, because we know they are not there, and we know they have gone home.

We know that they were here and facing the fact that they had finished their business they said so and went home. We cannot imply. Why do I say we have nothing on record? How could you put anything on the record if we were not here to put anything on the record? We do have judicial notice.

Mr. NAGEL. Mr. Speaker, I should like to ask another question, if permitted. Is it not customary in this legislature when one house is about to adjourn they serve official notice on the other?

Mr. BROWN. That is correct, and that is the reason, Mr. Speaker, that the House under the Constitution, Article II Section fourteen, "shall not without the consent of the other house adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting."

The reason I say that law and order have broken down and we cannot transact business is because of the fact that one branch has quit, and there is no place under the Constitution that gives authority to the other branch, much as we would like to, to transact business, because in order to be in session you must have both branches of the General Assembly present.

Mr. NAGEL. Mr. Speaker, I would state that as a Member of this House I do not at this moment know that the Senate is not in session.

Mr. BROWN. Mr. Speaker, I will continue my remarks, and in answer to the gentleman from Beaver, Mr. Nagel, maybe he went to bed too early.

We know we have a principle that I think is illustrated by the three monkeys, "See nothing, hear nothing, know nothing." I am not applying that to Mr. Nagel, of course, because he knows that I have the highest esteem for him, but we will have to put ourselves in that position in order to stand up here and say that we are unaware of the fact that the Senate has gone home.

I think it makes us all smile when we say we have no notice. We have all the notice in the world to my way of thinking.

Mr. Speaker, I raise this question because I feel that this House ought to show to the people of Pennsylvania that we are going to abide by the Constitution. We are not in any position to transact any business, we can send no messages to the Senate, the Senate can send no messages to us; we can send no committees to the Senate stating that our business is finished, nor can the Senate send messengers to us or to the Governor, and he cannot send messages back to both houses, so that it is absolutely foolish for us to transact any business.

Unfortunately there are certain provisions in the Con-

stitution of Pennsylvania and the Constitution of the United States that have to be carried out by virtue of the faith and the integrity of those people intrusted with carrying out those provisions. We have force behind certain provisions, the force of penalties, of imprisonment and fine. The General Assembly conducts its sessions without being amenable to any force; we are here to carry out our business entirely upon the integrity and the honor of the Members.

It seems to me, reluctant as I am, because I know there is unfinished business on the desk of the Speaker, but in view of the fact that we cannot transact business, that there is no way the General Assembly can be in session with only one house, we ought immediately to adjourn sine die.

I therefore, Mr. Speaker, renew the point of order that the transaction of business is unconstitutional.

Mr. ACHTERMAN. Mr. Speaker, with many of the sentiments expressed by the gentleman from Allegheny, Mr. Brown, I am in hearty accord, but so that the record may disclose to some extent what happened, may I review the events that transpired a short time ago. It seemed that at that time the business remaining between the House and the Senate consisted of conferences between two different committees, one on House Bill 58 and one on Senate Bill 60.

House Bill 58—and I feel that it is important that we mention this legislation—dealt with a subject that the Governor in his message and in his statements to the press had indicated was one of tremendous importance to the administration. It was important because of the fact that one of his departments was experiencing difficulties in normally functioning. He was having difficulty securing bids for supplies for the various departments and the various functions of the state. It was due mainly to the fact that the time elapsing between the effort to secure a bid and the securing of a bid was so great that under present conditions it was impossible to secure bids, or at least satisfactory bids, and he had expressed a desire that legislation be suspended or amended so that the government could function normally in Pennsylvania.

House Bill 58 would have given him that right. It was odd, Mr. Speaker, but apparently certain interests, desiring to promote themselves personally, saw fit to amend the bill to the end that they too might avoid certain restrictions placed upon them under the law so that they in some manner would be free to act as free agents in Pennsylvania.

It was for that reason that this House would not go along with the Senate amendments and the bill finally went to a conference committee. I happened to serve on that committee and I know I am violating no confidence when I say that they were at the point of trying to compromise.

That measure, of course, under existing conditions will die, and one of the expressed desires of the Governor of Pennsylvania will not be acted upon. It means, Mr. Speaker, that if the Governor was correct in his statement, then the normal functions of this Commonwealth will be delayed, that our government will be embarrassed, embarrassed by the action of the other house, because it was dilatory, because it refused to act on the business before the House.

The other measure, Senate Bill 60, was intended to relinquish and suspend the rules and to accelerate the movement of war products in Pennsylvania by truck. A report had been prepared by a conference committee. There was some doubt as to whether the measure might have passed as prepared, but that conference committee was still discussing the subject, and they believed—and again I am not violating any confidence—they believed they had finally arrived at a conclusion that might be acceptable to both houses. We were at the very point of determining whether or not the conference committee could prepare such a measure and substitute it for the report that was originally prepared. We had the printing problem. It meant that we were going to be tied up some two and a half or three hours more, so this House out of courtesy to the conference committee that was working proceeded to recess until they could complete their work.

The importance, Mr. Speaker, of Senate Bill 60 should be called to the attention of the citizens of this State. It is essential, absolutely essential, that war materials be moved as rapidly as possible to the seaboard to be sent to our fighting forces so that we can conduct this war efficiently and effectively, and laws that interfere with such process should immediately be suspended. There should be no doubt on that subject.

But what did the Senate do? They proceeded to move away from the subject. I haven't forgotten, just about two months ago someone was talking about the Singapore of state rights. The Singapore of state rights! The action of the Senate that occurred is indicative that they are moving away from the citadel of state rights, that they are moving away from the usual and regular democratic processes, that they wish to surrender the right or at least not to act upon the rights of a free people; that they want to demonstrate to Pennsylvania and to the world that they refuse to carry on the ordinary democratic processes and that they want to surrender their state rights. That in effect is what they are doing. They are breaking down, breaking down so that the Federal Government will be compelled to act. Then when they get into session again they will start crying about their state rights. That is the effect of the action, because after we had recessed to meet again we find that they arbitrarily and without notice to us of any kind whatsoever proceeded to determine that the hour of adjournment had arrived.

With the greatest display of bad temper, of ill manners and of bad breeding the Senate proceeded to ignore not only this House but to ignore the needs of this Commonwealth and the needs of our American government, and they proceeded to adjourn. Nothing startling or nothing surprising to me about that action, for I have known for a month and a half that they wanted to do that very thing. They have attempted it from all manner of approach. First of all, you remember the resolution they sent in here as a feeler to determine whether we would join with them in running away, they were not going to pay the per diem employes when we were in recess, intended to be followed by an adjournment resolution, although they knew they have not acted on the subjects before them.

Their temperament, their display of ill breeding was paramount with them from that time on, and they proceeded to walk away from those things that they know

they should have maturely considered and completely explored before they ever left us.

I am saying, Mr. Speaker, at least there is one branch of government, one house of the Legislature that has remained here constantly, working and endeavoring to carry on, to pass legislation that would be of benefit not only to this state but a help to the nation.

I am saying, Mr. Speaker, in relation to the constitutional question raised that it is our province and our province alone to determine whether the hour we have fixed for adjournment has arrived, and if we find that that hour has not arrived, then definitely we are in session, and not only is what the Senate has done illegal, but it is ill mannered. Of course, the question of whether it is ill mannered or not is not before this House. We will let the people of Pennsylvania determine that, but I am saying that we and we alone determine whether the hour has arrived, and we have not so determined, and as a consequence we are still definitely and positively in session, legally so, with the right to transact such business as we may see fit to transact, even though, Mr. Speaker, the Senate does not desire to exercise the prerogatives of a free people for which they were elected.

QUESTION OF INFORMATION

Mr. TURNER. Mr. Speaker, I rise to a question of information.

The SPEAKER. The gentleman from Delaware will state his question of information.

Mr. TURNER. Mr. Speaker, is there any business before this House to be transacted that is on the desk of the Speaker?

The SPEAKER. There is no business before this House to be transacted.

Mr. TURNER. Mr. Speaker, is there any calendar for today?

The SPEAKER. There is no calendar for today.

Mr. TURNER. The calendar having been completed, Mr. Speaker, during the early part of the session?

The SPEAKER. The calendar of April tenth has been completed.

Mr. TURNER. Insofar as the Speaker knows, unless there is something presented from the floor, there is no business before this House?

The SPEAKER. There is none.

Mr. TURNER. It therefore seems to me, Mr. Speaker, that this is sort of a tempest in a teapot in the sense that we are arguing an academic question that will be very interesting for the students of constitutional law and the students of parliamentary procedure.

I agree with the gentleman from Monroe, Mr. Achterman, and I disagree with the gentleman from Allegheny, Mr. Brown, in reference to the constitutional question. I believe if we were to permit that question to prevail, in view of our custom of years, with the clock having been turned back you would be setting dangerous precedent. I remember, I think it was in the 1941 session, we had the clock turned back about two or three days, in fact it was pretty hard for most of us to tell what day we went to bed and what day we got up. The only thing we remembered was when pay day came. Therefore, if the constitutional question raised by the gentleman from Allegheny, Mr. Brown, were to prevail and we were to say that because we cannot be adjourned or recessed for a period of more than three days without the consent of the other house, to argue that that infers that the Senate having adjourned sine die the session is over, might always in a controversy between the two houses permit one house to block the final pasage of much legislation, or concurrence in amendments to legislation that was essential, or even prevent the signing of bills by the Speaker of the House. Therefore, it seems to me it is stretching a technical and legal construction further than we have to stretch a rubber band these days.

It seem to me, Mr. Speaker, that there is a rump court in session back there.

Mr. BROWN. Mr. Speaker, may I ask the gentleman from Delaware, Mr. Turner, to yield for a moment at this point?

Mr. TURNER. I will yield, Mr. Speaker, but I would like to interrogate the gentleman from Allegheny, Mr. Brown, before I do.

Is it the purpose of the gentleman from Allegheny in gaining the floor to withdraw his question of constitutionality?

Mr. BROWN. No, Mr. Speaker.

Mr. TURNER. Then, Mr. Speaker, I will yield.

Mr. BROWN. Mr. Speaker, I wanted the record to show that the gentleman from Delaware called this a rump session. Will the gentleman call a conference between myself, the majority floor leader and the parliamentarian a rump session? I want the record to show this is all a rump session, the whole business.

Mr. TURNER. Mr. Speaker, the gentleman is mistaken. I did not call it a rump session. I said it was a rump court.

Mr. BROWN. Mr. Speaker, call it by any name you wish, it is a rump session after all.

Mr. TURNER. Mr. Speaker, the gentleman from Allegheny has been rumping around for several minutes and I think I ought to have a chance to rump a little bit.

The SPEAKER. The gentleman from Delaware will proceed.

Mr. TURNER. Mr. Speaker, of course I accord the gentleman from Monroe, Mr. Achterman, his right to have his own opinion and to place his own construction on the things that happened. But after all the Senate is the judge of its own actions, as the House would certainly insist up being the judge of its actions.

Last night there was a lot of bad temper, there was a lot of other bad things around here, and it is not therefore inconceivable that under all the circumstances existing that something would happen. Several senators came over here and there was a pretty heated conference going on. I was not invited in on it, and as it looked to me to be a place where there was going to be some trouble, I thought I would stay out of it. The Senate did not want us to recess, and again without any criticism of the leaders of this House in feeling that we should recess, we recessed until twelve o'clock. Officially we recessed for fifteen minutes, I think, or something like that, but as a practical matter we recessed until twelve o'clock.

Now the Senate wanted us to stay and finish up then. We did not think, at least the leadership in the House did

not think, we ought to stay then, that we ought to recess, and in that difference of opinion it seems to me lies no reason to excoriate the Senate and to hold them up for ridicule before the people of Pennsylvania, claiming they are unpatriotic. I might have my own views of our own procedure and my views for the necessity of legislation, which I regret did not pass. Nevertheless, that was the situation and they exercised their prerogative. But having on their part declared that the hour of four o'clock had arrived, as provided under the joint resolution which had been adopted by both houses, it does not seem to me that they can say to us we can only meet here and adjourn and that this Special Session of the General Assembly is over.

I urge all of you to vote "no" on this constitutional question, because I think we would be setting a very dangerous precedent for the future operation of the Legislature of Pennsylvania.

Mr. BROWN. Mr. Speaker, I desire to interrogate the gentleman from Delaware, Mr. Turner.

The SPEAKER. Will the gentleman from Delaware permit himself to be interrogated?

Mr. TURNER. I shall, Mr. Speaker.

Mr. BROWN. Mr. Speaker, having received the information from the gentleman's interrogation that there is no business before the House, would the gentleman feel that we could conduct business in the situation in which we find ourselves, if there were business to be conducted?

Mr. TURNER. Mr. Speaker, a side bar conference advises me there is no point in that question at this time, nevertheless I say I think we can transact business in so far as that business pertains to the business of the House and comes within the legislative day, and we have not found that we have reached four o'clock.

Mr. BROWN. Mr. Speaker, we could conduct business on purely House resolutions, I presume. We could not pass legislation.

Mr. TURNER. Mr. Speaker, I think if legislation were on our calendar before us for this legislative day we would have a right to transact that business.

Mr. BROWN. Mr Speaker, we could not notify the Senate of any bills that were being passed.

Mr. TURNER. That might be very true, Mr. Speaker. As a matter of procedure, having passed a bill, if it was necessary to message it to the Senate or to advise them that we passed it without amendment, or with amendment, or required signature, then of course as a practical matter there could be nothing done and it would fail as has often occurred in the past.

Mr. BROWN. Mr. Speaker, the gentleman just a few moments ago said he knew that we were around here for several days while one branch of the General Assembly had recessed. Does the gentleman know any time when any branch of the General assembly adjourned sine die without notice to and consent of the other branch?

Mr. TURNER Mr. Speaker, the gentleman misunderstood what I said. I did not say that we were around here for several days. I said in the 1941 session I remember that the clock had been turned back for some two or three days at one time. I think it ran over a week-end. But, Mr. Speaker, as far as adjournment sine die is concerned, no, never in my experience has the legislature adjourned sine die, with the Senate adjourning at a time or leaving the hall of the Senate ahead of the House.

Mr. BROWN. I thank the gentleman from Delaware, Mr. Turner. Mr. Speaker, I desire to interrogate the gentleman from Monroe, Mr. Achterman.

The SPEAKER. Will the gentleman from Monroe permit himself to be interrogated?

Mr. ACHTERMAN. I shall, Mr. Speaker.

Mr. BROWN. Mr. Speaker, assuming it to be a fact that the Senate did adjourn sine die a few hours ago, would the gentleman feel that we could transact business of the General Assembly if we had business to transact?

Mr. ACHTERMAN. Mr. Speaker, I would say no, we could not.

Mr. BROWN. Mr. Speaker, will the gentleman tell us whether or not had the Senate not adjourned we did have business to transact, that we should have transacted.

Mr. ACHTERMAN. Mr. Speaker, I am sorry I did not get the gentleman's question.

Mr. BROWN. Mr. Speaker, had the Senate not adjourned would we have had business to transact?

Mr. ACHTERMAN. That is correct, Mr. Speaker, we would have had business to transact.

Mr. BROWN. I thank the gentleman from Monroe. In view of the fact that there is no business before the House and no business to come before the House, I therefore—

Mr. TURNER. Mr. Speaker, may I ask the gentleman to yield so that I may place one statement on the record that I think will be of interest?

Mr. BROWN. I will yield, Mr. Speaker.

Mr. TURNER. Mr. Speaker, it has just been called to my attention, and I now recall, that in the 1939 session this House had adjourned before the committee from the Senate appeared before the House to advise us that the Senate was about to adjourn.

Mr. BROWN. Mr. Speaker, I desire to interrogate the gentleman from Delaware, Mr. Turner.

The SPEAKER. Will the gentleman from Delaware permit himself to be interrogated?

Mr. TURNER. I shall, Mr. Speaker.

Mr. BROWN. Mr. Speaker, my recollection is that we corrected that mistake too, did we not?

Mr. TURNER. I do not know how we could have, Mr. Speaker. I was in the Chair at the time but I do not think we had any chance to really correct the mistake.

QUESTION OF PARLIAMENTARY INQUIRY

Mr. BROWN. Mr. Speaker, I rise to a question of parliamentary inquiry.

The SPEAKER. The gentleman from Allegheny will state his question of parliamentary inquiry.

Mr. BROWN. Will the Speaker tell us whether or not if we had business to come before the House we could transact the business of the General Assembly?

The SPEAKER. Not business of the General Assembly.

CONSTITUTIONAL POINT OF ORDER WITHDRAWN

Mr. BROWN. Therefore, Mr. Speaker I withdraw my

question of constitutionality, you having already ruled on it indirectly.

The SPEAKER. The gentleman from Allegheny, Mr. Brown, withdraws his question of constitutionality with reference to conducting business of the House.

ADJOURNMENT SINE DIE

The SPEAKER. This being the day and hour fixed by concurrent resolution of the Senate and the House of Representatives as the time when the General Assembly shall adjourn sine die, I now declare this Special Session of the House of Representatives adjourned without day.

APPENDIX

TO THE

LEGISLATIVE JOURNAL

EXTRAORDINARY SESSION OF 1942

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APPENDIX
TO THE
LEGISLATIVE JOURNAL
EXTRAORDINARY SESSION OF 1942

REASONS FOR PARDONS

GRANTED BY GOVERNOR FROM JANUARY 7, 1941 TO FEBRUARY 17, 1942

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 17, 1942.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to present herewith the reasons for pardons granted by me from January 7, 1941, to date.

ARTHUR H. JAMES.

BOARD OF PARDONS

In re application of Matthew Barrow, D-1028, No. 4821, January Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the maximum sentence of Matthew Barrow, convicted of secretion of kidnapped person in the Court of Oyer and Terminer and Quarter Sessions of Bucks County on December 5, 1935, be commuted from 6 years to 5 years, 2 months and 13 days, expiring on February 18, 1941.

Our reasons for making this recommendation are as follows:

The applicant for commutation of sentence pleaded guilty in the Courts of Bucks County on December 5, 1935 to Bill of Indictment No. 51 May Session, 1935 charging secretion of kidnapped person, and was thereupon sentenced by the Honorable Calvin S. Boyer, Judge, to a term of imprisonment of not less than 3 years nor more than 6 years in the Eastern State Penitentiary. This sentence to run concurrently with the unexpired portion of a sentence imposed upon him on October 25, 1923 ,in the Courts of Philadelphia County fr the crime of murder in the second degree. The sentence in this case was one of 6 to 12 years. The petitioner was received in the Eastern State Penitentiary on October 25, 1923, and was transferred to the Western State Penitentiary on June 12, 1925, from which institution he was paroled on November 25, 1929.

The Board of Trustees of the Eastern State Penitentiary in a report to the Board of Pardons has stated ". . . Subject has maintained a good record of prison performance. He is employed as a pump tender on the farm. He has fulfilled his duties in a trustworthy manner. His attitude has been consistently cooperative and he does not hesitate to perform his duties for the best interest of the institution irrespective of the attitude of the other inmates. On his present position he remains at his post 24 hours a day he has never violated the confidence placed in him. His institutional performance merits consideration." The trial judge, the Honorable Calvin S. Boyer, in a communication to the Board of Pardons states: ". . . In view of the above sentence and the further fact that the defendant was originally committed to jail on February 18, 1935, I feel that in justice his maximum term should be treated as having begun on the date of commitment, February 18, 1935, instead of the date of sentence, December 5, 1935. Assuming that the Defendant's conduct during his imprisonment was good, I will say that I do not oppose the application." The present district attorney, Edward G. Biester, Esquire, has advised the Board that his office had no objection to the granting of a commutation in order to give the petitioner the benefit he served in jail awaiting trial.

The Board of Pardons having in mind the provision of an Act of Assembly, approved April 1937, is of the opinion that the petitioner is entitled to credit for the time spent in the county prison awaiting trial and sentence in default of bail, and therefore, recommends that the sentence be commuted from a maximum term of 6 years to a minimum term of 5 years, 2 months and 13 days, expiring on February 18, 1941, and applicant to remain on parole until December 5, 1941, which will allow him credit for a perid of 9 months and 17 days, the period spent in confinement in the Bucks County Prison while awaiting trial and sentence.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO.
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of David Berk, No. 5153, January Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that David Berk, convicted of operating automobile while under the influence of intoxicating liquor, assault and battery by auto, driving auto without a license in the Court of Quarter Sessions of Philadelphia County, on April 14, 1936, be pardoned.

Our reasons for making this recommendation are as follows:

The applicant for a full and complete pardon pleaded guilty in the Courts of Philadelphia County to Bills of Indictments Nos. 219 to 221 inclusive, charging operating automobile while under the influence of intoxicating liquor, assault and battery by automobile, driving automobile without a license on April 14, 1936, and was thereupon sentenced by the Honorable Robert E. Lam-

berton to a term of imprisonment for one year in the Philadelphia County Prison. After serving sixty days of this sentence, the Court reconsidered the sentence, and placed the applicant on probation for the balance of the term.

James W. Tracy, Jr., Esquire, assistant district attorney, appeared before the Board of Pardons and stated that the applicant had not been convicted of a heinous crime and that his record showed that he has not been in any difficulty since the time of the commission of the offense from which he now seeks relief. The trial judge, the Honorable Robert E. Lamberton, made no reply to a communication addressed to him by the Board of Pardons in reference to this matter.

The applicant is now engaged in the operation of a collection agency. He is desirous of obtaining a license as a private detective, which will permit him to add materially to his income, if such a license should be granted. The Board of Pardons after considering all of the facts is of the opinion that the petitioner is not criminally minded. He is now a self-respecting law-abiding citizen and is a credit to the community in which he resides.

The Board, therefore, recommends that a full and complete pardon be granted to this petitioner.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of Frederick Bishop, C-8721, No. 1633 January Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the sentences of Frederick Bishop, convicted of burglary in the Oyer and Terminer and Quarter Sessions Court of Philadelphia County on March 2, 1933; and felonious possession and sale of drugs in the Oyer and Terminer and Quarter Sessions Court of Philadelphia County on November 10 1937, be commuted on Bill No. 385 January Sessions, 1933 from a marimum term of 10 years to a minimum term of 5 years, 4 months and 11 days, expiring on March 10, 1941; and on Bill No. 296 November Sessions, 1937 from a minimum term of 1 year to a minimum term of 1 day, expiring on March 11, 1941.

Our reasons for making this recommendation are as follows:

The applicant for commutation of sentence was convicted in the Courts of Philadelphia County on March 2, 1933 on Bill of Indictment No. 385, January Sessions, 1933 for the crime of burglary, and was thereupon sentenced by the Honorable James Gay Gordon, Jr., to a term of imprisonment of not less than 2 years nor more than 10 years in the Eastern State Penitentiary. On November 10, 1937 the applicant was convicted in the Court of Philadelphia County on Bill of Indictment No. 296 November Sessions, 1937 for the crime of felonious possession and sale of drugs, and was thereupon sentenced to a term of imprisonment in the Philadelphia County Prison for one year. The applicant was returned to the Eastern State Penitentiary as a parole violator on November 10, 1937 where he has been confined until the present date.

An examination of the petitioner criminal history shows that he was not in any difficulty prior to the arrest, which resulted in his present sentence, and which he now seeks relief.

The Board of Trustees of the Eastern State Penitentiary in a report to the Board of Pardons states: ". . . Applicant's institutional record since his return from parole has been good. He attempted to improve himself by attending school for a period of 5 months where he studied academic work and made good progress. He has been employed in the kitchen since September 1938 and is considered to be a steady and industrious worker." The trial judge, the Honorable Harry S. McDevitt, in a communication to the Board of Pardons has stated:: " . . . I have no objection to any action you see fit to take." The assistant district attrney, James W. Tracey, Jr., Esquire, appeared before the Board of Pardons and stated that the district attorney's office had no objection to the granting of this petition. A parole plan has been provided for which ensures adequate sponsorship and bona fide employment.

The Board of Pardons, after reviewing all of the facts, is of the opinion that the petitioner has been sufficiently punished, and will, if released on parole, rehabilitate himself and thereby become a self-respecting and law-abiding citizen, and the Board, therefore, recommends that th maximum sentence on Bill No. 385 January Sessions, 1933 be commuted to a new minimum term of 5 years, 4 months and 11 days, expiring on March 10, 1941, and that the sentence of 1 year on Bill No. 296 November Sessions, 1937 be commuted to a minimum term of 1 day, expiring on March 11, 1941, and that the applicant remain on parole until October 29, 1945.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of Jacob Earl Butler, D-1732, No. 4863, January Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Jacob Earl Butler, convicted of rape in the Court of Oyer and Terminer and Quarter Sessions of Franklin County, on September 21, 1936, be commuted from 5 years to 4 years and 5 months expiring on February 21, 1941.

Our reasons for making this recommendation are as follows:

The applicant for commutation of sentence pleaded guilty in the Courts of Franklin County on September 21, 1936 to Bill of Indictment No. 7 October Sessions, 1936, charging rape, and was thereupon sentenced by the Honorable Watson R. Davidson, Judge, to pay a fine of $50.00 and costs of prosecution and to a term of imprisonment of not less than 5 years nor more than 10 years in the Eastern State Penitentiary.

The Board of Trustees of the Eastern State Penitentiary in a report to the Board of Pardons has stated; ". . .This

inmate was transferred to Franklin County Prison on May 17, 1939. The Warden of that institution reports that his prison performance has been satisfactory. He states that he has sugar diabetes and he works whenever he is able. The Warden further states that he would recommend consideration if a suitable parole plan is provided." The trial judge, the Honorable Watson R. Davison, in a communication to the Board of Pardons has stated: ". . .That he did not oppose the application, if the Board sees it proper to commute his sentence because of his physical condition." The present district attorney, J. Glenn Benedict, Esquire, has advised the Board of Pardons that because of applicant's physical condiion his office had no objection to the granting of the petition. An investigation made by agents of the Board of Pardons reports that the petitioner is now in a precarious condition suffering from diabetes and that the applicant was transferred from the County Jail to the Chambersburg Hospital for treatment, and that his present physical condition is such that he requires care and treatment which can not be obtained at the County Jail. A letter has been filed with the Board from Dr. J. C. Hudson, M. D., in which he states: ". . . Mr. Butler was admitted to the Chambersburg Hospital where he was kept until October 11th. Most of this time his condition was critical, his diabetis complicated by an attack of pyele-nephretis. This combination of diseases is serious and I believe that he could improve the state of his health by a more careful diet, fresh air and sunlight, particularly, at home or in an institution better equipped than the Franklin County Jail for the care of the above diseases. During his admission to the hospital he was very near to death and as the physician to the jail I feel that he should be sent home or to an institution where he could be cared for properly."

The Board of Pardons after reviewing all of the facts is of the opinion that the petitioner is in a critical physical condition and that his life will be materially shortened because of the dsease from which he now suffers. The Board, therefore, is of the opinion that the sentence in this case should be commuted in order that the petitioner may receive adequate medical treatment, which will assist material in prolonging his life, and for this reason only recommends that the minimum sentence as imposed by the Court be commuted from a minimum sentence of 5 years to a minimum term of 4 years and 5 months, expiring on February 21, 1941, and that the applicant remain on parole until September 21, 1946.

Respectfully submitted,
S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:
ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of William Charles Casey, D-4595. No. 5138, January Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of William Charles Casey, convicted of robbery in the Court of Oyer and Terminer and Quarter Sessions of Montgomery County on January 19, 1940 to be computed from January 9, 1940 be commuted from 2 years to 1 year and 2 months expiring on March 9, 1941.

Our reasons for making this recommendation are as follows:

The applicant for commutation of sentence pleaded guilty in the Courts of Montgomery County on January 19, 1940 to Bill of Indictment No. 165 November Sessions, 1939, charging robbery, and was thereupon sentenced on January 19, 1940 by the Honorable Harold G. Knight, Judge, to a term of imprisonment of not less than 2 years nor more than 4 years in the Eastern State Penitentiary. Sentence to be computed from January 9, 1940.

An examination of the criminal history shows on February 3, 1930 he was arrested by the authorities of Montgomery County, charging with breaking and entering. Sentence in this case was suspended. On December 12, 1938 at Ardmore, Pennsylvania, he was charged with disorderly conduct. This case was disposed by a local Justice of the Peace.

The Board of Trustees of the Eastern State Penitentiary in a report to the Board of Pardons has stated: ". . . This man has maintained a good record of prison performance. He attempted to improve himself by attending school for 6½ months, studied carpentry work and made good progress. He is employed as a laborer in the stone quarry outside the wall and is considered to be a good worker. He does not associate with any of the inmates, has maintained a quiet manner, and has demonstrated a good attitude. The trial judge, the Honorable Harold G. Knight, in a communication to the Board of Pardons has stated: ". . . I believe that drink is his trouble; when he is not drinking, he seems to be all right. I do not oppose clemency." The district attorney, Frederick B. Smillie, Esquire, in a communication advises the Board as follows: ". . . Whatever you see fit to do in this situation will be entirely satisfactory to this office." A parole plan has been obtained which provides adequate sponsorship and bona fide employment, if and when the petitioner is released.

The Board of Pardons after reviewing all of the facts is of the opinion that the petitioner is not criminally minded, and that he will, if released on parole, become a self-respecting law-abiding citizen, and the Board therefore, recommends that the minimum sentence of imprisonment as imposed by the Court be commuted to 1 year and 2 months, expiring on March 9, 1941, and to remain on parole until January 9, 1944.

Respectfully submitted,
S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:
ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of Thomas Cirucci, No. 5151, January Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Thomas Cirucci, convicted of assault, armed with an offensive weapon with intent to rob, assault with intent to rob, robbery, being armed with an offensive weapon, conspiracy in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County, on June 4, 1928, be pardoned.

Our reasons for making this recommendation are as follows:

The applicant for a full and complete pardon entered a plea of Nolle Contendere to Bills of Indictments Nos. 1327 to 1337 inclusive, May Sessions, 1928, on June 4, 1928 for the crimes of assault, armed with an offensive weapon with intent to rob, assault with intent to rob, robbery, being armed wih an offensive weapon, conspiracy. The trail judge adjudged the applicant guilty and imposed a sentence of imprisonment of not less than 2 years nor more than 20 years in the Philadelphia County Prison.

James W. Tracey, Jr., Esquire, assistant district attorney, appeared before the Board of Pardons and stated that in view of all of the facts that the offense for which the petitioner seeks relief, happened in 1928, and because there was no other marks against him since that time, the district attorney's office had no objection to the granting of the petition. The trial judge, the Honorable James Gay Gordon, Jr., made no reply to a communication addressed to him by the Board of Pardons in this matter.

The petitioner was paroled from the Philadelphia County Prison on April 3, 1929, and he has since that date complied with all of the requirements of his parole, and has reported regularly to the probation department of the Philadelphia County Court at stated intervals. During the period of his parole he has been unable to secure employment, because of the conviction which stands against him. It is his intention to seek employment with the United States Government or with some defense industry, if his petition is granted. An investigation made by the Board of Pardons reports that the petitioner bears an excellent reputation in his community and is known as an honest, self-respecting law-abiding citizen.

The Board of Pardons after reviewing all of the facts is of the opinion that the petitioner has been sufficiently punished and that he is not criminally minded, and therefore, recommends that a full and complete pardon be granted to the petitioner.

Respectfully submitted,
S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:
ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of Ray Gardner, D-4568, No. 4432, January Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Ray Gardner, convicted of breaking and entering with intent to steal, larceny in the Court of Oyer and Terminer and Quarter Sessions of Tioga County on January 7, 1935 to be commuted from 2 years computed from January 7, 1940 to 1 year and 2 months expiring on March 7, 1941.

Our reasons for making this recommendation are as follows:

The applicant for commutation of sentence pleaded guilty in the Courts of Tioga County on January 7, 1935, for the crimes of breaking and entering with intent to steal, larceny, and was thereupon sentenced to a term of imprisonment in the Eastern State Penitentiary for from 2 to 4 years. This sentence to be computed from the expiration of the unexpired parole period of a sentence which was imposed upon him in the Courts of Tioga County on December 7, 1926, for the crime of statutory rape, assault and battery with intent to rape, assault and battery. The sentence as imposed was for a term of from 5 to 10 years in the Eastern State Penitentiary. The petitioner was paroled on December 7, 1931. On January 7, 1935, he was sentenced to the Eastern State Penitentiary as a parole violator, and on January 8, 1940, he was discharged from further service on this sentence, and was reentered at the Eastern State Penitentiary on the present sentence from which he now seeks relief.

The Board of Trustees of the Eastern Penitentiary in a report to the Board of Pardons has stated: "* * * Applicant's institutional performance is of the ordinary type. He is employed as an electrician in the maintenance department and is considered to be a willing worker. He has maintained a good attitude and associates only with the men with whom he works. No unusual factors have been observed in this man's prison performance which would merit special consideration." The trial judge, the Honorable Thomas A. Crichton, in a communication under date of December 21, 1940, stated: "* * * In view of the fact that the applicant's offense resulted in his serving the full term of ten years under his former sentence, and fact that he applicant's offense resulted in his serving the full term of ten years under his former sentence, and in view of the fact that he has served about a year under the new sentence, in addition thereto, I would be satisfied if the pardon is granted." The trial district attorney, Charles M. Elliott, Esquire, made no reply to a communication addressed to him by the Board of Pardons, however, he did advise the investigator for the Board of Pardons under date of January 9, 1941, that he was absolutely opposed to the granting of clemency to the applicant. The Supervisor of Paroles has advised the Board that he had no objection to the granting of clemency if a suitable parole plan is obtained for the petitioner. No parole plan has been obtained in this case.

The Board of Pardons, after reviewing all of the facts, is of the opinion that the petitioner has been sufficiently punished, and that he will, if released on parole, become a self-respecting law-abiding citizen, and the Board, therefore, recommends that the minimum sentence of imprisonment be commuted to a minimum term of 1 year and 2 months, expiring on March 7, 1941, and that the applicant remain on parole until January 7, 1944. Subject however to the applicant obtaining a satisfactory parole plan before his release.

Respectfully submitted,
S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:
ARTHUR H. JAMES,
Governor

BOARD OF PARDONS

In re application of Allan N. Goberman, No. 5131, January Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Allan N. Goberman, convicted of perjury in the Court of Quarter Sessions of Lancaster County, on September 3, 1937, be pardoned.

Our reasons for making this recommendation are as follows:

The applicant for a full and complete pardon was con-

victed in the Courts of Lancaster County on September 3, 1937, on Bill of Indictment No. 22 June Term, 1937, charging perjury, and was thereupon sentenced by the Honorable Oliver S. Schaeffer to pay a fine of $100 and costs of prosecution. The sentence of the Court was complied with.

The trial judge, the Honorable Oliver S. Schaeffer, in a communication to the Board of Pardons has stated: ". . . I am satisfied to have the Board of Pardons use its own discretion in this matter." The present district attorney, Karl L. Shirk, Esquire, appeared before the Board of Pardons and stated he had no objection to the granting of a pardon.

The applicant is engaged in the furniture business in the City of Lancaster. He has an investment of approximately $25,000.00. Because of this conviction on his record it has handicapped him to an extent in the transaction of his legitimate business. The granting of a pardon will permit him to obtain credit which will materially assist him in expanding his business and thereby increase his earnings which will permit more adequately to take care of his dependents.

The Board of Pardons is of the opinion that the applicant is not criminally minded. The offense which he now seeks relief, is the only one on his record. The Board, after due consideration is of the opinion that the applicant has been fully rehabilitated, and therefore, recommends the granting of a full and complete pardon.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of James H. Kamerling, D-4642, No. 3892, January Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the sentences of James H. Kamerling, convicted of robbery in the Quarter Sessions Court of Allegheny County on January 15, 1926; and for breaking and escaping penitentiary, robbery and felonious assault in the Quarter Sessions Court of Centre County on August 8, 1929, be commuted on Bill No. 128 September Term, 1929 from a minimum term of 8 years to a minimum term of 1 year and 2 months, expiring on March 15, 1941; and on Bill No. 129 September Term, 1929 from a minimum term of 10 years to a minimum term of 1 day, expiring on March 16, 1941.

Our reasons for making this recommendation are as follows:

The applicant for communtation of sentence pleaded guilty in the Courts of Allegheny County on January 15, 1926 on Bills of Indictments Nos. 123, 124, 125, 126, 127, and 1000 November Term, 1925, charging robbery, and was thereupon sentenced to a term of imprisonment of not less than 8 years nor more than 16 years in the Western State Penitentiary. The petitioner entered a plea of guilty to Bills of Indictments Nos. 128 and 129 September Term, 1929 in the Courts of Centre County, charging breaking and escaping penitentiary, robbery and felonious assault, and was thereupon sentenced to serve a term of not less than 8 years nor more than 16 years on Bill No. 128; and to a term of not less than 10 years nor more than 20 years on Bill No. 129. Sentence to run consecutively.

The Board of Trustees of the Eastern State Penitentiary in a report to the Board of Pardons has stated: ". . . The applicant was received at that institution on November 25, 1931, he was transferred from the Western State Penitentiary. On April 25, 1933 he was declared insane and transferred to the Farview State Hospital. He was returned from Farview State Hospital to this institution on September 19, 1935. Applicant's institutional behavior has been erratic. He is employed as a laborer in the yard detail and no factors have been noted in his institutional record which would warrant any special recommendation. He has an I. Q. of 102 and a mental age of 16 years. He has been tested by the Illinois Test." The Honorable Joseph M. Swearingan, Judge of Allegheny County, is now deceased. The president judge, The Honorable Ambrose B. Reid, made no reply to a communication addressed to him by the Board of Pardons. The Honorable M. Ward Fleming, trial judge, who presided in Centre County, made no reply to a communication addressed to him by the Board of Pardons. Ralph T. Bell, Esquire, assistant attorney, appeared before the Board of Pardons and stated his office had no objection to the granting of clemency, and the matter was one for the Board. The petitioner in this case has been confined since January 15, 1926, a period of about 15 years and 1 month. The original sentence was terminated by parole on January 15, 1940 when he was immediately reentered to serve the sentence imposed in Centre County. A parole plan has been obtained which provides adequate sponsorship and bonafide employment, if and when he is released.

The Board, after reviewing all of the facts, is of the opinion that the petitioner, will, if he is released on parole, become a self-respecting law-abiding citizen, and that he will in time rehabilitate himself.

The Board, therefore, recommends that the sentences of confinement as imposed by the Courts be commuted in the following manner: On Bill No. 128 September Term, 1929 from a minimum term of 8 years to a minimum term of 1 year and 2 months, expiring on March 15, 1941; and on Bill No. 129 September Term, 1929 from a minimum term of 10 years to a minimum term of 1 day, expiring on March 16, 1941, and that the petitioner remain on parole until March 16, 1961.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of Joseph Kovack, C-7195, No. 4635 January Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the sentences of Joseph Kovack, convicted of robbery, larcency, shooting with intent to kill in the Oyer and Terminer and Quarter Sessions Court of Schuylkill County on June 17, 1931, be commuted on Bill No. 469 from a minimum of 10 years to a minimum of 9 years, 9 months, expiring on March 17, 1941; on Bill No. 472 from a minimum of 1½ years to a minimum of 1 day, expiring on March 18, 1941; on Bill No. 547 from a minimum of 10 years to a minimum of 1 day, expiring on March 19, 1941; on Bill No. 548 from a minimum of 10 years to a minimum of 1 day, expiring on March 20, 1941; on Bill No. 549 from a minimum of

5 years to a minimum of 1 day, expiring on March 21, 1941; and on Bill No. 552 from a minimum of 5 years to a minimum of 1 day, expiring on March 22, 1941. (The sentences on Bills Nos. 471B, 551B, and 558B of 1½ to 3 years to run concurrently from date of imposition have already expired).

Our reasons for making this recommendation are as follows:

The applicant for Commutation of sentence pleaded guilty in the Courts of Schuylkill County on June 17, 1931 to Bills of Indictments Nos. 571B, 551B, 558B, 469, 547, 548, 549, 552, and 472 May Sessions, 1931, and was thereupon sentenced by the Honorable Roy P. Hicks to a term of imprisonment in the Eastern State Penitentiary. Sentences being imposed as follows: On Bills Nos. 471B, 551B, and 558B not less than 1½ years nor more than 3 years, sentences to run concurrently. On Bills Nos. 469, 547, and 548 not less than 10 years nor more than 20 years, sentences to run consecutively. On Bills Nos. 549 and 552 not less than 5 years nor more than 20 years, sentences to run consecutively. On Bill No. 472 not less than 1½ years nor more than 3 years, sentence to run consecutively with other consecutively sentences as imposed.

The Board of Trustees of the Eastern State Penitentiary in a report to the Board of Pardons has stated: ". . . Although this man's background prior to incarceration gives definite indication of instability, he has demonstrated remarkable improvement since he has been in the institution. He was formerly employed as a teacher and he improved himself academically while employed in that capacity. He now works in the woodworking department and he has exceptional ability at woodworking and cabinet making. He is very quiet and does not associate with any of the inmates. At times he is greatly depressed by the length of his sentence but he has not permitted it to interfere with his progress. The officials of the institution are impressed with this man's prison performance and judging from his mature judgment and demonstrated habits of thrift and industry it is our thought that he would probably make a successful adjustment." The present district attorney, Clarence A. Whitehouse, Esquire, in a communication to the Board of Pardons dated October 25, 1939, stated: ". . . From the information received in this case, the bad record and reputation of the applicant, we believe the application is without merit and we strenuously oppose the granting of clemency to Kovack." In a reply to a later communication addressed to the district Attorney's office under date of January 2, 1941, he states: ". . . In answer thereto we refer you to our previous letters wherein we state that we are strenuously opposed to the granting of clemency to Kovack." The trial judge, the Honorable Roy B. Hicks, made no reply to a communication addressed to him by the Board of Pardons. A parole plan has been obtained which provides the applicant with adequate sponsorship and bona fide employment, if and when he is released.

The Board of Pardons, after reviewing all of the facts, taking into consideration, the age of the petitioner at the time of his arrest and conviction are of the opinion that he has been sufficiently punished, and he will, if released on parole, become a self-respecting law-abiding citizen, and the Board, therefore, recommends that the sentences be commuted in the following manner: On Bill No. 469 from a minimum of 10 years to a minimum of 9 years and 9 months, expiring on March 17, 1941; on Bill No. 472 from a minimum of 1½ years to a minimum of 1 day, expiring on March 18, 1941; on Bill No. 547 from a minimum of 10 years to a minimum of 1 day, expiring on March 19, 1941; on Bill No. 548 from a minimum of 10 years to a minimum of 1 day, expiring on March 20, 1941; on Bill No. 549 from a minimum of 5 years to a minimum of 1 day expiring on March 21, 1941 and on Bill No. 552 from a minimum of 5 years to a minimum of 1 day, expiring on March 22, 1941, and to remain on parole until March 22, 1961. The sentences to Bills Nos. 471B, 551B, and 558B of 1½ to 3 years to run concurrently from date of imposition have already expired.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA.
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of Edward T. Miller, No. 5150, January Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Edward T. Miller, convicted of embezzlement in the Court of Quarter Sessions of Clinton County, on September 20, 1938 be pardoned.

Our reasons for making this recommendation are as follows:

The applicant for a full and complete pardon pleaded guilty in the Courts of Clinton County on September 20, 1938 to Bill of Indictment No. 44, September Session, 1938, charging embezzlement, and was thereupon sentenced by the Honorable Harry M. Rimer, Judge, to a term of imprisonment of 18 months in the Clinton County Prison, and pay a fine of $500.00. The applicant was paroled from the Clinton County Prison on July 18, 1939, and discharged from parole on December 11, 1940.

The trial judge, the Honorable Harry M. Rimer, Judge, in a communication to the Board of Pardons has stated: ". . . I was unable to attend the hearing which resulted in his parole but recommended it and now heartily recommend the granting of this present application." B. L. Haag, Esquire, present district attorney, in a communication to the Board of Pardons has advised the Board: ". . . I have no objection to make to this application and feel that this defendant should be granted a pardon." Associate Judge Dunn of Clinton County, appeared before the Board of Pardons and stated that he was appearing with the knowledge and approval of the president judge of Clinton County and that the Court recommended the granting of the pardon and the remission of the fine. There is on file with the Board of Pardons a letter from the Clinton County Commissioners stating: ". . . It is their opinion that in view of the order of the Court paroling him, they have nothing further to do with collecting the fine and have no objections to the granting of a pardon to Mr. Miller."

The Board of Pardons after due consideration of all of the facts in this case are of the opinion that the petitioner has been sufficiently punished and that his application merits favorable consideration. The Board, therefore, recommends that a full and complete pardon be granted to the applicant and that the fine be remitted.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re applicaion of Charles Mitnick, No. 5091, January Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Charles Mitnick, convicted of larceny, receiving stolen goods, entering with intent to commit a felony in the Court of Quarter Sessions of Philadelphia County, on June 23, 1930, be pardoned.

Our reasons for making this recommendation are as follows:

The applicant for a full and complete pardon pleaded guilty in the Courts of Philadelphia County on June 23, 1930 to Bills of Indictments Nos. 730 to 736 inclusive, June Sessions, 1930, charging larceny, receiving stolen goods, entering railroad cars with intent to commit a felony, and was placed on probation by the Honorable Harry S. McDevitt, Judge, for a period of 20 years.

An examination of the criminal history in this case shows that the petitioner was sentenced on February 14, 1906 on Bill No. 195 February Sessions, 1906 to the Pennsylvania Industrial School for an indeterminate term for the crime of breaking and entering.

The trial judge, the Honorable Harry S. McDevitt, in a communication to the Board of Pardons has stated: ". . . I placed this man on probation for twenty years in 1930. The extenuating circumstances were such that I felt then that a long probation would probably keep him straight, and up to the present time it has had that effect. Prior thereto he had been arrested on two occasions for larceny and breaking and entering, and if the probation keeps him on the straight and narrow path, I see no reason for changing it." James W. Tracey, Jr., Esquire, assistant district attorney, appeared before the Board of Pardons and stated that the only point to be considered was whether the petitioner had served a sufficient length of time on parole. If the Board was of the opinion that he had served enough time, the district attorney's office would enter no objection. A letter was filed with the Board of Pardons by the Chief Probation Officer of the Philadelphia County Courts in which it is stated that the petitioner has complied with all of his requirements of his probation.

The petitioner is now engaged in the tailoring business. He is married and is the father of four children. He desires to have the conviction removed from his record, which will in part remove the stigma of the crimes from himself and the names of his dependents.

The Board of Pardons after considering all of the facts is of the opinion that he has fully rehabilitated himself, and the Board, therefore, recommends the granting of this petition.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of Lawrence Albert Peters, No. 5149, January Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Lawrence Albert Peters, convicted of assault and battery in the Court of Quarter Sessions and General Jail Delivery of Allegheny County, on March 22, 1920, be pardoned.

Our reasons for making this recommendation are as follows:

The applicant for a full and complete pardon was convicted in the Courts of Allegheny County on March 22, 1920 to Bill of Indictment No. 597 May Session, 1919, charging assault and battery, and was thereupon sentenced by the Honorable Haymaker, Judge, to pay a fine of $25.00, the costs of prosecution and placed on probation for a period of six months.

The trial judge is now deceased. The Honorable Ambrose B. Reid, President Judge, failed to reply to a communication addressed to him by the Board of Pardons in this matter. Ralph T. Bell, Esquire, assistant district attorney, appeared before the Board of Pardons and stated that the district attorney's office had no objection to the granting of this petition.

The petitioner has been employed as a police officer by the Baltimore and Ohio Railroad Company, in the City of Pittsburgh, Pennsylvania, for a period of eighteen years. He bears an excellent reputation in his community and is known as an upright, honest, self-respecting law- abiding citizen. The petitioner is desirous of obtaining a pardon, which will clear his record of the only offence committed during his lifetime. The granting of a pardon will assist him materially in his advancement.

The Board of Pardons is of the opinion that the petitioner has fully rehabilitated himself, and that the petition merits consideration, and for this reason, the Board, recommends a full and complete pardon be granted to the petitioner.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of Clarence A. Resh, B-6525, D-3275, No. 4862, January Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Clarence A. Resh, convicted of larceny, receiving stolen goods in the Court of Oyer and Terminer and Quarter Sessions of Lancaster County on July 15, 1938 to be computed from July 2, 1938, be commuted from 3 years to 2 years and 8 months, expiring on March 2, 1941.

Our reasons for making this recommendation are as follows:

The applicant for commutation of sentence pleaded guilty in the Courts of Lancaster County to Bills of Indictments Nos. 43 and 45 June Sessions, 1938, and was on July 15, 1938 sentenced by the Honorable Benjamin R. Atlee, to a term of imprisonment of not less than 1½ years nor more than 3 years on each bill. Sentences to run consecutively making a total of 3 to 6 years in the Eastern State Penitentiary. Sentence to be computed from July 2, 1938.

The Board of Trustees of the Eastern State Penitentiary in a report to the Board of Pardons has stated: ". . . This inmate was transferred to Rockview on January 12, 1939. The authorities of that institution report that his record there is satisfactory. He has consistently maintained a cooperative attitude and he associates with a better type of inmate. He is employed as a clerk in the main office and is considered to be a good worker. He has attempted to improve himself by attending school in sign painting and earned his diploma. Rockview authorities state that they would probably recommend if he were being considered for parole." The present judge, the Honorable Oliver S. Schaeffer, in a communication to the Board of Pardons has stated: ". . . Inasmuch as his minimum term expires in July of this year, it seems that this party should wait until that time to be released on probation." The present district attorney, Karl L. Shirk, Esquire, appeared before the Board and stated that there was some merit to the application submitted by the petitioner, that he has already served two years and seven months of a three years' sentence and for which reason his office made no objection to the granting of the petition. A parole plan has been obtained which provides adequate sponsorship. Mr. Melvin Weirich, residing at 45 Brown Street, Middletown, Pennsylvania, has arranged to cooperate in rehabilitation and supervision to the application. He will find employment for the petitioner if he is released on parole.

The Board of Pardons after a review of all the facts is of the opinion that the petitioner has been sufficiently punished, and he will, if released, become a self-respecting law-abiding citizen. The Board, therefore, recommends that the minimum sentence as imposed be commuted to a minimum term of 2 years and 8 months, expiring on March 2, 1941, and to remain on parole until July 2, 1944.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:
ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of Henry Vincent Williams, D-2729, No. 4868, January Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Henry Vincent Williams, convicted of larceny, receiving stolen goods, felonious entry in the Court of Oyer and Terminer and Quarter Sessions of York County on December 13, 1937 be commuted from 4 years to 3 years and 3 months expiring on March 13, 1941.

Our reasons for making this recommendation are as follows:

The applicant for commutation of sentence pleaded guilty in the Courts of York County on December 13, 1937, to Bill of Indictment No. 68 October Sessions, 1937, charging larceny, receiving stolen goods, felonious entry, and was thereupon sentenced to a term of imprisonment of not less than 3 years nor more than 6 years on Bill No. 68 (first and second count), and to a term of not less than 1 year nor more than 2 years on Bill No. 68 (third Count), in the Eastern State Penitentiary by the Honorable Henry C. Niles Judge.

The Board of Trustees of the Eastern State Penitentiary in a report to the Board of Pardons has stated: ". . . This man's record in the Eastern State Penitentiary was satisfactory, he attended school for a period of 14 months, studied advertising, completed the course and received his International Correspondence School diploma. He was transferred to the York County Prison on August 3, 1939 and the officials of that institution report that his record is satisfactory. He has a very cooperative attitude and associates with a better type of inmate. He is employed as a clerk in the Warden's office and is considered to be a trusted worker. The Warden of the York County Prison states that he deserves consideration. The trial judge, the Honorable Henry C. Niles, is now deceased. The president judge of York County has advised the Board: ". . . If the Board feels that the defendant has really reformed I would place no opposition to leniency but his previous record of course is not good." The present district attorney had advised the Board he has no objection to the granting of clemency.

The Board of Pardons after reviewing all of the facts is of the opinion that the petitioner has been sufficiently punished, and he will, if released on parole, became a self-respecting law-abiding citizen. A parole plan has been obtained which provides adequate sponsorship and bona fide employment, if and when he is released.

The Board, therefore, recommends that the minimum sentence as imposed by the Court be commuted to a minimum term of 3 years and 3 months, expiring on March 13, 1941, and that the applicant remain on parole until December 13, 1945.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:
ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of Martin Stanley Antczak, B-2675, No. 2566, February Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the sentences of imprisonment imposed on Martin Stanley Antczak, convicted of robbery, receiving stolen goods, in the Oyer and Terminer Court of Allegheny County, on May 21, 1931, be commuted on Bill No. 14 from a maximum term of 10 years to a maximum term of 9 years and 9 months, expiring on February 21, 1941; on Bill No. 15 from a minimum term of 5 years to a minimum term of 1 day, expiring on February 22, 1941; and on Bill No. 16 from a minimum term of 10 years to a minimum term of 1 day, expiring on February 23, 1941.

Our reasons for making this recommendation are as follows:

The applicant for commutation of sentence pleaded not guilty in the Courts of Allegheny County on Bills of Indictments Nos. 14, 15, and 16 March Sessions, 1931, charging robbery, receiving stolen goods. The jury returned a verdict of guilty and the applicant was thereupon sentenced on Bill No. 14 to a term of imprisonment of not less than 5 years nor more than 10 years; on Bill No. 15 to a term of imprisonment of not less than 5 years nor more than 10 years; and on Bill No. 16 to a term of imprisonment of not less than 10 years nor more than 20

years in the Western State Penitentiary. Sentences to be served consecutively

An examination of the record in this case shows that the applicant was arrested in the City of Pittsburgh in 1921 for which he was committed to the Allegheny County Workhouse for a period of 1 year. In San Bernardino, California on August 19, 1926 he was sentenced to pay a fine of $10. On August 19, 1927 he was charged with the crime of entering a building and was sentenced to 9 to 18 months in the Allegheny County Workhouse. He was arrested on two other occasions but was released.

The Board of Trustees of the Western State Penitentiary in a report to the Board of Pardons has stated: ". . . If this inmate were eligible to apply for parole, we would probably recommend him for parole (1) excellent institutional record (2) has made commendable progress in self-improvement (3) has served over 9½ years (4) sentences of both accomplices have been commuted." The trial judge, the Honorable Charles M. Culver, in a communication to the Board has stated in part as follows: ". . . If I were satisfied he has actually reformed and would lead the life of a law-abiding citizen, I certainly would not oppose his pardon. Therefore, whatever action is taken by the Board, will be satisfactory to me." Ralph T. Bell, Esquire, assistant district attorney, in a communication to the Board of Pardons has stated in part as follows: ". . . The matter of clemency is left to the discretion of your Honorable Pardon Board." A parole plan has been obtained which provides adequate sponsorship and bona fide employment to the petitioner, if, and when, he is released. The petitioner has been confined for a period of 9 years and 9 months, and the Board of Pardons, is of the opinion that, he will, if released on parole, become a self-respecting law-abiding citizen.

The Board, therefore, recommends the sentences of imprisonment be commuted to a maximum term of 9 years and 9 months, expiring on February 21, 1941 on Bill No. 14; on Bill No. 15 from a minimum term of 5 years to a minimum term of 1 day, expiring on February 22, 1941; and on Bill No. 16 from a minimum term of 10 years to a minimum term of 1 day expiring on February 23, 1941 and to remain on parole until February 23, 1961.

Respectfully submitted,
S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:
ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of Lionel Francis Ayers, No. 5159A, February Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that Lionel Francis Ayers, convicted of burglary and larceny in the Court of Oyer and Terminer of Bradford County, on October 3, 1932, be pardoned.

Our reasons for making this recommendation are as follows:

The applicant for a full and complete pardon pleaded in the Courts of Bradford County on October 3, 1932 to Bills of Indictments Nos. 10 and 11 September Term, 1932, charging burglary and larceny, and was thereupon sentenced by the Honorable Charles M. Culver, to a term of imprisonment in the Eastern State Penitentiary of not less than 2½ years nor more than 5 years on Bill No. 10, and to a term of imprisonment of not less than 1 year nor more than 5 years on Bill No. 11. Sentences to run consecutively.

The petitioner was received in the Eastern State Penitentiary on October 4, 1932, and was confined therein until May 28, 1936, on which date he was released on parole.

The trial district attorney, William M. Rosenfield, Esquire, is no longer in office. The present district attorney, Edwin P. Young, Esquire in a communication addressed to the Board of Pardons under date of January 20, 1941, advises that the district attorney's office has no objection to the granting of the petition. The trial judge, the Honorable Charles M. Culver, advises the Board of Pardons under date of January 21, 1941, that he knew of no reason why a pardon should be granted. The Supervisor of Paroles has expressed no objection to the granting of this petition. The applicant has been on parole for approximately four years and nine months. During his entire parole period he has complied in every way with the requirements and restrictions placed upon him by the Board of Pardons. He has been steadily employed, and has become a self-respecting law-abiding citizen in the community in which he now resides.

The Board of Pardons, after a careful review of all of the facts and circumstances in this case, are of the opinion that the petitioner has been fully rehabilitated, and that the granting of the pardon will materially assist him in obtaining employment, where he will be more fully compensated for his labor, and the Board, therefore, recommends that a full and complete pardon be granted.

Respectfully submitted,
S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:
ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of William Belecki, No. 5168, February Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that William Belecki, convicted of breaking and entering, larceny in the Court of Oyer and Terminer and Quarter Sessions of Erie County, on September 15, 1927, be pardoned.

Our reasons for making this recommendation are as follows:

The applicant for a full and complete pardon pleaded guilty in the Courts of Erie County on September 15, 1927 to Bill of Indictment No. 9 September Sessions, 1927, charging breaking and entering and larceny, and was committed by the Honorable U. P. Rossiter, Judge, to the Pennsylvania Industrial School. The petitioner was received at the Industrial School on September 17, 1927, where he was confined until October 1, 1928, on which date he was released on parole.

The trial judge, the Honorable U. P. Rossiter, is now deceased. The Honorable William E. Hirt, former president judge of Erie County, has expressed no objection to the granting of this petition. The present district attorney, Burton R. Laub, Esquire, expressed no objection to the granting of this prayer.

The applicant is a son of immigrant parentage. He entered the United States with his parents when he was at a tender age and now desires to become a citizen of the United States. He is married and is the father of two children. He has been steadily employed. Letters on file in the office of the Board of Pardons from the General Electric Company of Schenectady, New York signed by Mr. R. C. Reed, Supervisor, and from Monsignor L. A. McBride, Pastor of St. Ann's Church, Erie, Pennsylvania, and from Mr. A. M. Kunz, Deputy Prothonotary of Erie, Pennsylvania, attesting to the applicant's reputation.

The Board of Pardons, after a review of all of the facts, are of the opinion that the petitioner has completely rehabilitated himself, and that he will become involved in no further difficulties with the law. Because of the conviction, which remains on the petitioner's record, he cannot, under the present Naturalization Acts be admitted to citizenship, and for that reason he seeks a full and complete pardon. The granting of the pardon will materially aid the petitioner and may at a later date assist him in obtaining employment, which will be more profitable in its nature, and likewise, permit him to take care of his dependents more adequately. The Board, therefore, recommends that a full and complete pardon be granted.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of Fred Davis, D-4767, No. 5183, February Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Fred Davis, convicted of larceny, receiving stolen goods in the Court of Oyer and Terminer and Quarter sessions of Philadelphia County, on March 16, 1940 to be commuted from 1½ years computed from February 1, 1940 to 1 year, 1 month expiring on March 1, 1941.

Our reasons for making this recommendation are as follows:

The applicant for a commutation of sentence was convicted in the Courts of Philadelphia County on March 16, 1940 on Bill of Indictment No. 753 January Term, 1940, charging larceny, receiving stolen goods, and was sentenced by the Honorable Harry S. McDevitt, Judge, to a term of imprisonment in the Eastern State Penitentiary for not less than 1½ years nor more than 3 years. Sentence to be computed from February 1, 1940.

The examination of the petition indicates that the applicant was in no difficulties with the law prior to the offense which he is now serving sentence.

The Board of Trustees of the Eastern State Penitentiary in a report to the Board of Pardons stated that his institutional record is satisfactory. The Honorable Harry S. McDevitt, trial judge, in a communication addressed to the Board of Pardons under date of February 3, 1941 stated in part as follows: "* * * I think I was exceedingly lenient in my sentence, but if you see fit to reduce it I have no objection to any action you take." James W. Tracey, Jr., Esquire, assistant district attorney, appeared before the Board and stated that the applicant has no prior record and that he was involved in no other larcenies and that the present case involved the larceny of a suit of clothes and that his office was satisfied to leave the entire matter in the hands of the Board of Pardons. A parole plan has been obtained which provides bona fide employment and adequate sponsorship to the petitioner, if and when released. The applicant has been confined for a period of about thirteen months, and the Board of Pardons is of the opinion that he has been sufficiently punished, and that he will, if released on parole, become a self-respecting law-abiding citizen, and will make every effort to rehabilitate himself. The Board, therefore, recommends that the sentence of confinement be commuted in the following manner: from the minimum term of 18 months to a minimum term of 13 months—a period of 1 year and 1 month, expiring on March 1, 1941 and to remain on parole until February 1, 1943.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of Paul S. Demeter, No. 5184, February Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Paul S. Demeter, convicted of breaking and entering in the Court of Quarter Sessions of Chester County, on January 28, 1932 be pardoned.

Our reasons for making this recommendation are as follows:

The applicant for a full and complete pardon pleaded guilty in the Courts of Chester County, charging breaking and entering, and was on January 28, 1932 sentenced to a term of imprisonment of not less than six months nor more than one year in the Eastern State Penitentiary.

The applicant was received at the penitentiary on January 28, 1932, and was continuously confind therein until July 28, 1932, on which date he was released on parole. The petitioner complied with all of the restrictions imposed upon him by the Board of Pardons, and was therefore discharged from parole on January 28, 1932. The applicant, since his release has been continuously employed. He is married and is a father of a child, aged two years. The applicant, after his release from the penitentiary, although employed daily, entered night school in order to further his academic education. He has completed his course and is eligible to take an examination for a master's plumbers certificate.

An examination of his record indicates that the petitioner was in no trouble prior to the offense which resulted in his conviction and from which he now seeks relief.

The trial judge, the Honorable W. Butler Windle, in a communication addressed to the Board of Pardons under date of January 21, 1941 stated that he had no objection to the granting of the petition. The present district attorney, Thomas C. Gawthrop, Esquire, in a communication to the Board of Pardons under date of January 28, 1941 advises that his office had no objection to the granting of the

petition. The Supervisor of Paroles had advised the Board of Pardons he had no objection to the granting of the petition.

The Board, after a careful review of all of the facts, are of the opinion that the petitioner has been fully rehabilitated, and that he now has become a self-respecting law-abiding citizen in the community in which he resides. The Board, is of a further opinion, that the granting of the petition will materially assist the applicant in obtaining employment, which will permit him to more adequately support his dependents. The Board, therefore, recommends that a full and complete pardon be granted.

Respectfully submitted.

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of William Peter Divello, No. 5170, February Session, 1941

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that William Peter Divello, convicted of larceny of an automobile and receiving stolen goods in the Court of Oyer and Terminer of Montgomery County, on September 18, 1929; and convicted of operating an automobile without consent of owner in the Court of Quarter Sessions of Delaware County on January 24, 1930 be pardoned.

Our reasons for making this recommendation are as follows:

The applicant for a full and complete pardon pleaded guilty in the Courts of Montgomery County on September 18, 1929 to Bill of Indictment No. 229 September Term, 1929, charging larceny of an automobile and receiving solen goods and was sentenced to pay a fine of two hundred ($200) dollars and placed on probation for a period of three months. On January 24, 1930, he entered a plea of guilty in Delaware County on Bill of Indictment No. 99 March Sessions, 1930, charging operating an automobile without consent of owner and was thereupon committed to the Pennsylvania Industrial School. On Bill No. 100 March Sessions, 1930, charging operation of automobile without consent of owner. Sentence was suspended. He was received at the Pennsylvania Industrial School on February 16, 1930, where he was confined therein until February 14, 1931.

The trial judge, the Honorable Harold G. Knight, in a communication addressed to the Board of Pardons under date of January 21, 1941 stated in part: "* * * If the young man has gone straight for six years, I am of the opinion that a pardon should be given him." Arthur W. Bean, Esquire, assistant district attorney, in a communication addressed to the Board of Pardons under date of January 23, 1941, advised that the district attorney's office opposed the granting of the petition.

The petitioner is married and resides with his wife in the City of Philadelphia. He has been steadily employed, and his record indicates that he has been in no difficulties with the law since his release from the Pennsylvania Industrial School. The petitioner recently took a Civil Service Examination for an appointment to the Philadelphia Fire Department. He successfully passed his examination and is now listed as No. 256 on the list of those eligible for appointment, and because of a Civil Service ruling, the petitioner cannot be appointed because of the conviction from which he now seeks relief.

The Board of Pardons, after a review of all of the facts, is of the opinion that the petitioner has been completely rehabilitated, and that he is now a self-respecting law-abiding citizen. The Board, therefore, is of the further opinion, that a full and complete pardon should be granted in order that this applicant can receive an appointment as a fireman in the City of Philadelphia, which will materially assist him in more adequately taking care of the needs of his family, and therefore, recommends the granting of a full and complete pardon.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of Earl Bowman Long, B-7018, No. 4940, February Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Earl Bowman Long, convicted of statutory rape, accessory before the fact in abortion in the Court of Oyer and Terminer of Somerset County, on December 9, 1939, to be commuted from 2½ years be computed from July 26, 1939 to 1 year and 7 months, expiring on February 26, 1941.

Our reasons for making this recommendation are as follows:

The applicant for commutation of sentence was convicted in the Courts of Somerset County on Bill of Indictment No. 10 September Term, 1939, charging statutory rape, and was thereupon sentenced by the Honorable Norman T. Boose, Judge, to a term of imprisonment in the Western State Penitentiary for not less than 2½ years nor more than 5 years. Sentence to be computed from July 26, 1939. He was also convicted on Bill No. 9 September Term, 1939, charging accessory before the fact in abortion, and was thereupon sentenced by the Honorable Norman T. Boose, Judge, to a term of imprisonment in the Western State Penitentiary for not less than 1½ years nor more than 3 years. This sentence to be computed from July 26, 1939 and to run concurrently with the sentence imposed on December 9, 1939.

The Board of Trustees of the Western State Penitentiary in a report to the Board of Pardons has stated: "* * * If this inmate were eligible for parole, we would probably recommend him for parole (1) first conviction (2) excellent institutional record (3) cooperative inmate." The trial judge, the Honorable Norman T. Boose, in a communication to the Board of Pardons has stated in part as follows: "* * * It is my belief that he should be required to serve the minimum sentence in each case." The trial district attorney, Archibald M. Matthews, Esquire, in a communication to the Board of Pardons under date of January 2, 1941 has stated in part as follows: "* * * We also feel from investigation that we have made, that such action by your Board would meet with the general ap-

proval of the community, in as much as it is generally believed that Mr. Long has been sufficiently punished for his offense."

An examination of the record shows that the petitioner was never before involved in any criminal offenses. A parole plan has been obtained which provides adequate sponsorship and bona fide employment for the petitioner, if, and when, he is released on parole.

The petitioner has been confined for 1 year and 7 months and the Board of Pardons is of the opinion that he has been sufficiently punished, and he will, if released on parole, become a self-respecting law-abiding citizen.

The Board, therefore, recommends that the minimum sentence on Bill No. 10 September Term, 1939 be commuted to a minimum term of 1 year and 7 months, expiring on February 26, 1941. The minimum sentence on Bill No. 9 September Term, 1939, has already expired. The applicant, is therefore, eligible to apply to the Board of Trustees for release on parole for this sentence. Applicant will remain on parole until July 26, 1944.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO.
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of Raymond Lyons, B-1612, No. 2189, February Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the sentences of imprisonment imposed on Raymond Lyons, convicted of robbery, in the Oyer and Terminer Court of Allegheny, on September 27, 1929, be commuted on Bill No. 14 from a maximum term of 4 years to a maximum term of 3 years and 5 months, expiring on February 27, 1941; on Bill No. 15 from a minimum term of 2 years to a minimum term of 1 day, expiring on February 28, 1941; on Bill No. 17 from a minimum term of 2 years to a minimum term of 1 day, expiring on March 1, 1941; on Bill No. 18 from a minimum term of 2 years to a minimum term of 1 day, expiring on March 2, 1941; on Bill No. 27 from a minimum term of 3 years to a minimum term of 1 day, expiring on March 3, 1941; and on Bill No. 28 from a minimum term of 3 years to a minimum term of 1 day, expiring on March 4, 1941.

Our reasons for making this recommendation are as follows:

The applicant for commutation of sentence pleaded guilty in the Courts of Allegheny County to Bills of Indictments Nos. 12, 13, 14, 15, 17, 18, 27, and 28 September Term, 1929, charging robbery, and was thereupon sentenced by the Honorable Harry H. Rowand, Judge, to a term of imprisonment in the Western State Penitentiary for not less than 2 years nor more than 4 years on Bill No. 12; on Bill No. 13 for not less than 2 years nor more than 4 years; on Bill No. 15 for not less than 2 years nor more than 4 years; on Bill No. 17 for not less than 2 years nor more than 4 years; on Bill No. 18 for not less than 2 years nor more than 4 years; on Bill No. 27 for not less than 3 years nor more than 6 years; and on Bill No. 28 for not less than 3 years nor more than 6 years. Sentences to be served consecutively.

An examination of the record of the petitioner shows that he was convicted on one occasion of the charge of robbery, for which he served a sentence of 5 months in the Allegheny County Workhouse. He also served a term of 1 year in the Western State Penitentiary, for the crime of larceny, prior to the offenses which resulted in his present sentence.

The Board of Trustees of the Western State Penitentiary in a report to the Board of Pardons has stated: "* * * If this inmate were eligible for parole, we would probably conditionally recommend for parole subject to favorable parole plan (1) has served almost 11½ fears (2) good institutional record." The trial judge, the Honorable Harry H. Rowand, made no reply to a communication addressed to him by the Board of Pardons. Ralph T. Bell, Esquire, assistant district attorney, appeared before the Board and stated that the district attorney's office felt that the matter was one for the Board to decide; that the petitioner had served almost 12 years and that the sentences of imprisonment in this case covered a series of crimes committed within a short period of time. A satisfactory parole program has not as yet been obtained in this case.

The Board of Pardons, after a review of all of the facts, is of the opinion that the petitioner has been sufficiently punished, and that he will, if released on parole, become a self-respecting law-abiding citizen. The Board, therefore, recommends that the sentences of confinement be commuted in the following manner: on Bill No. 14 from a maximum term of 4 years to a maximum term of 3 years and 5 months, expiring on February 27, 1941; on Bill No. 15 from a minimum term of 2 years to a minimum term of 1 day, expiring on February 28, 1941; on Bill No. 17 from a minimum term of 2 years to a minimum term of 1 day, expiring on March 1, 1941; on Bill No. 18 from a minimum term of 2 years to a minimum term of 1 day, expiring on March 2, 1941; on Bill No. 27 from a minimum term of 3 years to a minimum term of 1 day, expiring on March 3, 1941; and on Bill No. 28 from a minimum term of 3 years to a minimum term of 1 day, expiring on March 4, 1941, and to remain on parole until March 4, 1947. (Subject to an approved parole plan within the State of West Virginia).

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of Milton Morris, C-6212, No. 4790, February Sessions, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the sentences of imprisonment imposed on Milton Morris, convicted of entering with intent to steal and larceny, in the Oyer and Terminer and Quarter Sessions Court of Philadelphia County on June 6, 1930, be commuted on Bill No. 237 from a minimum term of 5 years to a minimum term of 8 months and 22 days, expiring on February 28, 1941; on Bill No. 238 from a minimum term of 5 years to a minimum term of 1 day, expiring on March 1, 1941; and on Bill No. 239 from a minimum term of 5 years to a minimum term of 1 day, expiring on March 2, 1941.

Our reasons for making this recommendation are as follows:

The applicant for commutation of sentence pleaded guilty in the Courts of Philadelphia County on June 6, 1930, charging entering with intent to steal and larceny, and was thereupon sentenced by the Honorable Harry S. McDevitt, Judge, to a term of imprisonment in the Eastern State Penitentiary for not less than 5 years nor more than 10 years on each Bill. Sentences to run consecutively.

An examination of the criminal record of the petitioner shows that he was convicted of offenses of burglary and was confined in the New Mexico State Prison. He was also confined in the Arizona State Prison prior to the sentence which he now is serving.

The trial judge, the Honorable Harry S. McDevitt, in a communication to the Board of Pardons, stated in part as follows: "* * * His prior record does not inspire much clemency, and if his excellent prison record of the last 10 years is worthy of any consideration, it might in your good judgment offset his prior conduct." The Board of Trustees of the Eastern State Penitentiary in a report to the Board of Pardons stated in part as follows: "* * * His prison conduct record has been excellent. He has maintained a good attitude and has co-operated with the prison officials. He studied a correspondence course in Ocean Navigation and earned his International Correspondence School diploma. He is employed in the office of the Superintendent of Prison Labor where his work and performance records have shown him to be trustworthy and efficient," James W. Tracey, Jr., Esquire, assistant district attorney, appeared before the Board and stated that the question to be determined by the Board was whether Morris had been sufficiently rehabilitated to warrant his release. That he had been confined for a period of 11 years, that his prior criminal record was bad, but that, if the Board felt his application was worthy of consideration, the district attorney's office would interpose no objection. A parole plan has been obtained which provides adequate sponsorship. However, employment has not yet been obtained.

The Board of Pardons, after a review of all of the facts, is of the opinion that the petitioner has been sufficiently punished, and that he will, if released on parole, become a self-respecting law-abiding citizen. The Board, therefore, recommends that the sentences of imprisonment be commuted in the following manner: on Bill No. 237 from a minimum term of 5 years to a minimum term of 8 months and 22 days, expiring on February 28, 1941; on Bill No. 238 from a minimum term of 5 years to a minimum term of 1 day, expiring on March 1, 1941; and on Bill No. 239 from a minimum term of 5 years to a minimum term of 1 day, expiring on March 2, 1941 and to remain on parole until March 2, 1951.

Respectfully submitted,
S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:
ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of Edward Nicholas, C-7659, No. 3324, February Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the sentences of imprisonment imposed on Edward Nicholas, convicted of robbery, being armed with an offensive weapon, in the Oyer and Terminer and Quarter Sessions Court of Philadelphia County, on January 13, 1932, be commuted on Bill No. 428 from a minimum term of 10 years to a minimum term of 4 years and 2 months, expiring on March 13, 1941.

Our reasons for making this recommendation are as follows:

The applicant for commutation of sentence pleaded guilty in the Courts of Philadelphia County on January 13, 1932, to Bills of Indictments Nos. 427 and 428 January Term, 1932, charging robbery, being armed with an offensive weapon, and was thereupon sentenced by the Honorable Harry S. McDevitt, Judge, to a term of imprisonment in the Eastern State Penitentiary for not less than 5 years nor more than 10 years on Bill No. 427, and for not less than 10 years nor more than 20 years on Bill No. 428. Sentences to run consecutively.

The Board of Trustees of the Eastern State Penitentiary in a report to the Board of Pardons has stated as follows: "* * * He is of dull mentality and is somewhat effeminate. He has experienced difficulty with other inmates who have solicited him to commit sodomy. Considering all circumstances, his conduct has been generally good and he had made considerable effort to conuct himself properly. He was employed in the kitchen department until October 1940 and is now studying academic subjects in school and is making very good progress." The trial judge, the Honorable Harry S. McDevitt, in a communication addressed to the Board of Pardons has stated in part as follows: "* * * He is handicapped by his personality, and the only hope he ever has for going straight will be strict supervision and steady employment. I have no objection to any action you see fit to take." James W. Tracey, Jr., Esquire, assistant district attorney, appearing before the Board and stated that on first impulse the district attorney's office felt inclined to oppose his clemency, because of the brutality used in connection with the holdup, however, the petitioner has no prior criminal record, and if the Board is of the opinion that he is likely to go straight, and because of the length of time he has been confined, the district attorney's office would offer no objection to the granting of the petition. A parole plan has been obtained which provides adequate sponsorship and bona fide employment.

The petitioner in this case has been confined for approximately 9 years. The Board, is of the opinion, that he will, if released on parole, become a self-respecting law-abiding citizen, and therefore, recommends that the sentence of imprisonment be commuted in the following manner: On Bill No. 428 from a minimum term of 10 years to a minimum term of 4 years and 2 months, expiring on March 13, 1941, and to remain on parole until January 13, 1957. A parole was granted on Bill No. 427 on January 13, 1937 in order that the applicant could commence serving his sentence on Bill No. 428.

Respectfully submitted,
S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:
ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of Stanley Ruzanski, C-6268, No. 5162, February Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the sentences of imprisonment imposed on Stanley Ruzanski, convicted of attempted entering with intent to steal and robbery, in the Oyer and Terminer and Quarter Sessions Court of Philadelphia County, on June 23, 1930; and of riotous destruction of buildings, in the Oyer and Terminer and Quarter Sessions Court of Montgomery County, on September 19, 1934, be commuted on Bill No. 1253 June Sessions 1930, from a minimum term of 2½ years to a minimum term of 1 year and 2 months, expiring on March 15, 1941; and on Bill No. 241-1 June Term, 1934, from a minimum term of 2 years to a minimum term of 1 day, expiring on March 16, 1941.

Our reasons for making this recommendation are as follows:

The applicant for commutation of sentence was convicted in the Court of Philadelphia County on June 23, 1930, on Bills of Indictments Nos. 1255 and 1253 June Term, 1930, charging attempted entering with intent to steal and robbery, and was thereupon sentenced by the Honorable Harry S. McDevitt, Judge, to a term of imprisonment in the Eastern State Penitentiary for not less than 2½ years nor more than 10 years on Bill No. 1255, and to a term of imprisonment of not less than 2½ years nor more than 5 years on Bill No. 1253. Sentences to run consecutively. On September 19, 1934, the applicant pleaded guilty in the Courts of Montgomery County on Bill of Indictment No. 241-1 June Term, 1934, charging riotous destruction of buildings, and was thereupon sentenced by the Honorable George C. Corson, Judge, to a term of imprisonment in the Eastern State Penitentiary for not less than 2 years nor more than 4 years. This sentence to commence upon the expiration of sentence imposed on June 23, 1930 in the Courts of Philadelphia County.

The Board of Trustees of the Eastern State Penitentiary in a report submited to the Board of Pardons states in part as follows: " . . . With the exception of his misconduct at Graterford, his record has been satisfactory. He is now employed in the laboratory in the Medical Department where he has rendered valuable and trustworthy service. He has shown efforts to self-improvement by earning a diploma in bookkeeping and business forms from International Correspondence School and also did excellent work on a course in drafting and one in navigation." The trial judge, the Honorable Harry S. McDevitt, in a communication to the Board of Pardons under date of February 3, 1941 stated in part as follows: " . . . He is employed in the medical laboratory and has proven a dependent and trustworthy assistant. I am inclined to think he has been sufficiently punished and that he is entitled to consideration." James W. Tracey, Jr., Esquire, assistant district attorney, appeared before the Board and stated that no weapons were used during the perpetration of the crimes, for which the applicant is serving a sentence, that he has completed the minimum sentence imposed in Philadelphia County, and that the matter was one for the Board of Pardons to decide. The Honorable George C. Corson made no reply to a communication addressed to him by the Board of Pardons nor did the district attorney in this matter.

The petitioner has been confined for a period of 10 years and 8 months and the Board of Pardons is of the opinion that he has been sufficiently punished, and will, if released on parole, become a self-respecting law-abiding citizen. No parole plan has been obtained in this case.

The petitioner was paroled on Bill No. 1255 on January 15, 1940, after completion of 9 years, 6 months and 22 days of his sentence and is now serving sentence imposed on Bill No. 1253.

The Board of Pardons, after a review of all of the facts, recommends that the minimum sentences of imprisonment be computed in the following manner: On Bill No. 1253 from a minimum of 2½ years to a minimum term of 1 year and 2 months, expiring on March 15, 1941; and on Bill No. 241-1 June Term, 1934, from a minimum term of 2 years to a minimum term of 1 day, expiring on March 16, 1941, and to remain on parole until March 16, 1945.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:
ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of Tony Stoykiewicz, No. 5182, February Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Tony Stoykiewicz, convicted of receiving stolen goods in the Court of Oyer and Terminer and Quarter Sessions of Northampton County, on September 16, 1930, be pardoned.

Our reasons for making this recommendation are as follows:

The applicant for a full and complete pardon pleaded guilty in the Courts of Northampton County on Bill of Indictment No. 221 June Term, 1930, charging receiving stolen goods and was on September 16, 1930, sentenced by the Honorable Stewart, Judge, to a term of imprisonment in the Northampton County Prison for a period of four months, where he remained until discharged by reason of expiration of sentence.

The trial judge is now deceased. The Honorable William G. Barthold, president judge, in a communication addressed to the Board of Pardons stated in part as follows: " . . . Since his release from jail, applicant has apparently been out of our jurisdiction and as a consequence, I am without any information as to what his conduct has been since that time. Under the circumstances I do not have sufficient facts to pass upon the merits of his application." The present district attorney, Henry K. Van Sickle, Esquire, made no reply to a communication addressed to him by the Board of Pardons in this matter.

The offense to which applicant pleaded guilty involves the taking of a quantity of brass to a junk yard in Wilsonboro, Pennsylvania, where it was sold. The proceeds of the sale being delivered to the thief, one Marion Zakrezewski. The petitioner did not profit because of the commission of the crime. The petitioner is married and resides with his wife and daughter in Brooklyn, New York. He has been steadily employed since his release from the Northampton County Prison. The examination of his record indicates he has been involved in no other difficulties with the law. The petitioner was born in Austria and was brought to the United States by his parents when a child. He now desires to become a citizen of the United States, in which country he has resided for the past twenty-seven years. Because of the conviction which remains on his record, he cannot be naturalized under the present Immigration Acts, and for this reason desires a pardon.

The Board of Pardons, after a review of all of the facts, is of the opinion that the petitioner was never criminally minded, and he has completely rehabilitated himself, and is now a self-respecting law-abiding citizen. The granting of a pardon will materially assist him in obtaining his citizenship and will be of assistance to him in obtaining more profitable employment, which will permit him to more adequately provide the means of support for himself

and his family. The Board, therefore, recommends the granting of a full and complete pardon.

Respectfully submitted,
S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:
ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of Milton S. Wanner, C-7698, No. 1714, February Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the sentences of imprisonment imposed on Milton S. Wanner, convicted of felonious entry and larceny, in the Oyer and Terminer and Quarter Sessions Court of Lancaster County, on January 23, 1932, be commuted on Bill No. 16 from a minimum term of 4½ years to a minimum term of 1 month, expiring on February 23, 1941.

Our reasons for making this recommendation are as follows:

The applicant for commutation of sentence was convicted in the Courts of Lancaster County on January 23, 1932, on Bills of Indictments Nos. 7, 9, and 10 January Sessions, 1932, charging felonious entry and larceny, to a term of imprisonment in the Eastern State Penitentiary for not less than 18 years nor more than 36 years by the Honorable Benjamin C. Atlee, Judge. On March 27, 1940, the sentence was re-considered by the Court and sentence was imposed in the following manner: on Bill No. 13 not less than 4½ years nor more than 9½ years; on Bill No. 15 for not less than 4½ years nor more than 9½ years; and on Bill No. 16 for not less than 4½ years nor more than 9½ years in the Eastern State Penitentiary. Sentences to be served consecutively. Sentences to be computed from January 23, 1932.

The petitioner was granted parole on Bills Nos. 13 and 15 in order that he could commence service on Bill No. 16.

The Board of Trustees of the Eastern State Penitentiary in a report to the Board of Pardons has stated: " . . . Subject's prison performance is satisfactory and he has taken every opportunity to use his limited abilities in a constructive manner." The trial judge, the Honorable Benjamin C. Atlee is now deceased. The president judge, the Honorable Oliver S. Schaeffer, in a communication to the Board of Pardons has stated in part: " . . . I am willing to let the Board use its own judgment and discretion in this matter." Karl L. Shirk, Esquire, present district attorney, in a communication to the Board of Pardons under date of January 30, 1941, stated: " . . . I don't think that for a second offender Wanner has a very good attitude, but his two accomplices have both been paroled and their record was as bad, if not worse, than Wanner's, so I do not oppose this commutation."

An examination of the record shows that the applicant on one occasion was committed to the Pennsylvania Industrial School for the crimes of felonious entry and larceny.

The Board of Pardons, after a review of all of the facts, is of the opinion that the applicant, will, if released on parole, become a self-respecting law-abiding citizen. A parole plan has been obtained which provides adequate sponsorship and bona fide employment, if and when he is released on parole.

The Board, therefore, recommends that the minimum sentence of imprisonment be commuted on Bill No. 16 from a minimum term of 4½ years to a minimum term of 1 month, expiring on February 23, 1941, and to remain on parole until July 23, 1950.

Respectfully submitted,
S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:
ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of Edward Barker, C-8750, No. 3640, March Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the sentences of imprisonment imposed on Edward Barker, convicted of robbery, being armed with an offensive weapon, larceny and receiving stolen goods, in the Oyer and Terminer and Quarter Sessions Courts of Philadelphia County, on March 7, 1933, be commuted on Bill No. 1 March Term, 1933, from a minimum term of 10 years to a minimum term of 8 years and 1 month, expiring on April 7, 1941; and on Bill No. 2 March Term, 1933, from a minimum term of 5 years to a minimum term of 1 day, expiring on April 8, 1941.

Our reasons for making this recommendation are as follows:

The applicant for commutation of sentence pleaded guilty in the Courts of Philadelphia County on March 7, 1933, to Bills of Indictments Nos. 1 to 18 inclusive, March Term, and to Bill of Indictment No. 1071 March Term, 1933, charging robbery, being armed with an offensive weapon, larceny, receiving stolen goods, and was thereupon sentenced to a term of imprisonment on Bill No. 1 March Term, 1933, of not less than 10 years nor more than 20 years in the Eastern State Penitentiary, and on Bill No. 2 March Term, 1933, to a term of imprisonment of not less than 5 years nor more than 10 years in the Eastern State Penitentiary. Sentences to be served consecutively. On Bill No. 1071 March Term, 1933, to a term of imprisonment of not less than 1½ years nor more than 3 years in the Eastern State Penitentiary, this sentence to run concurrently with sentence imposed on Bill No. 1 March Term, 1933. The Honorable Howard A. Davis, Judge, imposed sentences to Bills of Indictments Nos. 1 and 2; and the Honorable Frank Smith, Judge, imposed sentence to Bill No. 1071.

The Board of Trustees of the Eastern State Penitentiary in a report submitted to the Board of Pardons has stated in part as follows: " . . . During the 7 years and 11 months that this man has been in this institution, he has maintained a good record. He was formerly employed in the Weave Shop at Graterford and while there learned the trade of loom fixer. He is now employed in the knit shop at the Philadelphia institution. He has maintained a constructive attitude and he associates with very few of the inmates." The trial judge, the Honorable Frank Smith, in a communication to the Board of Pardons has stated in part as follows: " . . . I do not know whether the time is opportune for him to be released from prison or not. He has been in prison now about 8 years of his 15 year minimum. He was 19 years of age when he went to prison and I am not at all hopeful about him. However, I am willing to abide by the Judgment of the Pardon Board."

The trial judge, the Honorable Howard A. Davis, in a communication to the Board of Pardons has stated in part as follows: " . . . I have no comment to make and leave the matter entirely to the discretion of your Honorable Board after a careful inquiry into the facts of the case and the past reputation of the defendant." A subsequent letter has stated Judge Davis' attitude as follows: " . . . From all I learn about this young man, I believe that it would be a good risk to commute his sentence and give him an opportunity to make good." James W. Tracey, Jr., Esquire, assistant district attorney, appeared before the Board of Pardons and stated that the petitioner was the youngest of the group and that he had no prior criminal history and that the district attorney's office had no objection to the granting of clemency.

An examination of the record shows that he was in no difficulties prior to the commission of the offenses which resulted in the present incarceration. A parole plan has been obtained which provides the petitioner with adequate sponsorship and bona fide employment, if and when he is released.

The Board, after reviewing all of the facts, are of the opinion that the petitioner has been sufficiently punished, and that he will, if released on parole, become a self-respecting law-abiding citizen. The Board, therefore, recommends that the minimum sentences of imprisonment on Bill No. 1 March Term, 1933, be commuted from a minimum term of 10 years to a minimum term of 8 years and 1 month, expiring on April 7, 1941; and on Bill No. 2 March Term, 1933, from a minimum term of 5 years to a minimum term of 1 day, expiring on April 8, 1941, and that the applicant remain on parole until March 7, 1933. The sentence imposed on Bill No. 1071 March Term, 1933, has already expired.

Respectfully submitted,
S. S. LEWIS,
Lieutenant Governor.
Not sitting,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:
ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of Donald William Cox, B-2750, No. 1827, March Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Donald William Cox, convicted of robbery in the Court of Oyer and Terminer of Allegheny County on June 22, 1931 be commuted from 10 years to 9 years, 10 months and 16 days expiring on May 8, 1941.

Our reasons for making this recommendation are as follows:

The applicant for commutation of sentence was convicted in the Courts of Allegheny County on June 22, 1931, on Bill of Indictment No. 11 June Term, 1931, and was thereupon sentenced by the Honorable Ambrose B. Reid, Judge, for the crime of robbery to a term of imprisonment in the Western State Penitentiary of not less than 10 years nor more than 20 years.

The Board of Trustees of the Western State Penitentiary in a report to the Board of Pardons has stated: " . . . If this inmate were eligible to apply for parole, we would probably recommend him for parole (1) good institutional record (2) attitude has improved considerably (3) has served 9 years 9 months." An examination of the criminal record of the petitioner shows that he was arrested on five occasions prior to the offense which resulted in the applicant's present incarceration. On May 12, 1923, he was committed to the Pennsylvania Industrial School for an indeterminate term for the crimes of larceny, receiving stolen goods. On June 28, 1926, a sentence of thirty days in the County Prison was imposed by the Courts of Allegheny County for larceny of automobile. All the other arrests resulted in a dismissal of the charges by a magistrate.

The Honorable Ambrose B. Reid, trial judge, in a communication to the Board of Pardons has stated: " . . . I know of nothing to offer in this matter." Ralph T. Bell, Esquire, assistant district attorney, appeared before the Board and stated that the district attorney's office had no objection to the granting of the communtation if it was to include the period of time the applicant was incarcerated awaiting trial. The record shows that the petitioner was placed under arrest on May 8, 1931, and that he was committed to the county prison in default of bail.

The Board of Pardons having in mind the Act of Assembly, approved April 1937, is of the opinion that the petitioner should be credited with the time spent in the county prison as applying against his sentence, and therefore, recommends that the minimum term be commuted to 9 years, 10 months and 16 days, expiring on May 8, 1941, and to remain on parole until June 22, 1951. A suitable parole plan in this case, which ensures adequate sponsorship and bona fide employment to the petitioner, if and when he is released on parole.

Respectfully submitted,
S. S. LEWIS,
Lieutenant Governor.
Not sitting,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:
ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of Christy Dinicco, No. 5190, March Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Christy Dinicco, convicted of murder of the second degree in the Court of Oyer and Terminer of Carbon County, on June 15, 1917, be pardoned.

Our reasons for making this recommendation are as follows:

The applicant for a full and complete pardon pleaded guilty in the Courts of Carbon County on June 15, 1917, to Bills of Indictments Nos. 2 and 9 June Sessions, 1917, charging murder, and was thereupon sentenced to a term of not less than 13 years nor more than 18 years in the Eastern State Penitentiary by the Honorable Laird H. Barber, Judge. The degree of murder being fixed at second degree. June 12, 1925, he was transferred to the Western State Penitentiary.

The petitioner was released on parole from the Western State Penitentiary on June 15, 1930, and received his final discharge on June 15, 1935. During the period that he was under parole he faithfully complied with all the rules and restrictions of the Board of Pardons governing the supervision of paroled prisoners. The present district attorney of Carbon County in a communication addressed to him by the Board of Pardons has stated: "* * * Kindly be advised that our court records merely indicate the term, number and sentence of the above. The parties that may

have information on the questions desired are not available. However, I know no reason why a pardon should not be granted." The president judge of Carbon County the Honorable James C. McCready, in a communication addressed to the Board of Pardons has stated: "* * * I am unable to say whether the facts as set forth in enclosed application are correct. One of the counsel is deceased, and the other members of counsel are not available to secure the information requested." During the time that the petitioner has been at liberty he has been employd by the American Swiss File and Tool Company, Elizabeth, New Jersey. P. F. Reichhelm, President of the Company has advised the Board that the petitioner has served his employer faithfully. He has been in the employment of the Company before he became involved in the difficulties which sent him to the penitentiary and he has been employed since the time of his release.

The petitioner is a former member of the United States Army which he entered in 1911 and from which he received his honorable discharge in 1914. The petitioner is desirous of becoming a citizen of the United States, from which he is barred because of the conviction which remains on his record.

The Board, after considering all of the facts, are of the opinion that the petitioner has been fully rehabilitated, and further, that he has served the Government of the United States faithfully, and that he should now be permitted to become a citizen of the United States, from which country he has resided since 1907. The Board, therefore, recommends that a full and complete pardon be granted to the petitioner. The Supervisor of Paroles has no objection to the granting of clemency.

Respectfully submitted.

S. S. LEWIS,
Lieutenant Governor.
Not sitting,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of William Foglia, No. 5211, March Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that William Foglia, convicted of illegal lottery in the Court of Quarter Sessions of Philadelphia County, on November 30, 1934, be pardoned.

Our reasons for making this recommendation are as follows:

The applicant for a full and complete pardon was convicted in the Courts of Philadelphia County to Bill of Indictment No. 681 December Term, 1933, charging illegal lottery, and was thereupon sentenced to pay a fine of $25, costs of prosecution, and placed on probation for a period of two years by the Honorable George G. Parry, Judge.

James W. Tracey, Jr., Esquire, assistant district attorney, appeared before the Board of Pardons and stated that the district attorney's office left this matter entirely in the hands of the Board of Pardons. The trial judge, the Honorable George G. Parry, in a communication addressed to him by the Board of Pardons has stated in part as follows: "* * * The averments seem to be reasonable but at this time the Court cannot and will not recommend a pardon because the Judge is of the opinion that all foreigners should not be employed in Arsenals or Navy Yards in this country; however, he leaves the matter entirely to your Honorable Board to make any decision you see fit."

The petitioner is a resident of the City of Philadelphia. He is now employed as a foreman on a W. P. A. project. His record indicates that he has been constantly employed. During the month of June 1927 he was placed under arrest in the City of Philadelphia, charging aggravated assault and battery, however, the Bill of Indictment was nolle pros. The applicant is desirous of taking an examination under Civil Service for employment in the Philadelphia Navy Yards. Because of the conviction which stands on his record, he is prohibited by the Civil Service regulation from competing.

The Board, is of the opinion that he has been fully rehabilitated, and further, that a pardon will in part remove the stigma of the conviction and will materially aid him in gaining lucrative employment, which will permit him to provide more adequately for his wife and dependent children. The Board, therefore, recommends that a full and complete pardon be granted.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
Not sitting,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of Howard A. Hunter, No. 4834, March Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Howard A. Hunter, convicted of 1st count—embezzlement; 2nd count—misbehavior in office in the Court of Quarter Sessions of Beaver County, on July 8, 1939, be pardoned.

Our reasons for making this recommendation are as follows:

The applicant for a full and complete pardon pleaded guilty in the Courts of Beaver County on July 8, 1939, to Bills of Indictments Nos. 146, 149, and 153 June Sessions, 1939, charging—first count—embezzlement; second count—misbehavior in office, to which sentence was suspended by the Honorable Frank E. Reader, Judge. In addition, he entered a plea of guilty to Bills of Indictments Nos. 147, 150, 152, and 154 June Sessions, 1939, charging false pretense and conspiracy, and plead not guilty to Bill of Indictment No. 151 June Sessions, 1939. The sentence of the Court was a general sentence of four months to the Allegheny County Workhouse, upon payment of fine and costs of $656.15 and restitution of $1349.64. Fine and costs were paid and restitution made.

The trial judge, the Honorable Frank E. Reader, in a communication to the Board of Pardons dated February 25, 1941, stated in part as follows: "* * * In reply to your communication enclosing the application of Howard A. Hunter for pardon we refer you to our letter of March 19, 1940. Mr. Hunter had pending at that time an application for pardon. We understood at the time that it covered all of the indictments against him in this county. From the present application it seems that the Board acted with reference to certain of the indictments only. What we said in our letter of March 19, 1940, we think will cover

our attitude with reference to the present application. We think the pardon now applied for may properly be granted." The trial district attorney, Robert E. McCreary Esquire, in a communication to the Board dated February 26, 1941, stated in part as follows: "* * * We have no objection to the granting of a pardon to Mr. Hunter, as set forth in detail in our letter of March 19, 1940, addressed to J. Howard Manifold, Secretary, Board of Pardons, Harrisburg. We feel that the ends of justice will not be frustrated by the granting of this pardon." A favorable recommendation was made by the Board to the Governor, resulted in a pardon being granted to the applicant, which covered certain Bills of Indictments. The petition now submitted covers those Bills of Indictments which were inadvertently omitted from the prior application.

The Board, after a review of all of the facts, are of the opinion that the petitioner has been fully rehabilitated, and that the granting of this petition will remove the stigma of the conviction from his name and will materially aid in the furtherance of the business which he now conducts. The Board, therefore recommends that a full and complete pardon be granted to the petitioner.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
Not sitting,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of Antonio Nudi, B-4946, No. 3762 March Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Antonio Nudi, convicted of voluntary manslaughter in the Court of Oyer and Terminer of Beaver County on March 25, 1936 be commuted from 6 years to 5 years and 1 month, expiring on April 25, 1941.

Our reasons for making this recommendation are as follows:

The applicant for commutation of sentence pleaded guilty in the Courts of Beaver County on March 25, 1936 to Bill of Indictment No. 10 March Term, 1936, charging voluntary manslaughter, and was thereupon sentenced by the Honorable Frank E. Reader, Judge, to a term of imprisonment of not less than 6 years nor more than 12 years in the Western State Penitentiary.

The Board of Trustees of the Western State Penitentiary in a report submitted to the Board of Pardons has stated "* * * If this inmate were eligible to apply for parole, we would probably recommend him for parole (1) first conviction (2) excellent institutional record (3) has served almost 5 years. In addition, this applicant is 80 years of age, and in poor physical condition." The trial judge, the Honorable Frank E. Reader, Judge, in a communication addressed to the Board of Pardons has stated in part as follows: "* * * In view of his age we cannot see that there is much risk to be taken in commuting his sentence and releasing him." The trial district attorney, R. E. McCreary, Esquire, in a communication addressed to the Board of Pardons has stated in part as follows: "* * * We have repeatedly stated in our letters to the Board of Pardons that we are opposed to the granting of clemency to any one convicted in any degree of the crime of homicide until he has served at least the minimum sentence imposed by the Court. Anthony Nudi's minimum term will expire March 25, 1942 and there is no reason why he should not serve the balance of that term."

The applicant is 80 years of age and his life expectancy is very short. A parole plan has been obtained which ensures that the petitioner will be taken care of for the remaining days of his life by his daughter who is financially able to bear the expenses of maintenance in this case.

An examination of the record shows that the petitioner has never at any time been in any other difficulties. The Board, is of the opinion that he has been sufficiently punished, and will, if released on parole, become a self-respecting law-abiding citizen. The Board, after reviewing all of the facts, are of the opinion that the minimum term of imprisonment be commuted to 5 years and 1 month, expiring on April 25, 1941. The petitioner to remain on parole until March 25, 1948.

Respectfully submitted.

S. S. LEWIS,
Lieutenant Governor.
Not sitting,
Secretary of the Commonwealth.
CLAUDE T. RENO.
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of John Raymond Patrick, No. 5221, March Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that John Raymond Patrick, convicted of larceny of an automobile in the Court of Quarter Sessions of Mifflin County, on May 17, 1936 be pardoned

Our reasons for making this recommendation are as follows:

The applicant for a full and complete pardon pleaded guilty in the Courts of Mifflin County to Bill of Indictment No. 13 June Session, 1936, charging larceny of an automobile, and was thereupon sentenced to an indefinite term in the Pennsylvania Industrial School on May 17, 1936. The petitioner was released on parole on June 25, 1937.

During the entire period of his parole he faithfully complied with every restriction placed upon him by the Board of Pardons governing his supervision. The trial judge, the Honorable William W. Uttley, in a communication to the Board of Pardons stated: "* * * I am inclined to recommend clemency." No reply has been made by the district attorney to a communication addressed to him by the Board in this matter.

After the release of the applicant from the Pennsylvania Industrial School he enrolled as a student in Pennsylvania State College. He has made wonderful progress and will graduate this June. He has, by his own efforts, provided for his education by obtaining employment at the college and during the summer vacations—his earnings being used entirely for his maintenance while a student. He is a member of the reserve office, and because of the conviction which stands against him it is unlikely that the Army authorities would recommend a commission for him.

The Supervisor of Paroles in a communication to the Board of Pardons has stated in part as follows: "* * * The Supervisor of Paroles is definitely of the opinion that this applicant merits all the consideration that can pos-

sibly be given him, and therefore, recommends the granting of a full and complete pardon in this case."

The Board, after a review of all of the facts, are of the opinion that the petitioner is not criminally minded, and that he has fully rehabilitated himself, and further, the granting of a pardon will in part remove the stigma of the conviction, and will permit him to receive his commission in the United States Army, which he is desirous of entering. The Board, therefore, recommends that a full and complete pardon be granted to the applicant.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
Not sitting,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of Frank Peterkin, D-243, No. 5217, March Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardens recommend that the sentence of imprisonment imposed on Frank Peterkin, convicted of entering with intent to steal and larceny, in the Oyer and Terminer and Quarter Sessions Courts of Philadelphia County, on December 26, 1934 to be computed from December 11, 1934, be commuted from a maximum term on Bill No. 622 December Sessions, 1934, to a minimum term of 5 years, 8 months and 7 days, expiring on April 8. 1941.

Our reasons for making this recommendation are as follows:

The applicant for commutation of sentence was convicted in the Courts of Philadelphia County on December 26, 1934, to Bill of Indictment No. 622 December Sessions 1934, charging entering with intent to steal, larceny, and was thereupon sentenced to a term of imprisonment of not less than 1½ years nor more than 10 years in the Eastern State Penitentiary, from which he was released on parole July 18, 1936. This sentence was to be computed from December 11, 1934. On May 8, 1937, the petitioner was adjudged guilty in the Courts of Philadelphia County by the late Judge Millar to Bill of Indictment No. 368 February Term, 1937, charging aggravated assault and battery, and was thereupon sentenced to a term of imprisonment of not less than 1½ years nor more than 3 years in the Eastern State Penitentiary. This sentence to run concurrently with the unexpired parole period to Bill of Indictment No. 622 December Sessions 1934. The petitioner was returned to the Eastern State Penitentiary on March 7, 1937, where he has been in confinement.

The Board of Trustees of the Eastern State Penitentiary in a report submitted to the Board of Pardons has stated in part as follows: ". . . This man's record in the institution has been good. He attended school for a period of 13½ months, studied academic work and then studied automobile mechanics. He is employed as a laborer and considered to be a good worker. During his free afternoons, he attends school and has continued his study of automobile mechanics." James W. Tracey, Jr., Esquire, assistant district attorney, appeared before the Board of Pardons and stated that the petitioner has served 4 years for his parole violation, and that the district attorney's office left the matter in the hands of the Board of Pardons. The president judge, the Honorable Harry S. McDevitt, in a communcation to the Board of Pardons has stated in part as follows: ". . . This man's criminal career started in 1930 in Washington, D. C., but in 1934 he transferred his affections to this city, when he was given a minimum of eighteen months and a maximum of ten years. After serving his minimum he violated his probation. Apparently Judge Millar felt that he deserved a conviction in 1937, but that the crime did not merit serving eight and a half years back time. His institutional record is good, he has taken up academic work in school, as well as automobile mechanics; he works as a laborer and is considered a good worker. I have talked to Mr. Steinbrook who represented him at the time, and was told by him of the interest of Judge Millar at the time he sentenced him. I haven't much interest in the Pennsylvania Prison Society, and disapprove of a lot of things they do, but apparently they investigated this case at the time for Judge Millar and were unable to justify an acquittal. If you see fit to consider Judge Millar's feelings in the matter, it may be the desirable course to follow."

No parole plan has been obtained in this case, and if the sentence is to be computed, the petitioner will not be released until he has a bona fide parole plan which will include definite employment and adequate sponsorship.

The Board, after a review of all of the facts, are of the opinion that the petitioner has been sufficiently punished, and that he will, if released on parole, become a self-respecting law-abiding citizen. The Board, therefore, recommends that the maximum sentence of imprisonment on Bill No. 622, December Sessions, 1934, be commuted to a new minimum term of 5 years, 8 months and 7 days, expiring on April 8, 1941, and the petitioner to remain on parole until July 31, 1945. The sentence to Bill of Indictment No. 368 February Term, 1937, has already expired.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
Not sitting,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of Linnie Lee Phillips, D-3729, D-6801, No. 5204, March Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Linnie Lee Phillips, convicted of robbery under aggravated circumstances in the Court of Oyer and Terminer and Quarter Sessions of Lancaster County on February 3, 1939 to be commuted from 3 years to 2 years and 3 months computed from January 16, 1939 expiring on April 16, 1941.

Our reasons for making this recommendation are as follows:

The applicant for commutation of sentence pleaded guilty in the Courts of Lancaster County on February 3, 1939, to Bill of Indictment No. 79 December Term, 1938, charging attempted robbery under aggravated circum-

stances, and was thereupon sentenced by the Honorable Oliver S. Schaeffer, Judge, to a term of imprisonment of not less than 3 years nor more than 10 years in the Eastern State Penitentiary. Sentence to be computed from January 16, 1939.

The Board of Trustees of the Eastern State Penitentiary in a report submitted to the Board of Pardons has stated in part as follows: " . . . This man was transferred to Rockview on July 3, 1939. Authorities of that institution report that he has a good record. He is employed as a tractor operator. He attempted to improve himself both at the Graterford institution and at Rockview by attending school. He received a certificate in automotive engineering and electric arc welding at the latter institution." The trial judge, the Honorable Oliver S. Schaeffer, in a communication to the Board of Pardons has stated as follows: " . . . I feel that I was lenient in the imposition of my sentence and that he ought to serve at least his minimum term. However, I understand that the sentences of his two accomplices, Donald Sharpe and Earl Miller, were commuted." The present district attorney, K. L. Shirk, Esquire, in a communication to the Board of Pardons has stated in part as follows: " . . . I received notice of the application in the above matter for a pardon and my recollection is that the two accomplices in this crime, Earl Miller and Donald Sharp, had their sentences commuted by the Board, and if this is a fact, I see no reason why Phillips shouldn't receive the same consideration. My only interest is that these three men be treated alike, and though Phillips was previously arrested on a minor auto violation, I feel that he should be considered a first offender and that all should be given the same consideration."

A parole plan has been obtained which provides adequate sponsorship and bona fide employment, if and when he is released on parole.

The Board, after a review of all of the facts, are of the opinion that the petitioner will, if released on parole, become a self-respecting law-abiding citizen. The Board, therefore, recommends that the minimum sentence of imprisonment be commuted to 2 years and 3 months, expiring on April 16, 1941, and that the applicant remain on parole until January 16, 1949.

Respectfully submitted,
S. S. LEWIS,
Lieutenant Governor.
Not sitting,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:
ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of Vincent Rossi, No. 5213, March Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Vincent Rossi, convicted of assault and battery, aggravated assault and battery by automobile in the Court of Quarter Sessions of Philadelphia County, on June 10, 1937, be pardoned.

Our reasons for making this recommendation are as follows:

The applicant for a full and complete pardon was convicted in the Courts of Philadelphia County on June 10, 1937, to Bill of Indictment No. 743 December Sessions, 1936, charging assault and battery, aggravated assault and battery by automobile. The Court, placed the applicant on two years probation.

James W. Tracey, Jr., Esquire, assistant district attorney, appeared before the Board of Pardons and stated his office had no objection to the granting of the petition. The trial judge, the Honorable Harry S McDevitt, in a communication to the Board of Pardons has stated in part as follows: " . . . This man was placed on probation, as he stated, in 1937. So far as I can ascertain he has neither been arrested nor convicted since that time. I did not investigate him in his neighborhood, but I will if you so desire."

An examination of the petition shows that the applicant has never before been arrested for any offenses. He is now employed in Philadelphia, Pennsylvania, and received compensation at the rate of $1440.00 per year. He is married and resides with his wife in the City of Philadelphia. The charges in this case were brought about because of an automobile accident, for which one Bruce Williams was involved.

The Board is of the opinion that the petitioner is not criminally minded and that he is fully rehabilitated. The Board is further of the opinion that a pardon will in part remove the stigma of the crime and will materially aid the petitioner in obtaining advancement in his chosen vocation. The Board, therefore, recommends that the petitioner be granted a full and complete pardon.

Respectfully submitted,
S. S. LEWIS,
Lieutenant Governor.
Not sitting,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:
ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of Evan Williams, No. 4598, March Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Evan Williams, convicted of larceny, receiving stolen goods, violation of election laws in the Court of Quarter Sessions of Allegheny County, on January 8, 1926 and May 21, 1928, be pardoned.

Our reasons for making this recommendation are as follows:

The applicant for a full and complete pardon was convicted in the Courts of Allegheny County on January 8, 1926, and May 21, 1928, to Bills of Indictments No. 341 November Sessions, 1925, and No. 889 November Sessions, 1927, charging larceny, receiving stolen goods and violation of the election laws. To Bill of Indictment No. 341 November Sessions, 1925, a sentence of 1 day imprisonment in the Allegheny County Jail and a fine of $5.00 was imposed by the Honorable Joshua Cohen, Judge. To Bill of Indictment No. 889 November Sessions, 1927, the applicant was sentenced to pay a fine of $50.00, costs of prosecution, and placed on probation for a period of six months.

Judge Cohen is no longer on the bench. No reply was received to a communication addressed to the Honorable Harry H. Rowand, Judge, in this matter. Ralph T. Bell, Esquire, assistant district attorney, appeared before the Board of Pardons and stated that the record of the petitioner shows no further arrests and that the matter was one for the Board to dispose of.

The petitioner has been employed as a police official in the Borough of Homestead, Allegheny County, for the

past ten years. During the last two years of his employment he has been Captain of Police.

The Board of Pardons, after carefully considering all of the facts and circumstances in the petition, are of the opinion that the petitioner has been fully rehabilitated, and that the granting of a pardon will in part remove the stigma of the conviction and will materially aid him in securing further advancement in his chosen vocation. The Board, therefore, recommends that a full and complete pardon be granted.

Respectfully submitted,

S. S. LEWIS.
Lieutenant Governor.
Not sitting,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of Howard B. Albright, No. 5244, April Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Howard B. Albright, convicted of entering in the night, without breaking, with intent to commit a felony in the Court of Oyer and Terminer of Dauphin County, on January 5, 1931, be pardoned.

Our reasons for making this recommendation are as follows:

The applicant for a full and complete pardon was convicted in the Courts of Dauphin County on January 5, 1931, to Bill of Indictment No. 4 September Sessions, 1930, charging entering in the night, without breaking, with intent to commit a felony, and was thereupon committed to the Pennsylvania Industrial School at Huntingdon, Pennsylvania.

Carl B. Shelley, Esquire, present district attorney of Dauphin County, in a communication to the Board of Pardons has stated in part as follows: ". . . I have no suggestions to make with respect to the application and will be entirely satisfied with such disposition as the Board sees fit to make of it." The trial judge, the Honorable Frank B. Wickersham, in a communication to the Board of Pardons has stated in part as follows: ". . . I have not heard any complaint with respect to the conduct of the applicant since the trial of his case, and therefore can think of no reason why he should not be granted a pardon in order that the record against him might not be used in preventing him from obtaining a position. I therefore recommend a pardon." The Supervisor of Paroles, in a communication to the Board of Pardons has expressed no objection to the granting of this petition.

The petitioner is profitably employed, and he is desirous to take an examination under Federal Civil Service for an appointment as a Fingerprint Classifier and File Clerk. Because of the conviction on his record he is not at this time eligible for appointment. A communication from the Parole Authorities from the District of Columbia addressed to the Board of Pardons in reply to an inquiry has stated: ". . . From the investigation in this case, it would appear that the subject (Howard Albright) has made a very satisfactory adjustment in Washington."

The Board, after due and careful deliberation, are of the opinion that the petitioner has been fully rehabilitated, and that the granting of a pardon will in part remove the stigma of the conviction, and will materially aid him obtaining employment with the United States Civil Service. The Board, therefore, recommends that a full and complete pardon be granted to the petitioner.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
Not sitting,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of Carl Blazowski, No. 5241, April Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Carl Blazowski, convicted of operating illegal lottery in the Court of Quarter Sessions of Allegheny County, on November 5, 1930, be pardoned.

Our reasons for making this recommendation are as follows:

The applicant for a full and complete pardon pleaded Nolo Contendere in the Court of Allegheny County on November 5, 1930, to Bill of Indictment No. 271 October Sessions, 1930, charging operating illegal lottery, and was thereupon sentenced by the Honorable Elder W. Marshall, Judge, to pay the costs of prosecution, a fine of .06¼c, and to imprisonment in the Allegheny County Jail for a period of 30 days. On November 8, 1930, the sentence was reconsidered and the applicant placed on probation for one year.

Ralph T. Bell, Esquire, assistant district attorney, appeared before the Board of Pardons and stated that the district attorney's office had no objection to the granting of this petition. The trial judge, the Honorable Elder W. Marshall, in a communication to the Board of Pardons has stated: ". . . I have no present recollection of the facts in this case."

An examination of the record in this case, shows that the petitioner was never in trouble before the occurrence, which resulted in the sentence from which he now seeks relief, nor has he been since that time involved in any difficulties with the law. He is at present profitably employed. He is desirous of a pardon in order that the stigma of the conviction may in part be removed from his name and the names of the members of his immediate family.

The Board, after due and careful deliberation, is of the opinion that the petitioner has been fully rehabilitated, and that he is now a self-respecting law-abiding citizen in the community in which he resides, and they are of the further opinion, that the granting of a pardon will materially aid him in securing more profitable employment, and make material progress in the vocation of his chosen profession, and therefore, recommends that a full and complete pardon be granted to the petitioner.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
Not sitting,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:
ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of Paul D'Alfonso, D-783, No. 3808, April Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the sentences of imprisonment imposed on Paul D'Alfonso, convicted of robbery, being armed with an offensive weapon, in the Oyer and Terminer and Quarter Sessions Court of Philadelphia County, on August 12, 1935, be commuted on Bill No. 255 from a minimum term of 7 years to a minimum term of 5 years and 9 months, expiring on May 12, 1941; on Bill No. 256 from a minimum term of 7 years to a minimum term of 1 day, expiring on May 13, 1941; on Bill No. 257 from a minimum term of 7 years to a minimum term of 1 day, expiring on May 14, 1941; and on Bill No. 258 from a minimum term of 4 years to a minimum term of 1 day, expiring on May 15, 1941.

Our reasons for making this recommendation are as follows:

The applicant for commutation of sentence pleaded guilty in the Courts of Philadelphia County to Bills of Indictments Nos. 255, 256, 257, and 258 August Term, 1935, charged with robbery, being armed with an offensive weapon, and was thereupon sentenced on August 12, 1935, by the Honorable Harry S. McDevitt, Judge, to a term of imprisonment in the Eastern State Penitentiary on Bill No. 255 of not less than 7 years nor more than 20 years; on Bill No. 256 for not less than 7 years nor more than 20 years; on Bill No. 257 for a term of not less than 7 years nor more than 20 years; and on Bill No. 258 for a term of not less than 4 years nor more than 15 years. Sentences to run consecutively.

The Board of Trustees of the Eastern State Penitentiary in a report submitted to the Board of Pardons has stated in part as follows: ". . . Subject is employed in the print shop where he performs efficiently. He has shown considerable improvement in general education and stability. He has maintained an excellent performance record and attitude and has always shown a spirit of cooperation. He is careful in the selection of his companions and devotes most of his spare time to improving himself. It is our thought that he has materially benefited by his imprisonment and will make an honest effort to refrain from his former habits." James W. Tracey, Jr., Esquire, assistant district attorney, appeared before the Board and stated that the district attorney's office was unusually impressed with the progress of the applicant in his effort for rehabilitation, and that the district attorney's office desired to leave the matter entirely in the hands of the Board." The trial judge, the Honorable Harry S. McDevitt, in a communication to the Board of Pardons has stated in part as follows: ". . . There is no question about his wildness during his youth, but he seems to have undergone a complete transformation. He does his work in the print shop efficiently and has improved in education. His attitude toward society is both respectful and pleasant, and he associates with very few and only the best of his companions in the institution. I am inclined to think that he has greatly benefited by his imprisonment and that his affection for his family will keep him on the narrow path."

A parole plan has been provided which ensures bona fide employment and adequate sponsorship. An examination of the record in this case shows that the petitioner has been arrested on five prior occasions, and that he was once placed under probation and the other arrests were discharged. He is now serving his first term of imprisonment.

The Board, after a careful review of all of the facts, are of the opinion that the petitioner is not criminally minded, and that he has benefited greatly from his period of incarceration, and further, he will become a self-respecting law-abiding citizen in any community in which he resides. The Board, therefore, recommends that the sentences be commuted in the following manner: On Bill No. 255 from a minimum term of 7 years to a minimum term of 5 years and 9 months, expiring on May 12, 1941; on Bill No. 256 from a minimum term of 7 years to a minimum term of 1 day, expiring on May 13, 1941; on Bill No. 257 from a minimum term of 7 years to a minimum term of 1 day, expiring on May 14, 1941; and on Bill No. 258 from a minimum term of 4 years to a minimum term of 1 day, expiring on May 15, 1941; and that the petitioner remain on parole until May 13, 1961.

Respectfully submitted,
S. S. LEWIS,
Lieutenant Governor.
Not sitting,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:
ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of Stanley Dominski, B-7440, No. 5243, April Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Stanley Dominiski, convicted of robbery in the Court of Oyer and Terminer of Allegheny County on December 6, 1940, be commuted from 1 year to 5 months expiring on May 6, 1941.

Our reasons for making this recommendation are as follows:

The applicant for commutation of sentence was convicted in the Courts of Allegheny County on December 6, 1940, to Bill of Indictment No. 36 April Term, 1940, charging robbery, and was thereupon sentenced by the Honorable Jesse C. Long, Judge, to a term of imprisonment in the Western State Penitentiary for not less than 1 year nor more than 3 years.

Ralph T. Bell, Esquire, assistant district attorney, appeared before the Board of Pardons and stated that the district attorney's office had no objection to the granting of this petition, and that it was a matter entirely up to the Board, and that there was evidence to the effect that a feeling of animosity existed between the petitioner and the prosecutor in this case. The trial judge, the Honorable Jesse C. Long, has advised the against the applicant: The Board of Trustees of the Western State Penitentiary in a report to the Board of Pardons has stated in part as follows: ". . . If this inmate were eligible to apply for parole, we would probably recommend him for parole (1) first conviction (2) excellent institutional record." A parole plan has been obtained which provides adequate sponsorship and definite employment to the petitioner if and when he is released from confinement.

The Board of Pardons, after a careful review of all of the facts, are of the opinion that the petitioner is not criminally minded, and that, if he is released on parole, he will become a self-respecting law-abiding citizen and

the Board, therefore, recommends that the minimum term of imprisonment of one year be commuted to a minimum term of five months, expiring on May 6, 1941, and that the petitioner remain on parole until December 6, 1943.

Respectfully submitted,
S. S. LEWIS,
Lieutenant Governor.
Not sitting,
Secretary of the Commonwealth
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:
ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of Wesley Evans, D-2631, No. 4896, April Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Wesley Evans, convicted of statutory rape in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County on November 26, 1937 to be computed from October 28, 1937, be commuted from 5 years to 3 years and 7 months expiring on May 28, 1941.

Our reasons for making this recommendation are as follows:

The applicant for commutation of sentence pleaded guilty in the Court of Philadelphia County on November 26, 1937, to Bill of Indictment No. 127 November Term, 1937, charging statutory rape, and was thereupon sentenced by the Honorable Harry S. McDevitt, to a term of imprisonment in the Eastern State Penitentiary for not less than 5 years nor more than 10 years. Sentence to be computed from October 28, 1937.

The Board of Trustees of the Eastern State Penitentiary in a report submitted to the Board of Pardons has stated in part as follows: ". . . The crime committed shows a lack of practical judgment and personal insight, which probably reflects the attitude of our younger generation to the freedom of action permitted by incompetent parental guidance When he was seven years old, his parents died and he was placed in a foster home. Since this young man has demonstrated considerable effort toward stabilizing his character weakness, we feel he may make satisfactory adjustment if he is released under strict supervision and is given steady employment." James W. Tracey, Jr., Esquire, assistant district attorney, appeared before the Board of Pardons and stated that the district attorney's office desired ot leave this matter to the discretion of the Board of Pardons. The trial judge, the Honorable Harry S. McDevitt, in a communication to the Board of Pardons has stated in part as follows: ". . . He has only served three years and four months of a five year minimum, and while his conduct and performance records are satisfactory, I see no reason for intervention at this time. He has but a few associates in the institution, and they are of the better type. He has completed a number of I. C. S. courses during his confinement, and will probably return to society a better educated man than when he left. His background is not much to boast of. His parents died when he was very young, and he was raised in a foster home. I am inclined to think that his character is more stable now than it was when he entered the institution, but with all the loose women running the streets there seems little excuse for violating or defiling a 14 year old child."

A parole plan has been provided which insures adequate sponsorship and bona fide employment, to the applicant, if and when he is released on parole. The Board, after a careful review of all of the facts, are of the opinion, that the petitioner is not criminally minded, and that he will, if released, become a self-respecting law-abiding citizen, and further, that the offense in this case was committed without criminal intent, and was caused primarily by lack of judgment by the applicant. The Board, therefore, recommends that the minimum sentence be commuted to a minimum term of 3 years and 7 months, expiring May 28, 1941, and that the petitioner remain on parole until October 28, 1947.

Respectfully submitted,
S. S. LEWIS,
Lieutenant Governor.
Not sitting,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:
ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of Francis Gerstly, D-1609, No. 3772, April Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Francis Gerstly, convicted of voluntary manslaughter in the Court of Oyer and Terminer and Quarter Sessions of Lancaster County on September 25, 1936, be commuted from 5 years to 4 yrs. 8 mos. and 5 days, expiring on May 30, 1941.

Our reasons for making this recommendation are as follows:

The applicant for commutation of sentence was convicted in the Courts of Lancaster County to Bill of Indictment No. 286 March Sessions, 1936, charging voluntary manslaughter, and was thereupon sentenced by the Honorable Oliver S. Schaeffer, Judge, to a term of imprisonment in the Eastern State Penitentiary of not less than 5 years nor more than 10 years, pay a fine of $500.00, on September 25, 1936.

The Board of Trustees of the Eastern State Penitentiary in a report to the Board of Pardons has stated in part as follows: ". . . Subject experienced a mental episode when first received in this institution and on May 6, 1937, was transferred to the Farview Insane Asylum. He was returned on January 6, 1938 as recovered. Observation since his return indicates no relapse and the Psychiatrist states that the inmate may be considered to Commutation consideration. His institutional performance has been satisfactory. He studied a course in good English and received his International Correspondence School diploma. He is employed as a laborer outside the walls and is considered to be a willing worker." The present district attorney, K. L. Shirk, Esquire, has advised the Board that he has no objection to the granting of the petition. The trial judge, the Honorable Oliver S. Schaeffer, in a communication to the Board of Pardons has stated in part as follows: ". . . Whether he should be pardoned at the expiration of his minimum sentence is a matter for the Board to determine in its discretion." The petitioner was placed under arrest in the City of Lancaster in 1936, charged with murder (manslaughter). He was committed to the County Jail in default of bail, and his case was not brought to trial until September 25, 1936.

A parole plan has been obtained which provides bona fide employment and adequate sponsorship. The Board, having in mind the provision of an Act of Assembly, approved April 1937, is of the opinion that the petitioner should be credited with the time spent in the county

prison in default of bail, as applying against the sentence as imposed by the Court, and therefore, recommends that the minimum sentence be commuted to a minimum term of 4 years, 8 months and 5 days, expiring on May 30, 1941. The petitioner to remain on parole until September 25, 1946.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
Not sitting,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:
ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of Charles Judd, B-3830, No. 2149, April Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the maximum sentence of Charles Judd, convicted of rape in the Court of Oyer and Terminer of Allegheny County on October 3, 1933, be commuted from 10 years to 7 years, expiring on May 22, 1941.

Our reasons for making this recommendation are as follows:

The applicant for commutation of sentence was convicted in the Courts of Allegheny County on Bill of Indictment No. 23 September Term, 1933, charging rape, and was thereupon sentenced by the Honorable Thomas F. Bailey, Judge, to a term of imprisonment in the Western State Penitentiary for not less than 5 years nor more than 10 years, upon which he was released on parole October 3, 1938. On March 21, 1939, the petitioner was arrested in Allegheny County, charged with operating an automobile while under the influence of intoxicating liquor, and on April 17th he was brought to trial by the Honorable Thomas W. Dickey, Judge, the jury returning a verdict of guilty, and the petitioner was sentenced to a term of 60 days' imprisonment in the Allegheny County Jail. Upon the expiration of his sentence, i. e., May 22, 1939, he was taken into custody, and returned to the Western State Penitentiary, because of the conviction against him during the period he was on parole.

Ralph T. Bell, Esquire, assistant district attorney, appeared before the Board of Pardons and stated that the district attorney's office felt that this matter was one to be decided by the Board, and they entered no objection to the granting of clemency. The trial judge, the Honorable Thomas W. Dickey, is deceased. The president judge, the Honorable Ambrose B. Reid, in a communication to the Board of Pardons has stated. ". . . I have no information on this case other than that furnished by the applicant in his petition and am unable, therefore to offer a recommendation." The Board of Trustees of the Western State Penitentiary in a report to the Board of Pardons has stated in part as follows: ". . . If this inmate were eligible to apply for parole, we would probably recommend him for parole (1) excellent institutional record (2) cooperative inmate and worker (3) has now served 1 year 11 mos. for parole violation which resulted from drunken driving conviction (4) has assurance of employment." The Supervisor of Paroles in a communication to the Board of Pardons has stated in part as follows: ". . . The petitioner has served a period of time far in excess of any sentence that a court might impose for the type of offense which returned him to the penitentiary. However, I do not feel that he should be granted a full and complete pardon. I would, however, have no objection to a commutation of the original sentence, which would, if granted, permit re-release under supervision, which would extend for a period in excess of two years.

A parole plan has been obtained which ensures bona fide employment and adequate sponsorship, if and when the petitioner is released on parole. The petitioner has been confined for a period of about two years for an offense, which the courts of this Commonwealth usually impose a sentence not in excess of one year.

The Board, after a careful review of all of the facts, are of the opinion, that the petitioner has been severely punished, and that he will, if released on parole, make an honest effort to be a law-abiding self-respecting citizen in his community, and that the granting of clemency will materially aid in the further rehabilitation of the applicant. The Board, therefore, recommends that the sentence of imprisonment in this case be commuted on Bill No. 23, September Term, 1933, to a new minimum term of 7 years, expiring on May 22, 1941, and that the petitioner remain on parole until May 20, 1944.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
Not sitting,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:
ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of Arthur W. Keiper, C-8013, No. 2544, April Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the sentence of imprisonment imposed on Arthur W. Keiper, convicted of breaking and entering, larceny in the Court of Quarter Sessions of Monroe County, on May 11, 1932, be commuted on Bill No. 8 May Term, 1932, from a minimum term of 5 years to a minimum term of 4 years, expiring on May 11, 1941.

Our reasons for making this recommendation are as follows:

The applicant for commutation of sentence pleaded guilty in the Courts of Monroe County to Bills of Indictments Nos. 7, 8, and 11 May Term, 1932, charging breaking and entering, larceny, and was thereupon sentenced to a term of imprisonment in the Eastern State Penitentiary of not less than 5 years nor more than 10 years on Bill No. 7; and to a further term of not less than 5 years nor more than 10 years on Bill No. 8; and to a further sentence of not less than 5 years nor more than 10 years on Bill No. 11. Sentences on Bills Nos. 7 and 8 to run consecutively and on Bill No. 11 to run concurrently. The petitioner was technically paroled on sentence imposed on Bill No. 7 in order that he may commence service on Bill No. 8.

The Board of Trustees of the Eastern State Penitentiary in a report to the Board of Pardons has stated in part ". . . This man's interest in self-improvement and habit of trustworthiness and industry which he has demonstrated are worthy of some consideration. He has maintained an exceptional record of prison performance. He has completed 11 courses from Pennsylvania State College and one course from International Correspondence School

of Agriculture. He is employed as an inmate in charge of the library at Graterford and is considered to be a trusted and conscientious worker." The district attorney made no reply to a communication addressed to him in this matter. The trial judge, the Honorable Samuel E. Shull, in a communication to the Board of Pardons has stated in part as follows: ". . In the matter of the application of Arthur W. Keiper, from reports that I have had concerning this man and through inquiry made by me, I feel that due to the progress and conduct of this man it would be a case to which the Board of Pardons should give careful consideration. While, of course, such action as they might take is entirely satisfactory to me and I have no desire to influence their action, from my information I do feel, if I were a member of the Board of Pardons, I would extend clemency in this case."

A parole plan has been obtained which provides adequate sponsorship and bona fide employment to the petitioner, if and when he is released. The petitioner has been confined for a period of about 9 years, and the Board of Pardons is of the opinion, that he has been sufficiently punished, and he will, if released on parole, become a law-abiding self-respecting citizen, and the Board, therefore, recommends that the minimum sentence be commuted on Bill No. 8 May Term, 1932, from a term of 5 years to a minimum term of 4 years, expiring on May 11, 1941, and that the petitioner remain on parole until May 11, 1947.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
Not sitting,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:
ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of Frank Repyneck, D-422, No. 5004, April Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Frank Repyneck, convicted of accessory before and after the fact, conspiracy in the Court of Quarter Sessions of Lehigh County on March 15, 1935, be commuted from 9 years to 6 years and 2 months, expiring on May 15, 1941.

Our reasons for making this recommendation are as follows:

The applicant for commutation of sentence pleaded guilty in the Courts of Lehigh County to Bill and Indictment No. 95 January Sessions, 1935, charging accessory before and after the fact, conspiracy, and was thereupon sentenced on March 15, 1935, by the Honorable Richard W. Iobst, Judge, to a term of imprisonment in the Eastern State Penitentiary of not less than 9 years nor more than 18 years, and pay a fine of $1000.00.

The Board of Trustees of the Eastern State Penitentiary in a report to the Board of Pardons has stated in part as follows: ". . . Applicant was transferred to the Lehigh County Prison on August 28, 1939. The Warden of that institution reports that his conduct record has been satisfactory. He has maintained a reasonable attitude and he associates with the average type of inmates." The trial judge, the Honorable Richard W. Iobst, in a communication to the Board of Pardons has stated in part as follows: ". . . At this time I do not desire to register an objection if the Board of Pardons deems advisable to pardon him." The district attorney's office made no reply to a communication addressed to him by the Board of Pardons. There is on file with the Board of Pardons a statement made by First Sergeant of the Pennsylvania Motor Police, R. L. Davis, which states in part as follows: ". . . It is the opinion of this Officer and others in this case, that Repynock although an accessory in this particular case, was more or less a victim of circumstances. His part in the case showed that he was not the criminal type as the others accused in the case were; he received a small amount of mony to abandon the stolen car, after the participants of the Bank Robbery had reached their hideout. The subject is a local resident of Bethlehem, Pa., and his case is meritorious for parole consideration."

A parole plan has been obtained which provides adequate sponsorishp and bona fide employment to the petitioner, if and when he is released on parole. An examination of the record shows that the petitioner was arrested during the year 1924 in the City of Bethlehem, Pennsylvania, charged with larceny of coal. He was a juvenile and no sentence was imposed nor was there a trial conducted. In 1932, he was again arrested, charged with pandering. The Court, at that time directed a verdict of not guilty.

The Board of Pardons, after a careful review of all of the facts and due deliberation, are of the opinion that the petitioner is not criminally minded, and that he has been sufficiently punished for his offense. The Board, is further of the opinion, that he will, if released, become a self-respecting law-abiding citizen, and therefore, recommends the sentence be commuted from 9 years to a minimum term of 6 years and 2 months, expiring on May 15, 1941, and that the applicant remain on parole until March 15, 1953.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
Not sitting,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:
ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of Raymond Richardson, C-7067, No. 5224, April Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the maximum sentence of Raymond Richardson, convicted of attempted robbery, being armed with an offensive weapon, in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County on May 11, 1931, be commuted from 10 years to 7 years and 8 months, expiring on May 7, 1941.

Our reasons for making this recommendation are as follows:

The applicant for commutation of sentence was convicted in the Courts of Philadelphia County on May 11, 1931, to Bill of Indictment No. 1567 April Term, 1931, charging attempted robbery, being armed with an offensive weapon, and was thereupon sentenced by the Honorable Edwin O. Lewis, Judge, to a term of imprisonment in the Eastern State Penitentiary for not less than 5 years nor more than 10 years, from which he was released on parole February 11, 1937. On January 5, 1939, the ap-

plicant was sentenced by the Honorable Joseph G. Tumolillo, Judge of the Municipal Courts of Philadelphia County, to a term of imprisonment of 6 months in the Philadelphia County Prison for the crime of operating an automobile while under the influence of intoxicating liquor. He was released from the county prison on June 7, 1939, and was returned to the Eastern State Penitentiary for further incarceration as a parole violator.

The Board of Trustees of the Eastern State Penitentiary in a report to the Board of Pardons has stated in part as follows: ". . . Applicant is suffering from an incurable disease; there is no chance of recovery. His span of life depends upon the development of the tumor. We recommend he be granted clemency for the purpose of placement in the Philadelphia General Hospital where he can receive invalid nursing care. Dr. V. G. Burden, Medical Director of the Eastern State Penitentiary has made such arrangements with Dr. W. G. Turnbull, Superintendent of the Philadelphia General Hospial." James W. Tracey, Jr., Esquire, assistant district attorney, appeared before the Board and stated that there was a grave question as to the mental and physical condition of the applicant, and that he was in need of permanent hospitalization." Dr. Philip Q. Roche, Psychiatrist of the Eastern State Penitentiary, has stated in a report to the Board of Pardons the following: ". . . Since the inmate's return from the University Hospital to the Eastern State Penitentiary January 7, 1941, he has had recurrent attacks of epileptic fits, and by reason of the hazard of such attacks to himself, together with the fact that he has diminished capacity for purposeful movements of the right arm and leg, he is for the most part confined to bed. In addition, the inmate has a disability of speech and a probable intellectual impairment. My observation of the inmate following his operation has been one to give us every assurance that he will continue to be docile and yielding to any discipline. I have considerable doubt that the inmate will in any manner either have the capacity or the motive to commit any criminal act. The inmate's outlook for life is grave, but at this time it is impossible to give any prognosis as to his length of survival. From a standpoint of the Penitentiary discipline, he is entirely unsuited for care in this institution and I can see no reason why he cannot be cared for adequately in any hospital equipped for nursing care of chorinc invalids of this type."

The Board, after careful consideration of all of the facts, are of the opinion that the life span of the petitioner is very short, and he is now in a physical condition, "where he can do no further injury to society as a whole." The Board, therefore, recommends that the sentence of imprisonment imposed to Bill of Indictment No. 1567 April Term, 1931, be commuted to a new minimum term of 7 years and 8 months, expiring on May 7, 1941, and that the petitioner remain on parole until September 7, 1943, and to be permanently hospitalized.

Respectfully submitted,
S. S. LEWIS.
Lieutenant Governor.
Not sitting.
Secretary of the Commonwealth.
CLAUDE T. RENO.
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:
ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of Giuseppe Santarelli, No. 5250, April Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Giuseppe Santarelli, convicted of embezzlement and fraudulent conversion in the Court of Quarter Sessions of Philadelpria County, on June 5, 1936, be pardoned.

Our reasons for making this recommendation are as follows:

The applicant for full and complete pardon pleaded guilty in the Courts of Philadelphia County on June 5, 1936, to Bills of Indictments Nos. 428 and 429 October Term, 1932, charging embezzlement and fraudulent conversion, and was thereupon sentenced by the Honorable James Gay Gordon, Jr., Judge, on Bill No. 428 October Term, 1932, to a term of imprisonment of not less than 6 months nor more than 5 years in the Philadelphia County Prison, and on Bill No. 429, October Term, 1932, to a probation period of five years, to be computed after the expiration of the sentence in Bill No. 428, upon the condition that defendant does not leave the jurisdiction of the Court.

James H. Tracey, Jr., Esquire, assistant district attorney, appeared before the Board of Pardons and stated that ". . . the district attorney's office had no objection to the granting of this petition, and that the matter was one for the Board to decide, although, the district attorney's office felt that it would be an undue hardship to return the petitioner to Italy and break up his family." The trial judge, the Honorable James Gay Gordon, Jr., in a communication to the Board of Pardons has stated in part as follows: ". . . In this exceptional case I am, therefore, breaking a rule which I have undeviatingly followed in the past by expressing my hope that the Board will see its way clear to recommend the pardon for which he is asking." The petitioner is an Italian, and a warrant of deportation has been lodged against him by the United States Authorities. His wife is an American Citizen, and he is the father of two children, age four and two years. Prior to him getting in this difficulty, he made application for citizenship, which cannot be granted him because of the conviction against him.

A communication is on file, signed by the Chief Probation Officer of the Quarter Sessions Court, which he indicates that the petitioner has fully complied with the terms of his parole and probation. A communication is also on file, signed by O. E. Harvey, Superintendent of the Indemnity Insurance Company, in which he states that the petitioner has made restitution to the best of his ability, and in his opinion the petitioner should be pardoned, and allowed to remain in this country in order to provide for his family and be given an opportunity to reimburse this Company for the loss we have sustained.

The petitioner has been profitably employed and is considered a self-respecting law-abiding citizen in his community which he resides by letters of recommendation filed with the Board of Pardons.

The Board, after due and careful deliberation, are of the opinion that the petitioner is not criminally minded, and that he has made an honest effort to reimburse the Insurance Company, which is the only loser by his embezzlement. The Board, is of the further opinion, that the petitioner is worthy of favorable consideration, and that the granting of a pardon will in part remove the stigma from his name and will aid him materially in obtaining more profitable employment, which will permit him more adequately to take care of the needs of his family. The Board, therefore, recommends that a full and complete pardon be granted to the petitioner.

Respectfully submitted,
S. S. LEWIS.
Lieutenant Governor.
Not sitting,
Secretary of the Commonwealth.
CLAUDE T. RENO.
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of Leroy Smith, B-4996, No. 3496, April Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Leroy Smith, convicted of murder in the second degree in the Court of Oyer and Terminer of Allegheny County on February 14, 1936, be commuted from 7½ years to 5 years and 3 months, expiring on May 14, 1941.

Our reasons for making this recommendation are as follows:

The applicant for commutation of sentence was convicted in the Courts of Allegheny County to Bill of Indictment No. 30 December Term, 1934, charging murder, and was thereupon sentenced to a term of imprisonment in the Western State Penitentiary of not less than 7½ years nor more than 15 years by the Honorable W. Heber Dithrich, Judge, on May 14, 1936. Sentence to be computed from February 14, 1936.

Ralph T. Bell, Esquire, assistant district attorney, appeared before the Board of Pardons and stated that the district attorney's office desired to leave this matter entirely in the hands of the Board, that the petitioner has served a period of 5 years, and that the crime was the result of a race riot, which was brought about by the Ethiopian situation. The trial judge, the Honorable W. Heber Dithrich, made no reply to a communication addressed to him by the Board of Pardons. The Board of Trustees of the Western State Penitentiary in a report to the Board of Pardons has stated as follows: ". . . If this inmate were eligible to apply for parole, we would probably conditionally recommend him for parole subject to a proper sponsor and definite assurance of employment (1) good institutional record (2) has served over 5 years."

A parole plan has been provided for him which ensures bona fide employment. The matter of sponsorship has not as yet been attended to. An examination of the criminal record of the applicant shows that during the year 1930, he was convicted in the Court of Allegheny County for the crime of entering a building with intent to commit a felony, and was committed to the Pennsylvania Industrial School. The offense, for which he now seeks relief, is the only offense other than the arrest of 1930, which appears on the record.

The Board, after careful consideration of all of the facts in this case, and particularly the circumstances which brought about the commission of the crime, are of the opinion that the petitioner has been sufficiently punished, and he will, if released on parole, become a self-respecting law-abiding citizen. The Board, therefore, recommends that the minimum term as imposed by the Court be commuted to a minimum term of 5 years and 3 months, expiring on May 14, 1941, and that the applicant remain on parole until February 14, 1951.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
Not sitting,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of William Zeok, B-7441, No. 5242, April Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of William Zeok, convicted of robbery in the Court of Oyer and Terminer of Allegheny County on December 6, 1940, be commuted from 1 year to 5 months expiring on May 6, 1941.

Our reasons for making this recommendation are as follows:

The applicant for commutation of sentence was convicted in the Courts of Allegheny County on December 6, 1940, to Bill of Indictment No. 36 April Term, 1940, charging robbery, and was thereupon sentenced by the Honorable Jesse C. Long, Judge, to a term of imprisonment in the Western State Penitentiary for not less than 1 year nor more than 3 years.

Ralph T. Bell, Esquire, assistant district attorney, appeared before the Board of Pardons and stated that the district attorney's office had no objection to the granting of this petition, and that it was a matter entirely up to the Board, and that there was evidence to the effect that a feeling of animosity existed between the petitioner and the prosecutor in this case. The trial judge, the Honorable Jesse C. Long, has advised the Board that he had no recommendation to make for or against the applicants. The Board of Trustees of the Western State Penitentiary in a report to the Board of Pardons has stated in part as follows: ". . . If this inmate were eligible to apply for parole, we would probably recommend him for parole (1) first conviction (2) excellent institutional record." A parole plan has been obtained which provides adequate sponsorship and definite employment to the petitioner, if and when he is released from confinement.

The Board of Pardons, after a careful review of all of the facts, are of the opinion that the petitioner is not criminally minded, and that, if he is released on parole, he will become a self-respecting law-abiding citizen, and the Board, therefore, recommends that the minimum term of imprisonment be commuted from one year to a minimum term of five months, expiring on May 6, 1941, and that the applicant to remain on parole until December 6, 1943.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
Not sitting,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of Benjamin Dadorf, C-7772, No. 2486, May Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the maximum sentence of Benjamin Badorf, convicted of felonious entry and larceny in the Court of Quarter Sessions of Lancaster County on February 13, 1932, be commuted from 15 years to 7 yrs. 10 mos. and 16 days, expiring on May 23, 1941.

Our reasons for making this recommendation are as follows:

The applicant for commutation of sentence pleaded guilty in the Lancaster County Courts on February 13, 1932, to Bills of Indictments Nos. 47, 47a, 48 48a, 49, and 49a March Term. 1932, charging felonious entry and larceny, and was thereupon sentenced to a term of imprisonment in the Eastern State Penitentiary for not less than 7½ years nor more than 15 years. On October 30. 1935, the petitioner applied to the Board of Pardons for executive clemency and the petitioner's term was commuted to 3 years and 9 months, expiring on October 13, 1935. On December 6, 1935, the petitioner was released on parole. On April 14, 1937, the petitioner was arrested in the City of Lebanon, charging him with the crime of driving an automobile while under the influence of intoxicating liquor, and on April 17, 1937, the sentence was thereupon suspended. On April 23, 1937, he was returned to the Eastern State Penitentiary as a parole violator.

The Board of Trustees of the Eastern State Penitentiary in a report submitted to the Board of Pardons has stated ". . . This man's institutional performance has been satisfactory and has consistently maintained a good attitude. He has been employed in the laundry since 1937 and is considered to be an industrious worker. He keeps in contact with his brother and daughter through visits and correspondence." The trial judge, the Honorable John Groff. is now deceased. The Honorable Oliver S. Schaeffer President Judge, has stated to the Board of Pardons as follows: ". . . I am satisfied to have the Board use its own discretion and judgment in this matter." The Honorable C. V. Henry, President Judge of Lebanon County, had advised the Board of Pardons that he knew nothing of the facts and would express no objection to the granting of this petition.

A parole plan has been obtained which ensures adequate sponsorship and bona fide employment to the applicant, if and when, he is released on parole. The petitioner has been confined in the Eastern State Penitentiary since April 23, 1937, a period of approximately 4 years and 1 month. and the Board of Pardons is of the opinion that the petitioner has been sufficiently punished for the offense committed, which returned him to the penitentiary, and the Board. therefore, recommends that the sentence of imprisonment be further commuted to a new minimum term of 7 years and 10 months and 16 days, expiring on May 23, 1941, and that the applicant to remain on parole until June 24, 1948.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:
ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of John F. Chasarik, B-17227. No. 145A, May Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the sentence of imprisonment imposed on John F. Chasarik, convicted of robbery, entering a building, etc., larceny, in the Oyer and Terminer and Quarter Sessions Court of Allegheny County, on the 12th of November and the 26th of November, 1929, be commuted on Bill No. 235 November Sessions, 1929, from a minimum term of 3 years to a minimum term of 1 year, 6 months and 29 days. expiring on June 11, 1941; and on Bill No. 234 November Sessions, 1929, from a minimum of 1 year to a minimum of 1 day, expiring on June 12, 1941.

Our reasons for making this recommendation are as follows:

The applicant is one of many prisoners whose release on parole has been affected by the opinion of the Supreme Court in the case of Commonwealth of Pennsylvania ex rel. Thomas Lynch v. Stanley P. Ashe, Warden of the Western State Penitentiary, 320 Pa. 341. In this opinion it was held that unless a prisoner, who was serving sentences imposed to run consecutively, was recommended and approved for parole at the expiration of the first minimum sentence, he would be serving the maximum of that sentence, and if no recommendation for parole was made at the expiration of the second and subsequent minimum of sentences imposed to run consecutively, the prisoner would be serving the maximum of the second and subsequent sentences. In other words, a prisoner serving an indeterminate sentence is not automatically paroled at the expiration of the minimum term but is merely eligible for parole at that time, and if not favorably considered by the Prison Board at any time thereafter, the prisoner is required to serve the full sentence.

It was the custom for a long period of time for the officials of both the Eastern and Western State Penitentiaries to lump consecutive sentences and the Boards of Trustees would only make recommendations for release on parole at the expiration of the period of time equal to the total of the minimum sentences.

Since the Supreme Court held this procedure improper, the applicant and others, whose cases were not considered for parole at the expiration of their minimum sentences, through no fault of their own, will have to serve a much longer period of time than contemplated by the sentencing judge and the prison officials.

The failure of the Board of Trustees to make the necessary recommendations for parole at the expiration of the minimum sentences was an honest mistake, as most, if not all, sentencing judges shared the same view as the prison officials in deeming it to be unnecessary to make recommendations for parole at the expiration of the minimum of every consecutive sentence. Sentencing judges throughout the state have uniformly believed and taken into consideration in passing sentences the Prison Board practice that consecutive sentences would be lumped making a total minimum and a total maximum.

We believe that a great injustice would be done and that it would be most unfair to keep the applicant incarcerated for a longer period of time than recommended by the Board of Trustees of the institution in which the applicant is confined.

Respectfully submitted,

S. S. LEWIS,
Lieutenant-Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.,
Secretary of Internal Affairs.

The above recommendation is approved:
ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of Clifford Adams Corbit, C-6724, No. 3365, May Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members

of the Board of Pardons recommend that the maximum sentence of Clifford Adams Corbitt, convicted of assault, being armed with an offensive weapon with intent to rob in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County on January 15, 1931, be commuted from 10 years to 7 years and 3 months, expiring on June 4, 1941.

Our reasons for making this recommendation are as follows:

The applicant for commutation of sentence pleaded guilty in the Courts of Philadelphia County on January 15, 1931, to Bill of Indictment No. 695 January Term, 1931, charging assault, being armed with an offensive weapon with intent to rob, and was thereupon sentenced by the Honorable Thomas D. Finletter, Judge, to a term of imprisonment for not less than 3 years nor more than 10 years in the Eastern State Penitentiary, from which he was released on parole on January 15, 1934. On July 20, 1934, the applicant pleaded guilty in Baltimore, Maryland, to a charge of forgery, and was sentenced to a term of imprisonment of 5 years in the Maryland State Penitentiary. On August 24, 1934, the sentence was re-considered by the Court and he was re-sentenced to a term of imprisonment of 3 years in the Maryland House of Correction. On March 4, 1937, he was discharged from further service in the Maryland House of Correction and was returned to the Eastern State Penitentiary for further incarceration as a parole violator.

James H. Tracey, Jr., Esquire, assistant district attorney, appeared before the Board of Pardons and stated: " . . . That the applicant had served the minimum sentence from Philadelphia County, and that his subsequent crime was not hindered by the one that sent him to the Eastern State Penitentiary, and that the district attorney's office had no objection to the granting of clemency." The trial judge, the Honorable T. D. Finletter, in a communication addressed to the Board of Pardons under date of April 21, 1941, has stated in part as follows: ". . . Frankly, since you ask my opinion, I think he has already suffered enough punishment for what he did, and if I had my voice in the matter I should pardon him." The Board of Trustees of the Eastern State Penitentiary in a report to the Board of Pardons has stated in part as follows: ". . . This man has maintained a good record of prison performance. He has consistently maintained a constructive attitude and he associates with a better type of inmates. He is employed in the woodworking department and he spends a majority of his time at his work. He has saved a large part of his earnings and has sent some money home to his mother."

The Board of Pardons, after due deliberation of all of the facts, are of the opinion that the applicant has been sufficiently punished, and that he will, if released on parole, become a self-respecting law-abiding citizen. A parole plan has been obtained which provides adequate sponsorship to the petitioner, if and when, he is released on parole.

The Board, therefore, recommends that the maximum sentence of imprisonment be commuted to a new minimum term of 7 years and 3 months, expiring on June 4, 1941, and that the petitioner remain on parole until March 4, 1944.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of Angelo DeBellis, C-6339, No. 4271, May Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the sentences of imprisonment imposed on Angelo DeBellis, convicted of Burglary, in the Oyer and Terminer and Quarter Sessions Court of Philadelphia County, on August 15, 1930, and in the Oyer and Terminer and Quarter Sessions Court of Montgomery for riotous destruction of public buildings, on October 1, 1934, be commuted on Bill No. 199 August Term, 1930, from a minimum term of 5 years to a minimum term of 1 year and 5 months, expiring on June 15, 1941; and on Bill No. 204-1 June Term, 1934, from a minimum term of 1 year to a minimum term of 1 day, expiring on June 16, 1941.

Our reasons for making this recommendation are as follows:

The applicant for commutation of sentence pleaded guilty in the Courts of Philadelphia County on August 15, 1930, to Bills of Indictments Nos. 198 and 199 August Term, 1930, charging burglary, and was thereupon sentenced by the Honorable Harry S McDevitt, Judge, to a term of imprisonment of not less than 10 years nor more than 20 years in the Eastern State Penitentiary. On October 1, 1934, the applicant pleaded guilty in the Courts of Montgomery County to Bill of Indictment No. 204-1 June Term, 1934, charging riotous destruction of public buildings, and was thereupon sentenced by the Honorable George C. Corson, Judge, to a term of imprisonment of not less than 1 year nor more than 2 years in the Eastern State Penitentiary. This sentence to commence upon the expiration of sentence imposed on Bill No. 199. The minimum of which will expire on January 15, 1945. The sentence of Montgomery County has been listed as a detainer against the petitioner to be served upon the completion of his present sentence.

The Board of Trustees of the Eastern State Penitentiary in a report submitted to the Board of Pardons under date of May 1, 1941, has stated in part as follows: ". . . His conduct, with the exception of his trouble at the Graterford institution, has been satisfactory. He had made some effort to improve himself by attending school and is now employed as a laborer in the Maintenance Department. He has completed as punishment for the prison riot, 4 years, 5 months beyond the minimum of his first sentence and will be required to serve an additional year on the Montgomery County sentence which is no doubt a longer period of time than he would have been required to serve for the type of crime committed." James W. Tracey, Jr., Esquire, assistant district attorney, appeared before the Board of Pardons and stated that the applicant has served the minimum term as imposed by the Courts of Philadelphia County and the matter of commutation was entirely one for the Board of Pardons to decide. The trial judge, the Honorable Harry S. McDevitt, in a communication to the Board of Pardons under date of April 28, 1941, has stated in part as follows: ". . . With the exception of the Graterford incident, his conduct in prison has been satisfactory, and he has made a little effort to improve himself by attending school. Unless your Honorable Board wants to make an outstanding example of him, he has already served the minimums of his three sentences. His burglary victims were rather prominent South Philadelphians, but I didn't take that into consideration in imposing the sentence."

A satisfactory parole plan has been obtained which provides adequate sponsorship and bona fide employment for the applicant. The petitioner has been confined for a period of about 10 years and 9 months, and the Board of Pardons, therefore, are of the opinion that the applicant has been sufficiently punished, and that, he will, if re-

leased on parole, become a self-respecting law-abiding citizen. The Board, therefore, recommends that the sentences of imprisonment be commuted in the following manner: on Bill No. 199 August Term, 1930, from a minimum term of 5 years to a minimum term of 1 year and 5 months, expiring on June 15, 1941; and on Bill No. 204-1 June Term, 1934, from a minimum term of 1 year to a minimum term of 1 day, expiring on June 16, 1941, and the applicant to remain on parole until January 15, 1950.

Respectfully submitted,
S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:
ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of Joseph Freeman, C-9379, No. 4464, May Session. 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the sentences of imprisonment imposed on Joseph Freeman. convicted of robbery, being armed with an offensive weapon, in the Oyer and Terminer and Quarter Sessions Court of Philadelphia County, on December 15. 1933, be commuted on Bill No. 345 from a minimum term of 10 years to a minimum term of 7 years and 6 months, expiring on June 15, 1941; on Bill No. 346 from a minimum term of 10 years to a minimum term of 1 day. expiring on June 16, 1941; and on Bill No. 347 from a minimum term of 5 years to a minimum term of 1 day, expiring on June 17, 1941.

Our reasons for making this recommendation are as follows:

The applicant for commutation of sentence pleaded guilty in the Courts of Philadelphia County on December 15, 1933, to Bills of Indictments Nos. 345. 346, and 347 December Term, 1933, charging robbery. being armed with an offensive weapon, and was thereupon sentenced by the Honorable Harry S. McDevitt, Judge, to a term of imprisonment of not less than 10 years nor more than 20 Honorable Harry S. McDevitt, Judge, to a term of imprisonment of not less than 10 years nor more than 20 years; and on Bill No. 347 to a term of imprisonment of not less than 5 years nor more than 10 years in the Eastern State Penitentiary. Sentences to run consecutively.

The Board of Trustees of the Eastern State Penitentiary in a report submitted to the Board of Pardons under date of May 1, 1941 has stated in part as follows: ". . . His institutional performances record has been satisfactory. He appears to be particularly interested in music, and has become proficient with the saxophone and clarinet and at the present time is assistant band leader. He has applied himself very diligently to his music and intends to seek that kind of employment when released. He is a nervous type that does not adjust very well to prison life and probably with the proper supervision and steady employment he might make a satisfactory adjustment if released." James W. Tracey, Jr., Esquire, assistant district attorney, appeared before the Board of Pardons and stated that the petitioner has been confined for a period of about 7 years and further, all of his co-defendants are at liberty, and that the matter was one for the Board to decide. The trial judge, the Honorable Harry S. McDevitt, in a communication to the Board of Pardons under date of April 28, 1941, has stated in part as follows: ". . . If he has strict supervision and steady employment I am inclined to think he will make a satisfactory adjustment when returned to society. His mentality is normal. and his mental age more than 15 years. This man may be cured. as he only had two prior arrests and on both occasions was discharged. Major Owen of the Salvation Army, and Dr. Comfort of Haverford College seem interested in him, and if they give him the attention that he requires, it will have a very wholesome effect upon him."

A parole plan has been obtained in this case which provides adequate sponsorship and bona fide employment, if and when he is released on parole.

The Board of Pardons, after a careful review of all of the facts, are of the opinion that the applicant has been sufficiently punished, and that. he will, if released on parole, become a self-respecting law-abiding citizen. The Board. therefore. recommends that the minimum sentences be commuted in the following manner: on Bill 345 from a minimum term of 10 years to a minimum term of 7 years and 6 months, expiring on June 15, 1941; on Bill No. 346 from a minimum term of 10 years to a minimum term of 1 day, expiring on June 16, 1941; and on Bill No. 347 from a minimum term of 5 years to a minimum term of 1 day, expiring on June 17, 1941, and that the petitioner to remain on parole until June 16. 1961.

Respectfully submitted,
S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:
ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of Alfred Gibson, A-14956. No. 1420, May Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the sentences of imprisonment imposed on Alfred Gibson. convicted of robbery, receiving stolen goods, and felonious assault and battery, in the Oyer and Terminer and Quarter Sessions Court of Allegheny County, on February 15, 1927. be commuted on Bill No. 11 from a minimum term of 5 years to a minimum term of 3 years and 4 months, expiring on June 9. 1941; and on Bill No. 60 from a minimum term of 3 years to a minimum term of 1 day, expiring on June 10, 1941.

Our reasons for making this recommendation are as follows:

The applicant for commutation of sentence pleaded guilty in the Courts of Allegheny County on February 15, 1927, to Bills of Indictments Nos. 10, 11. 60, 9, and 12 February Sessions. 1927, charging robbery, receiving stolen goods, and felonious assault and battery, and was thereupon sentenced to a term of imprisonment of not less than 5 years nor more than 10 years on Bill No. 10, to a further term of imprisonment of not less than 5 years nor more than 10 years on Bill No. 11; and to a further term of imprisonment of not less than 3 years nor more than 6 years on Bill No. 60 in the Western State Penitentiary. Sentences to be served consecutively. On Bill No. 9 to a term of imprisonment of not less than 5 years nor more than 10 years and a further sentence of not less than 2½ years nor more than 5 years on Bill No. 12. These sentences to run concurrently with sentence imposed on Bill No. 11 February Session, 1927.

The applicant presented a petition to the Board of Pardons for executive clemency and on August 15. 1935 the Governor approved the recommendation for a reduction of the minimum sentence in this case to a period of 8 years and 6 months. The applicant was released on parole on October 9, 1935. On September 29, 1936 the applicant was returned to the Western State Penitentiary as a parole violator, because of the crime of attempted larceny, felonious assault and battery. where he has been confined therein continuously.

The Board of Trustees of the Western State Penitentiary in a report submitted to the Board of Pardons under date of April 15, 1941 has stated in part as follows: ". . . This applicant was recommended for re-parole on March 15, 1941, but in view of the Supreme Court's opinion in the Kinsella case, it is necessary for him to secure a further commutation of sentence to permit his release on parole. He has served 4 years 8 months since his return for parole violation with an excellent institutional record." Ralph T. Bell. Esquire, assistant district attorney. appeared before the Board of Pardons and stated that the district attorney's office was generally opposed to the granting of clemency in this case. The trial judge, the Honorable T. D. Carnahan. is now deceased The Honorable Ambrose B. Reid, President Judge, made no reply to an inquiry addressed to him by the Board of Pardons in this matter.

The Supreme Court of Pennsylvania in a decision handed down in the case of Kinsella v. Stanley P. Ashe, et al., wherein it was held that the action of the Governor in lumping sentences was without legal standing, and was in effect void

The applicant has been confined in the Western State Penitentiary for a period of approximately 13 years and 4 months, and he has served the minimum sentences as imposed by the Court. A parole plan has been obtained which provides adequate sponsorship, however, there is no employment. and the Board of Pardons, therefore. recommends that the minimum sentence of confinement on Bill No. 11 be commuted from a minimum term of 5 years to a minimum term of 3 years and 4 months. expiring on June 9, 1941; and on Bill No. 60 from a minimum term of 3 years to a minimum term of 1 day. expiring on June 10, 1941, and that the petitioner will remain on parole until February 9, 1948.

Respectfully submitted,
S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:
ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of Edward Goldsmith. No. 4705, May Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Edward Goldsmith, convicted of obtaining money under false pretense in the Court of Quarter Sessions of Philadelphia County. on December 14, 1938, be pardoned.

Our reasons for making this recommendation are as follows:

The applicant for a full and complete pardon pleaded guilty in the Courts of Philadelphia County on December 14, 1938, to Bill of Indictment No. 343 July Term, 1938, charging obtaining money under false pretense, and was thereupon sentenced by the Honorable Albert S. C. Millar, to a term of 30 days in the Philadelphia County Prison. The sentence was reconsidered by the Court and sentence suspended.

James W. Tracey, Jr., Esquire, assistant district attorney, appeared before the Board of Pardons and stated: "That the district attorney's office had no objection to the granting of clemency and that the matter was one for the Board to decide." The trial judge, the Honorable Albert S. C. Millar, is deceased. The Honorable Harry S. McDevitt, president judge of the Common Pleas Court No. 1, in a communication addressed to the Board of Pardons under date of May 10. 1941 has stated in part as follows: "Further investigation concerning Edward Goldsmith discloses that the second crime of which he was convicted was an election dispute, and I don't want you to be misled by my comment of recent date. Probably his first crime was rather cheap, but he has been demonstrating his capacity to make an honest living for the past couple of years, and if granting a pardon at this time will further increase his earning capacity, and I understand it will, I would be inclined to go along on any recommendation that you see fit to make."

The applicant was born in the City of Philadelphia on July 29, 1911, and he is now thirty years of age. He is married and is the father of two children. Recently he was employed by the Delaware River Joint Bridge Commission as a toll collector. Because of the conviction on his record he was required to terminate his employment with the Commission, and he is now employed by Mr. Elmer W. Leyrer, who operates a sauerkraut manufacturing business in the City of Philadelphia.

The Board of Pardons, after a careful review of all the facts and circumstances, are of the opinion that the petitioner has been fully rehabilitated, and that granting of a pardon will in part remove the stigma of the crime from his name and that of his family. The Board, therefore, recommends that a full and complete pardon be granted to the applicant.

Respectfully submitted,
S. S. LEWIS,
Lieutenant Governor.
Dissenting,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:
ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of Raymond A. Hart, No. 5283, May Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Raymond A. Hart, convicted of larceny, receiving stolen goods, breaking and entering, attempted robbery, in the Court of Quarter Sessions of Philadelphia County, on November 19, 1936, be pardoned.

Our reasons for making this recommendation are as follows:

The applicant for a full and complete pardon pleaded guilty in the Courts of Philadelphia County on November 19, 1936, charging breaking and entering, larceny, receiving stolen goods and attempted robbery, and was thereupon sentenced by the Honorable Joseph L. Kun, Judge, to three years probation.

James W. Tracey, Jr., Esquire, assistant district attorney,

appeared before the Board of Pardons and stated: ". . . That at the time of commission of the crime the petitioner was only seventeen years of age and since his conviction he has been in no trouble with the law, and that the matter was one for the Board to decide." The trial judge, the Honorable Joseph L. Kun, in a communication addressed to the Board of Pardons under date of April 21, 1941, has stated in part as follows: ". . . The defendant pleaded guilty to the charge of larceny, receiving stolen goods and breaking and entering a railroad car, in the course of which a quantity of lace curtains was stolen. Because of his youth he was placed on probation for a period of three years, which period has expired. The question as to whether or not a pardon should be granted to a defendant so situated depends on the policy of the Board of Pardons, and the trial Judge does not feel it proper to express an opinion thereon."

An examination of his criminal record shows that he was in no difficulties prior to his present conviction, from which he now seeks relief, nor has he been in any difficulties since that time. For the past four years he has been employed in the St. James Hotel, Philadelphia, as a houseman and elevator operator. He is desirous of a pardon so that he may join the Army of the United States.

The Board of Pardons, after careful deliberation of all of the facts, are of the opinion that the petitioner is not criminally minded, and that he is completely rehabilitated. The Board, is further of the opinion, that the granting of the petition will in part remove the stigma of the crime from his name and will permit his entrance into the Army of the United States. The Board, therefore, recommends that a full and complete pardon be granted to the applicant.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:
ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of Peter Jemme, B-4708, No. 3719, May Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Peter Jemme, convicted of voluntary manslaughter in the Court of Oyer and Terminer of Mercer County on September 20, 1935 be commuted from 6 years to 5 years 9 months and 26 days, expiring on July 16, 1941.

Our reasons for making this recommendation are as follows:

The applicant for commutation of sentence was convicted in the Courts of Mercer County on September 20, 1935, to Bill of Indictment No. 38 September Term, 1935, charging voluntary manslaughter, and was thereupon sentenced by the Honorable J. A. McLaughry, Judge, to a term of imprisonment of not less than 6 years nor more than 12 years in the Western State Penitentiary.

The Board of Trustees of the Western State Penitentiary in a report submitted to the Board of Pardons under date of April 21, 1941, has stated in part as follows: ". . . If this inmate were eligible to apply for parole, we would probably recommend him for parole (1) first conviction (2) excellent institutional record (3) cooperative inmate." Edwin C. Moon, Esquire, trial district attorney, in a communication to the Board of Pardons under date of April 22, 1941, has stated in part as follows: ". . . Since this application is for the purpose of allowing a credit for time spent in jail awaiting trial, we have no objections whatever against any action the Board of Pardons may take in this case." The trial judge, the Honorable J. A. McLaughry, made no reply to a communication addressed to him by the Board of Pardons in this matter. A parole plan has been obtained which provides the applicant adequate sponsorship and bona fide employment, if and when, he is released on parole. The record in this case shows that the applicant was committed to the Mercer County Jail on July 16, 1935, in default of bail and that he was not sentenced until September 20, 1935, a period of 2 months and 4 days.

The Board of Pardons, having in mind an Act of Assembly, approved April 1937, which provides credit to the defendant for the time spent in a county jail in default of bail, as applying to the sentence of the Court, is of the opinion that the applicant should be credited with a period of 2 months and 4 days on his sentence, and therefore, recommends that the minimum sentence of imprisonment be commuted to a minimum term of 5 years, 9 months and 26 days, expiring on July 16, 1941, and that the petitioner remains on parole until September 20, 1947.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:
ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of Herman Kummer, B-1972, No. 4308, May Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the life sentence of Herman Kummer, convicted of murder in the first degree in the Court of Oyer and Terminer of Allegheny County on April 9, 1930, be commuted from life imprisonment to 11 years and 2 months, expiring on June 9, 1941.

Our reasons for making this recommendation are as follows:

The applicant for commutation of sentence was convicted in the Courts of Allegheny County on April 9, 1930, on Bill of Indictment No. 51 December Term, 1929, charging murder in the first degree, and was thereupon sentenced by the Honorable Ambrose B. Reid, Judge, to a term of life imprisonment in the Western State Pnitentiary.

The Board of Trustees of the Western State Penitentiary in a report submitted to the Board of Pardons under date of April 22, 1941, has stated in part as follows: ". . . If this inmate were eligible to apply for parole, we would probably recommend him for parole (1) first conviction (2) good institutional record (3) has served over 11 years." Ralph T. Bell, Esquire, assistant district attorney, appeared before the Board of Pardons and stated that the district attorney's office was opposed to the granting of clemency in this case. The trial judge, the Honorable Ambrose B. Reid, made no reply to a communication addressed to him by the Board of Pardons in this matter.

The petitioner is 76 years of age and it is reasonable to assume that his life span is very nearly over. His record indicates that he was not in any trouble prior to the offense for which he now seeks executive clemency. A parole plan has been obtained which ensures that the petitioner will be provided with a satisfactory home and will be taken care of by his dependents for the remaining years of his life.

The Board of Pardons, after a careful review of all of the facts, are of the opinion that the petitioner's crime was the result of marital maladjustment which was occasioned by an adulterous wife of poor repute, and that the petitioner was not at the time of the commission of this crime criminally minded nor is he criminally minded at this time. The Board, therefore, recommends that the sentence be commuted to a minimum term of 11 years and 2 months, expiring on June 9, 1941, and that the petitioner remain on parole the rest of his natural life.

Respectfully submitted,
S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:
ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of Emmanuel Peter Lance, B-5283, No. 3595, May Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Emmanuel Peter Lance, convicted of murder in the second degree in the Court of Oyer and Terminer of Allegheny County on October 23, 1936 be commuted from 5 years to 4 years 6 months and 16 days, expiring on May 9, 1941.

Our reasons for making this recommendation are as follows:

The applicant for commutation of sentence was convicted in the Courts of Allegheny County on October 23, 1936, to Bill of Indictment No. 26 June Term, 1936, charging murder in the second degree, and was thereupon sentenced by the Honorable E. W. Marshall, Judge, to a term of imprisonmnt of not less than 5 years nor more than 10 years in the Western State Penitentiary.

The Board of Trustees of the Western State Penitentiary in a report submitted to the Board of Pardons under date of April 10, 1941, has statel in part as follows: ". . . If this inmate were eligible to apply for parole, we would probably recommend him for parole (1) first conviction (2) excellent institutional record (3) cooperative inmate." Ralph T. Bell, Esquire, assistant district attorney, appeared before the Board of Pardons and stated that the district attorney's office had no objection to the granting of the commutation in order to compensate the applicant for the period of time spent in jail while awaiting trial." The trial judge, the Honorable E. W. Marshall, in a communication addressed to the Board of Pardons has stated: ". . . I recall this case well. The defendant is the type that reasonably may be expected never to get into difficulty with the law again. In view of the present legislative requirement that sentence take effect as of date of original incarceration, I feel the present application has merit."

The petitioner was committed to jail in May 1936 without bail and remained therein until October 23, 1936, where he was sentenced to the Western State Penitentiary. A parole plan has been obtained which provides for adequate sponsorship, although, no employment has been obtained.

The Board of Pardons, after a careful review of all of the facts and having in mind the provision of the Act of Assembly, approved April 1937, are of the opinion that the petitioner should be credited with the time spent in the county prison as applying against the sentence imposed by the Court, and therefore, recommends that the minimum sentence of imprisonment be commuted to a minimum term of 4 years, 6 months and 16 days, expiring on May 9, 1941. The applicant to remain on parole until October 23, 1946.

Respectfully submitted,
S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:
ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of Wilbert Lindsay, B-3432, No. 2736, May Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the sentence of imprisonment imposed on Wilbert Lindsay, convicted of burglary, in the Oyer and Terminer, General Jail Delivery and Quarter Sessions Court of Philadelphia County, on October 17, 1923; and the sentence imposed on him, convicted on breaking and escaping penitentiary, in the Oyer and Terminer, General Jail Delivery and Quarter Sessions Court of Centre County, on November 3, 1932, be commuted on Bill No. 404 October Sess. 1923 from a min. term of 3½ years to a min. term of 3 years 5 months 29 days, expiring on August 18, 1941; and on Bill No. 169 Sept. Sess. 1925, from a minimum of 3 years, 6 months to a minimum of 1 day, expiring on August 19, 1941.

Our reasons for making this recommendation are as follows:

The applicant is one of many prisoners whose release on parole has been affected by the opinion of the Supreme Court in the case of Commonwealth of Pennsylvania ex rel. Thomas Lynch v. Stanley P. Ashe, Warden of the Western State Penitentiary, 320 Pa. 341. In this opinion it was held that unless a prisoner, who was serving sentences imposed to run consecutively, was recommended and approved for parole at the expiration of the first minimum sentence, he would be serving the maximum of that sentence, and if no recommendation for parole was made at the expiration of the second and subsequent minimum of sentences imposed to run consecutively, the prisoner would be serving the maximum of the second and subsequent sentences. In other words, a prisoner serving an indeterminate sentence is not automatically paroled at the expiration of the minimum term but is merely eligible for parole at that time, and if not favorably considered by the Prison Board at any time thereafter, the prisoner is required to serve the full sentence. (And also in the Opinion of the Superior Court in the case of Anthony Narcise, Appellant, vs. the Board of Trustees of the Eastern State Penitentiary).

It was the custom for a long period of time for the officials of both the Eastern and Western State Peniten-

tiaries to lump consecutive sentences and the Boards of Trustees would only make recommendations for release on parole at the expiration of the period of time equal to the total of the minimum sentences.

Since the Supreme Court held this procedure improper, the applicant and others, whose cases were not considered for parole at the expiration of their minimum sentences through no fault of their own, will have to serve a much longer period of time than contemplated by the sentencing judge and the prison officials.

The failure of the Board of Trustees to make the necessary recommendations for parole at the expiration of the minimum sentences was an honest mistake, as most, if not all, sentencing judges shared the same view as the prison officials in deeming it to be unnecessary to make recommendations for parole at the expiration of the minimum of every consecutive sentence. Sentencing judges throughout the state have uniformly believed and taken into consideration in passing sentences the Prison Board practice that consecutive sentences would be lumped making a total minimum and a total maximum.

We believe that a great injustice would be done and that it would be most unfair to keep the applicant incarcerated for a longer period of time than recommended by the Board of Trustees of the institution in which the applicant is confined.

Respectfully submitted,

S. S. LEWIS,
Lieutenant-Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.,
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of James Mason, C-8000, No. 3415, May Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the sentences of imprisonment imposed on James Mason, convicted of burglary, breaking and entering with intent to steal, in the Oyer and Terminer and Quarter Sessions Court of Lackawanna County, on May 7, 1932, be commuted on Bill No. 236 from a minimum term of 5 years to a minimum term of 4 years and 1 month, expiring on June 8 1941; and on Bill No. 256 from a minimum term of 5 years to a minimum term of 1 day, expiring on June 9 1941.

Our reasons for making this recommendation are as follows:

The applicant for commutation of sentence pleaded guilty in the Courts of Lackawanna County on May 7, 1932, on Bills of Indictments Nos. 18, 236, and 256 May Term, 1932, charging burglary, breaking and entering with intent to steal, and was thereupon sentenced by the Honorable E. C. Newcomb, Judge, to a term of imprisonment of not less than 5 years nor more than 10 years in the Eastern State Penitentiary on each Bill. Sentences to be served consecutively. The applicant was technically paroled on Bill No. 18 May Term, 1932, and on May 7, 1932, he was re-entered to begin service on the sentences imposed on Bills Nos. 236 and 256 May Term, 1932.

The Board of Trustees of the Eastern State Penitentiary in a report submitted to the Board of Pardons under date of April 3, 1941, has stated in part as follows: ". . . Subject had difficulty adjusting during the early period of his incarceration. Improvement, however, has been noted in his behavior during the past 14 months. He formerly worked in the Weave Shop and learned part of the trade of loom fixer. At the present time he is working in the Woodworking Department and spends a good deal of his time at his work. He corresponds and receives visits from his family. No exceptional factors can be cited in this man's case which would merit unusual consideration." John Murphy, Esquire, assistant district attorney, appeared before the Board of Pardons and stated: ". . . That the accomplices in this case had been released and the matter was one for the Board of Pardons to decide. He stated the district attrney's office had no objection to the granting of this petition." The trial judge, The Honorable E. C. Newcomb, is now deceased. The president judge, the Hnorable Will Leach, made no reply to a communication addressed to him by the Board of Pardons in this matter.

A parole plan has been obtained which provides bona fide employment and adequate sponsorship, if and when, he is released on parole. The Board of Pardons, after a careful review of all of the circumstances, are of the opinion that the applicant has been sufficiently punished, and that he will, if released on parole, become a self-respecting law-abiding citizes, and therefore, recommends that the minimum sentence imposed on Bill No. 236 be commuted to a minimum term of 4 years and 1 month, expiring on June 8, 1941; and on Bill No. 256 from a minimum term of 5 years to a minimum term of 1 day, expiring on June 9, 1941, and that the applicant to remain on parole until June 9, 1951.

Respectfully submitted,

S. S. LEWIS.
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of Lawrence Ray Mercilliott, No. 5294, May Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Lawrence Ray Mercilliott, convicted of involuntary manslaughter in the Court of Quarter Sessions of Lebanon County, on January 25, 1941, to be pardoned, be computed from January 20, 1941.

Our reasons for making this recommendation are as follows:

The applicant for a full and complete pardon pleaded guilty in the Courts of Lebanon County on January 25, 1941, to Bill of Indictment No. 26 March Sessions, 1941, charging involuntary manslaughter, and was thereupon sentenced by the Honorable C. V. Henry, Judge, to a term of imprisonment in the Lebanon County Prison for not less than one year nor more than 2 years. Sentence to be computed from January 20, 1941.

An examination of the criminal record in this case shows that he was never in any difficulties with the law. The trial district attorney, Earl A. Brubaker, Esquire, in a communication addressed to the Board of Pardons under date of May 1, 1941 has stated: ". . . I wish to advise you that I will not oppose the petition of Lawrence Ray

Mercilliott for clemency at the regular May 1941 Session of the Board of Pardons. I believe that Mr. Mercilliott has been sufficiently punished. I would also favor giving him an opportunity to rejoin his regiment in the national service. The facts in this matter are as set forth in his petition for pardon." The trial judge, the Honorable C. V. Henry, in a communication addressed to the Board of Pardons under date of May 3, 1941, has stated in part as follows: ". . . Replying to your recent letter with reference to the application of Lawrence Ray Mercilliott, before your Board, I believe the statements in his application are substantially correct. He plead guilty in involuntary manslaughter. The evidence before the Court was that he ran through a stop sign and in doing so he ran into another car resulting in the death of a woman in that car." An investigation into the matter reveals that the applicant was not under the influence of intoxicating liquor at the time of the accident. It appears he was employed at Indiantown Gap as a mechanic and he was returning home from work and failed to see the stop sign, which he passed through.

The applicant was a first Lieutenant in the Pennsylvania National Guards. Because of the conviction obtained against him he was honorably discharged, and he is therefore, eligible to rejoin his regiment if executive clemency is granted to him.

The Board of Pardons, after due deliberation of all the facts, are of the opinion that the applicant is not criminally minded and he has been sufficiently punished for his mistake in judgment. The Board, therefore, recommends that a full and complete pardon be granted to the petitioner.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:
ARTHUR H. JAMES.
Governor.

BOARD OF PARDONS

In re application of William L. Moore, B-2012, No. 144A, May Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the sentence of imprisonment imposed on William L. Moore, convicted of robbery, receiving stolen goods, in the Oyer and Terminer Court of Allegheny County, on May 2, 1930, be commuted on Bill No. 15 March Sessions, 1930, from a minimum of 5 years to a minimum of 1 year, expiring on May 2, 1941.

Our reasons for making this recommendation are as follows:

The applicant is one of many prisoners whose release on parole has been affected by the opinion of the Supreme Court in the case of Commonwealth of Pennsylvania ex rel. Thomas Lynch v. Stanley P. Ashe, Warden of the Western State Penitentiary, 320 Pa. 341. In this opinion it was held that unless a prisoner, who was serving sentences imposed to run consecutively, was recommended and approved for parole at the expiration of the first minimum sentence, he would be serving the maximum of that sentence, and if no recommendation for parole was made at the expiration of the second and subsequent minimum of sentences imposed to run consecutively, the prisoner would be serving the maximum of the second and subsequent sentences. In other words, a prisoner serving an indeterminate sentence is not automatically paroled at the expiration of the minimum term but is merely eligible for parole at that time, and if not favorably considered by the Prison Board at any time thereafter, the prisoner is required to serve the full sentence.

It was the custom for a long period of time for the officials of both the Eastern and Western State Penitentiaries to lump consecutive sentences and the Boards of Trustees would only make recommendations for release on parole at the expiration of the period of time equal to the total of the minimum sentences.

Since the Supreme Court held this procedure improper, the applicant and others, whose cases were not considered for parole at the expiration of their minimum sentences, through no fault of their own, will have to serve a much longer period of time than contemplated by the sentencing judge and the prison officials.

The failure of the Board of Trustees to make the necessary recommendations for parole at the expiration of the minimum sentences was an honest mistake, as most, if not all, sentencing judges shared the same view as the prison officials in deeming it to be unnecessary to make recommendations for parole at the expiration of the minimum of every consecutive sentence. Sentencing judges throughout the state have uniformly believed and taken into consideration in passing sentences the Prison Board practice that consecutive sentences would be lumped making a total minimum and a total maximum.

We believe that a great injustice would be done and that it would be most unfair to keep the applicant incarcerated for a longer period of time than recommended by the Board of Trustees of the institution in which the applicant is confined.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.,
Secretary of Internal Affairs.

The above recommendation is approved:
ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of Martin Newell, No. 5292, May Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Martin Newell, convicted of conducting a lottery, keeping a gambling house, bookmaking in the Court of Quarter Sessions of Allegheny County, on September 18, 1940, be pardoned.

Our reasons for making this recommendation are as follows:

The applicant for a full and complete pardon entered a plea of Nolle Contendere in the Courts of Allegheny County on September 18, 1940, to Bills of Indictments Nos. 148, 149, and 150 May Sessions, 1940, charging conducting a lottery, keeping a gambling house, bookmaking, and was thereupon sentenced by the Honorable Thomas N. Marshall, Judge,, sentence suspended upon payment of costs of prosecution.

Ralph T. Bell, Esquire, assistant district attorney, appeared before the Board of Pardons and stated that the petitioner was never in trouble before the offense which he now seeks relief nor has he been since that time and

that the matter was one for the Board of Pardons to decide. The trial judge, the Honorable Thomas N. Marshall, in a communication to the Board of Pardons under date of April 21, 1941, has stated in part as follows: ". . . Mr. Newell has a good, honest face. I have made some inquiry about him and am convinced he is doing well. The offense was not a serious one and I think he is really conscientious and that his sentence worries him and handicaps him. I would appreciate it if his application is given serious consideration."

An examination of the record shows that the applicant was never in trouble before the offense from which he now seeks relief nor has he been since that date. He is employed at the Garden Cafe, 116 East Ohio Street, Pittsburgh, Pennsylvania and enjoys the confidence of his employer. He is married and resides with his wife and two children at 216 Cremo Street, Pittsburgh, Pennsylvania. The petitioner is desirous of obtaining a pardon in order that the stigma of the conviction may be removed from his name and that of his family.

The Board of Pardons, after a careful review of all the facts, are of the opinion that the petitioner is not criminally minded and that he has been sufficiently punished, the Board, therefore, recommends that a full and complete pardon be granted to the applicant.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re Application of Leonard Novak, D-1234, No. 3613, May Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the sentences of imprisonment imposed on Leonard Novak, convicted of felonious wounding, larceny and receiving stolen goods, in the Oyer and Terminer and Quarter Sessions Court of Luzerne County, on April 15, 1936, be commuted on Bill No. 325 from a minimum term of 3½ years to a minimum term of 1 year and 8 months, expiring on June 15, 1941; and on Bill No. 323-J from a minimum term of 5 years to a minimum term of 1 day, expiring on June 16, 1941.

Our reasons for making this recommendation are as follows:

The applicant for commutation of sentence pleaded guilty in the Courts of Luzerne County on April 15, 1936, to Bills of Indictments Nos. 324, 325, and 323-J April Term 1936, charging felonious wounding, larceny, and receiving stolen goods, and was thereupon sentenced by the Honorable W. Alfred Valentine, Judge, to a term of imprisonment in the Eastern State Penitentiary of not less than 3½ years nor more than 7 years on Bill No. 324; and for a term of not less than 3½ years nor more than 7 years on Bill No. 325; and to a term of not less than 5 years nor more than 10 years on Bill No. 323-J. Sentences to be served consecutively.

The Board of Trustees of the Eastern State Penitentiary in a report submitted to the Board of Pardons under date of May 1, 1941 has stated in part as follows: ". . . This man was transferred to the Luzerne County Prison on August 8, 1939. The Warden of that institution reports that his record there has been good. He associates with a better type of inmates and has maintained a cooperative attitude. He is employed as a clerk and is considered to be a good worker. He corresponds and receives visits from his family. When he completes serving his present bill of 3½ to 7 years he will start serving the next bill No. 323-J of 5 to 10 years. The Warden recommends favorable action and states that: "Under proper supervision in the field we feel that he will meet all the requirements of society." A representative of the district attorney's office appeared before the Board of Pardons and stated that the facts stated in the petition and by counsel were correct and that the district attorney's office did not oppose the application. The trial judge, the Honorable W. Alfred Valentine, in a communication to the Board of Pardons under date of July 7, 1935, stated that he had no objection to the granting of clemency. This statement was reiterated by the Judge on April 21, 1941.

A parole plan has been obtained which provides the applicant with adequate sponsorship. Employment has not been as yet definitely provided, although, an attempt will be made to furnish employment for the petitioner with the Glen Alden Coal Company. The victim in this case has filed a letter with the Board of Pardons in which he states the applicant is entitled to parole consideration.

The Board of Pardons, after a careful review of all the facts, are of the opinion that the petitioner has been sufficiently punished, and he will, if released on parole, become a self-respecting law-abiding citizen.

The Board, therefore, recommends that the minimum terms of imprisonment be commuted in the following manner: On Bill No. 325 from a minimum term of 3½ years to a minimum term of 1 year and 8 months, expiring on June 15, 1941; on Bill No. 323-J from a minimum term of 5 years to a minimum term of 1 day, expiring on June 16, 1941, and that the petitioner to remain on parole until June 16, 1951. A technical parole was granted to the petitioner on Bill No. 324 on October 15, 1939

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of Edward Pishney, B-2407, No. 4843, May Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the sentence of imprisonment imposed on Edward Pishney, convicted of robbery, in the Oyer and Terminer Court of Allegheny County, on January 7, 1931, be commuted on Bill No. 75 from a minimum term of 10 years to a minimum term of 5 months, expiring on June 7, 1941.

Our reasons for making this recommendation are as follows:

The applicant for commutation of sentence pleaded guilty in the Courts of Allegheny County on January 7, 1931, to Bills of Indictment No. 79 and 75 December Term, 1930, charging robbery, and was thereupon sentenced to a term of imprisonment in the Western State Penitentiary of not less than 10 years nor more than 20 years on Bill No. 79 and to a further sentence of not less than 10 years nor more than 20 years on Bill No. 75 by the Honorable George V. Moore, Judge. Sentences to be

served consecutively. The applicant was technically paroled on Bill No. 79 on January 7, 1941, and was reentered in the penitentiary in order to start serving sentence imposed on Bill No. 75.

The Board of Trustees of the Western State Penitentiary in a report submitted to the Board of Pardons under date of April 23, 1941 has stated in part as follows: ". . . If this inmate were eligible to apply for parole, we would probably recommend him for parole (1) first conviction (2) excellent institutional record (3) has made considerable progress in self-improvement (4) has served almost 10½ years (5) sentences of accomplices have been commuted." Ralph T. Bell, Esquire, assistant district attorney, appeared before the Board of Pardons and stated that the district attorney's office opposed the granting of any clemency to this petitioner. The trial judge, the Honorable George V. Moore, made no reply to a communication addressed to him by the Board of Pardons in this matter. The Honorable John V. Kennedy, President Judge, addressed a communication to the applicant, which is on file in the office of the Board of Pardons, in which he states in part as follows: ". . . However, from the reports received by this Court as to your exemplary conduct in the Western State Penitentiry during the last ten years and from information gleaned from other sources, I do not hesitate to say that I trust that the Pardon Board will honor your application for commutation, when same comes before it next month."

A parole plan has been obtained which provides the applicant with adequate sponsorship and bona fide employment, if and when, he is released on parole.

The Board of Pardons, after a careful review of all of the circumstances in this case, are of the opinion that the petitioner has been sufficiently punished, and that he will, if released on parole, become a self-respecting law-abiding citizen and a credit to any community in which he may reside. The Board, therefore, recommends that the minimum sentence on Bill No. 75 be commuted to a minimum term of 5 months, expiring on June 7, 1941, and that the petitioner to remain on parole until January 7, 1961.

Respectfully submitted,
S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:
ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of Alexander A. Roseman, No. 5293, May Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Alexander A. Roseman, convicted of conspiracy to cheat and defraud, false pretense, in the Court of Quarter Sessions of Philadelphia County, on November 6, 1925, be pardoned.

Our reasons for making this recommendation are as follows:

The applicant for a full and complete pardon pleaded guilty in the Courts of Philadelphia County on November 6, 1925, to Bills of Indictments Nos. 1, 38, 125, 167, 267, 302, 395, 461, 476, 477, 586, 646, and 769, charging conspiracy to cheat and defraud, false pretense, and was thereupon sentenced by the Honorable Harry S. McDevitt, Judge, to a term of imprisonment in the Philadelphia County Prison for 8 years. The petitioner filed an application to the Board of Pardons for Executive Clemency which was heard on December 18, 1929 and favorable consideration was recommended. On December 23, 1929 the sentence was commuted and the petitioner was released on parole.

An examination of the criminal record in this case shows that during October, 1922 he was charged with the crime of fraud and the case was nolle prossed. He was subsequently arrested and indicted on December 12, 1935 for the crime of fraudulent conversion, however, this charge was disposed by nolle prossed. The sentencing Court has advised from all the appearances of one of those prosecutions started for the collection of money and then discontinued when the debt had been paid. James W. Tracey, Jr., Esquire, assistant district attorney, appeared before the Board and stated that the district attorney's office had no objection to the granting of this petition. The trial judge, the Honorable Harry S. McDevitt, in a communication to the Board of Pardons under date of May 5, 1941 has stated in part as follows: ". . . I sentenced this man to eight years in the County Prison in 1925 for a number of Building and Loan transactions. He was one of the first who wrecked confidence in Building and Loan Associations in this community, but took his medicine like a soldier and served his time without a whimper. Since that time he has had considerable difficulty, I know, making a living. He had a very large family and few of them were grown when he went to prison. So far as I can ascertain the only law violation that he has been identified with since his discharge was in 1935, when he was charged with fraudulent conversion and accused of having diverted to his own use funds that belonged to a corporation of which he was an officer. He was indicted on December 12, 1935 and on February 19, 1936 the bill was nolle prossed at the request of Benjamin D. Eisenberg, the principal prosecutor."

The petitioner is engaged in the Real Estate Business in the City of Philadelphia. He resides at the Clinton Hotel, 10th and Spruce Streets, Philadelphia, Pennsylvania with his wife and two minor children.

The Board of Pardons, after a careful review of all of the facts, are of the opinion that the petitioner is not criminally minded and that he has rehabiliated himself, the Board, is further of the opinion, that the granting of a pardon to the applicant will in part remove the stigma from his name and family and will materially aid him in the business in which he now is engaged. The Board, therefore, recommends that a full and complete pardon be granted to the applicant.

Respectfully submitted,
S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:
ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of Glenn A. Shadduck, D-2621, No. 4880, May Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Glenn A. Shadduck, convicted of larceny in the Court of Oyer and Terminer and Quarter Sessions of Susquehanna County on November 19, 1937 to be computed from November 8, 1937, be commuted from 7½

years to 3 years and 7 months, expiring on June 8, 1941.

Our reasons for making this recommendation are as follows:

The applicant for commutation of sentence pleaded guilty in the Courts of Susquehanna County on November 19, 1937, on Bills of Indictments Nos. 39, 40, 41, 42, and 45 November Term, 1937, charging larceny, and was thereupon sentenced by the Honorable Andrew B. Smith, Judge, to a term of imprisonment of not less than 18 months nor more than 3 years on each indictment. Sentence to be computed from November 8, 1937 and to be served consecutively.

The Board of Trustees of the Eastern State Penitentiary in a report submitted to the Board of Pardons under date of May 1, 1941 has stated in part as follows: ". . . Subject's institutional performance has been good. He has been employed as a clerk in the maintenance department outside the walls during his entire time. He is a willing and industrious worker. He has attempted to improve himself by taking a correspondence course in agriculture. He completed 6 courses in Agriculture from Pennsylvania State College and has also studied a poultry course from International Correspondence School. At the present time he is studying Internal Correspondence School Course in bookkeeping. He has consistently maintained a constructive attitude." The trial judge, the Honorable Andrew B. Smith, is now deceased. The Honorable Edward P. Little, President Judge, in a communication addressed to the Board of Pardons has stated in part as follows: ". . . I have felt that this defendant had it in him to become a useful citizen. At one time after he came out of jail, I certified him for employment and assisted him in getting a good job, when I was District Attorney. His trouble seems to be more through weakness than real viciousness in my opinion and if the Board is of the opinion that he has been cured I would not stand in the way of another opportunity for him to rehabilitate himself and I would agree to this clemency."

A parole plan has been obtained which provides adequate sponsorship and bona fide employment to the applicant, if and when, he is released on parole. The Board of Pardons, after a careful review of all of the facts, are of the opinion that the petitioner has been sufficiently punished, and that, he will, under proper supervision and guidance will become a self-respecting law-abiding citizen in any community in which he resides. The Board, therefore, recommends that the minimum term of imprisonment be commuted to a minimum term of 3 years and 7 months, expiring on June 8, 1941, and that the applicant to remain on parole until November 8, 1952.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of Harry Shore, No. 5259, May Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Harry Shore, convicted of violation of the State Prohibition Act in the Court of Quarter Sessions of Philadelphia County, on January 29, 1929, be pardoned.

Our reasons for making this recommendation are as follows:

The applicant for a full and complete pardon pleaded guilty in the Courts of Philadelphia County on January 29, 1929, to Bill of Indictment No. 554 October Term, 1929, charging violation of State Prohibition Act, and was thereupon sentenced by the Honorable C. D. Copeland, Judge, to pay the costs of prosecution and placed on probation for a period of one year.

An examination of the criminal record in this case shows that the petitioner was placed under arrest on May 14, 1927 charged with the crime of unlawful possession of intoxicating liquor, however, the case was ignored by the jury. James W. Tracey, Jr., Esquire, assistant District attorney, appeared before the Board of Pardons and stated that the district attorney's office had no objection to the granting of his petition. The trial judge, the Honorable C. D. Copeland, is now deceased. The applicant is employed by the Department of Welfare, Bureau of Recreation, as a caretaker, earning $1200.00 per year. He is married and resides with his wife and child at 723 South Third Street, Philadelphia. The offense from which he was convicted involved the sale of one-half pint of intoxicating liquor to a police officer.

The Board, after a careful review of all of the facts, are of the opinion that the petitioner is not criminally minded, and that he is regarded as a self-respecting law-abiding citizen in the community in which he now lives. He is desirous of a pardon in order that he may be eligible for employment, which will provide him as an enumerator, and wll permit him more adequately to take care of his wife and other dependents. The Board, therefore, recommends that a full and complete pardon be granted to the applicant.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of Stephen Smerecky, B-5517, D-1911, No. 5279, May Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons, recommend that the sentence of imprisonment imposed on Stephen Smerecky, convicted of breaking and entering, larceny, burglary, in the Oyer and Terminer and Quarter Sessions Court of Lackawanna County, on December 12, 1936, be commuted on Bill No. 15 October Term, 1936 from a minimum term of 3 years to a minimum term of 2 years, 5 months and 18 days, expiring on May 30, 1941.

Our reasons for making this recommendation are as follows:

The applicant for commutation of sentence pleaded guilty in the Courts of Lackawanna County on December 12, 1936, to Bills of Indictments Nos. 13 and 15 October Term, 1936, charging breaking and entering, larceny and burglary, and was thereupon sentenced by the Honorable William R. Lewis, Judge, to a term of imprisonment in the

Eastern State Penitentiary for not less than 2 years nor more than 4 years on Bill No. 13, and to a term of imprisonment of not less than 3 years nor more than 6 years on Bill No. 15. Sentences to be served consecutively. On December 12, 1938 he was technically paroled on Bill No. 13 and re-entered on the records of the penitentiary to begin service on sentence imposed on Bill No. 15.

The Board of Trustees of the Eastern State Penitentiary in a report to the Board of Pardons under date of May 1, 1941 has stated in part as follows: ". . . Applicant was transferred to Rockview on May 24, 1937. The authorities of that institution report that his record there is satisfactory. He has maintained a co-operative attitude and associates with the average type of inmates. He is employed in the kitchen and is considered to be a good worker." The trial judge, the Honorable William R. Lewis, made no reply to a commucation addressed to him by the Board of Pardons in this matter, nor did the trial district attorney.

A parole plan has been obtained which provides adequate sponsorship and bona fide employment, if and when, he is released on parole. The petitioner was placed under arrest on June 30, 1936 and was committed to the Lackawanna County Prison in default of bail until December 12, 1936, the date of his trial.

The Board of Pardons, having in mind the Act of Assembly, approved April 1937, is of the opinion that the defendant is entitled to the benefit of the time spent in the county prison awaiting trial as applying to his sentence. The Board, is further of the opinion, that the petitioner should be credited with the period of 5 months and 12 days, which is the length of time he was confined in the Lackawanna County Prison, and the Board, therefore, recommends that the minimum sentence of imprisonment be commuted on Bill No. 15 October Term, 1936 from a minimum term of 3 years to a minimum term of 2 years, 5 months and 18 days, expiring on May 30, 1941, and that the petitioner remain on parole until December 12, 1944.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:
ARTHUR H. JAMES,
Governor

BOARD OF PARDONS

In re application of Moxie Souchick, C-3882, No. 4435. May Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the sentences of imprisonment imposed on Moxie Souchick, convicted of larceny of an automobile, in the Oyer and Terminer and Quarters Sessions Court of Luzerne County, on March 22, 1927, be commuted on Bill No. 468 February Sessions 1927, from a maximum term of 10 years to a minimum term of 9 years, expiring on June 13, 1941.

Our reasons for making this recommendation are as follows:

The applicant for commutation of sentence pleaded guilty in the Courts of Luzerne County on March 22, 1927 to Bill of Indictment No. 468 February Term, 1927, charging larceny of an automobile, and was thereupon sentenced to a term of imprisonment in the Eastern State Penitentiary of not less than 5 years nor more than 10 years by the Honorable B. J. Jones, Judge. The applicant was received at the penitentiary on April 4, 1927 and remained therein until September 28, 1928 when he was transferred to the Western State Penitentiary, from which he was released on parole on March 22, 1932. On June 13, 1932 the applicant was sentenced in the Courts of Luzerne County on Bill No. 337 June Term, 1932, charging burglary and entering, and was thereupon sentenced by the Honorable C. D. Coughlin, Judge, to a term of imprisonment of not less than 5 years nor more than 10 years in the Eastern State Penitentiary. The petitioner was technically paroled on this sentence on June 13, 1937 and received as a transferred prisoner from the Western State Penitentiary to serve the unexpired portion of sentence imposed on March 22, 1927. He has been confined in the Eastern State Penitentiary for a period of about 9 years.

The Board of Trustees of the Eastern State Penitentiary in a report submitted to the Board of Pardons under date of May 1, 1941 has stated in part as follows: ". . . This inmate has been incarcerated for a continuous period of approximately 14 years. Steady progress has been noted while he has been in this institution, and he has definitely demonstrated a mature judgment. He is employed as a radio operator and has worked in the electrical department for the past 5½ years. He is called upon for emergency work for both inside and outside the walls at all hours of the day and night. In addition to his regular work he is a motion picture operator and by further study he has successfully passed the state license examination for sound picture projection. On the basis of, exceptional habits of industry, his demonstration of habits of thrift, and the vocational aptitude which he has acquired, we feel that he has a possibility of successful adjustment when released." A representative from the district attorney's office appeared before the Board of Pardons and stated that the petitioner has a long record, although, he has not displayed viciousness in the perpetration of his crimes, and therefore, the district attorney's office left the matter to the Board of Pardons. The trial judge, the Honorable Clarence D. Coughlin, in a communication addressed to the Board of Pardons has stated in part as follows: ". . . However, I have read over the application for clemency and I would recommend him for parole. He has served his term approximately and whatever reformation rests in imprisonment should have had its effect by now. I think it most important, however, that he have, in truth, a job open for him."

A parole plan has been obtained which provides adequate sponsorship and bona fide employment, if and when, he is released on parole. With the exception of a period of about 3 months the applicant has been continuously confined for the past 14 years.

The Board of Pardons, after a careful review of all of the facts, are of the opinion that he has learned his lesson and that he has been sufficiently punished for his misdeeds, and the Board, is further of the opinion, that the applicant will, if released on parole, become a self-respecting law-abiding citizen, and therefore, recommends that the maximum sentence of imprisonment on Bill No. 468 February Term, 1927 be commuted to a minimum term of 9 years, expiring on June 13, 1941, and that the petitioner remains on parole until June 13, 1942.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:
ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of Richard D. Taylor, D-1262, No. 4126, May Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Richard D. Taylor, convicted of kidnapping (Under Act of 1901) in the Court of Oyer and Terminer and Quarter Sessions of Lehigh County, on April 29, 1936 be commuted from 25 years to 5 years and 1 month, expiring on May 29, 1941.

Our reasons for making this recommendation are as follows:

The applicant for commutation of sentence pleaded guilty in the Courts of Lehigh County on April 29, 1936, to Bill of Indictment No. 54 April Term, 1936, charging kidnapping (Under Act of 1901), and was thereupon sentenced by the Honorable Richard W. Iobst, Judge, to a term of imprisonment for not less than 25 years nor more than 50 years in the Eastern State Penitentiary.

The Board of Trustees of the Eastern State Penitentiary in a report submitted to the Board of Pardons under date of April 3, 1941 has stated in part as follows: ". . . Applicant is above average in intelligence and has not demonstrated any anti-social attitudes or behavior while he has been in the institution. He is unlikely to again commit a criminal act. He has an excellent record of institutional performance and has been employed in the Deputy Warden's Office on a position of trust as a clerk during most of his time in the institution. During the early part of his incarceration he worked as a corrector in the Educational Department and he also studied the Salesmanship Course. The business associates with whom he worked prior to his incarceration have still maintained their confidence in this man and are willing to employ him when he is released. The crime which he committed was one of thoughtlessness and was not motivated by wickedness of heart. It is felt that there is very little likelihood of this man ever again exercising the same type of poor judgment." The trial district attorney, John L. Cutshall, Esquire, when interviewed by an investigator of the Board of Pardons stated: ". . . The petitioner was of very high standing. Had held jobs in the $8000 and $10,000 bracket and through no fault of his own, lost his position and was reduced to poverty. He married a girl that was not acceptable to his farmily and eventually they were divorced. This added to his financial condition and made him moody. The District Attorney feels that his mind was affected when he committed this crime." The father of the victim in this case, Mr. Henry T. Koch, in a communciation to the Warden of the Eastern State Penitentiary under date of September 8, 1937 has stated the following: ". . . The District Attorney's Office of this County has requested me to express my feeling and attitude upon an intended application for clemency before the Board of Pardons, for one Richard D. Taylor, who was committed to the Eastern State Penitentiary, for the kidnapping of my son in the spring of 1936. My son was not injured in any manner, was kindly treated while in the custody of Taylor, which was less than two hours, and I feel that this offense was due to a temporary mental disarrangement of some kind brought on by worries over his financial status at that time. You are therefore advised, that my feeling in the matter is, that he has been punished sufficiently, that the ends of justice have been justly met, and that a continuance of imprisonment, and that further confinement may destroy this man's usefulness as a citizen and to society. I feel, if he were released that he would rehabilitate himself and again become a useful citizen." The trial judge, the Honorable Richard W. Iobst, in a communication addressed to the Board of Pardons under date of March 20, 1941, has stated in part as follows: " . . . On November 8, 1938, when this applicant had previously applied for a pardon, I wrote a letter addressed to you as Secretary of the Board of Pardons, wherein I enclosed photostatic copies of the kidnap notes addressed to Mr. Henry Koch, which notes were found in Taylor's room at the Hotel where he had registered. I feel assured that you still have those photostatic copies in your files. As stated in my previous letter I can only restate that those notes containing the threats of death to the child are a severe indictment of the applicant. In my letter of November 8, I stated and will herein restate that to my mind no mercy should be shown to kidnappers in this Commonwealth. I am still of the same opinion."

A parole plan has been obtained which provides the applicant with adequate sponsorship and immediate employment to go to, if and when, he is released. A number of letters have been filed by reputable citizens attesting to the applicant's good character.

The Board of Pardons, after a careful review of all the facts and taking into consideration the recommendation submitted in this case by Mr. Henry T. Koch, the father of the boy, an extract which is quoted herein ". . . You are therefore advised, that my feeling in the matter is, that he has been punished sufficiently, that the ends of justice have been justly met, and that a continuance of imprisonment, and that further confinement may destroy this man's usefulness as a citizen and to society. I feel, if he were released, that he would rehabilitate himself and again become a useful citizen." The Board, therefore, recommends that the sentence as imposed by the Court be commuted from a minimum term of 25 years to a minimum term of 5 years and 1 month, expiring on May 29, 1941, and that petitioner remain on parole until April 29, 1986.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
Not sitting,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of James Thomas, C-7106, No. 4402, May Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the sentences of imprisonment imposed on James Thomas, convicted of robbery, being armed with an offensive weapon, in the Oyer and Terminer and Quarter Sessions Court of Philadelphia County, on May 25, 1931, be commuted on Bill No. 1086 from a minimum term of 10 years to a minimum term of 1 day, expiring on May 26, 1941; on Bill No. 1087 from a minimum term of 10 years to a minimum term of 1 day, expiring on May 27, 1941; and on Bill No. 1089 from a minimum term of 10 years to a minimum term of 1 day, expiring on May 28, 1941.

Our reasons for making this recommendation are as follows:

The applicant for commutation of sentence pleaded guilty to Bill of Indictment No. 1084 May Term, 1931, and not guilty to Bills of Indictments Nos. 1086, 1087, and 1089 May Term, 1931, in the Courts of Philadelphia County on May 25, 1931, charging robbery, being armed with an offensive weapon, and was thereupon sentenced by the Honorable Joseph L. Kun, Judge, to a term of imprisonment of not less than 10 years nor more than 20 years in the Eastern State Penitentiary on each Bill. Sentences to run consecutively.

The Board of Trustees of the Eastern State Penitentiary in a report submitted to the Board of Pardons under date of May 1, 1941 has stated in part as follows: ". . . His claim that he was guilty of only one of the crimes charged appears to have some merit. The man is employed as a cook in the Warden's residence and he has improved his proficiency in this type of work. He attended school for a period of 2 years and also studied during his spare time. He has a good personality, has maintained a good attitude, and is apparently attempting to fit himself for life after release. He does not associate with any of the inmates. He spends a majority of his time at his work. Judging on the basis of his habits of industry and thrift it is felt that he would have a good probability of successful adjustment if released." James W. Tracey, Jr., Esquire, assistant district attorney, appeared before the Board of Pardons and stated that because of the record maintained by the prisoner while confined at the penitentiary, the district attorney's office had no objection to the granting of clemency. The trial judge, the Honorable Joseph L. Kun, in a communication addressed to the Board of Pardons under date of April 21, 1941 has stated as follows: ". . . The trial judge is in favor of the commutation of the sentence in this case after defendant has served ten years of the minimum term imposed. It is believed that the object of the punishment has been realized in this case." A parole plan has been obtained which provides adequate sponsorship and bona fide employment to the applicant, if and when he is released.

The Board of Pardons, after a careful review of all of the facts, are of the opinion that the applicant has been sufficiently punished, and that, he will, if released on parole, become a self-respecting law-abiding citizen in any community he resides. The Board, therefore, recommnds that the minimum sentences imposed by the Court be commuted in the following manner: On Bill No. 1086 from a minimum term of 10 years to a minimum term of 1 day, expiring on May 26, 1941; on Bill No. 1087 from a minimum term of 10 years to a minimum term of 1 day, expiring on May 27, 1941; and on Bill No. 1089 from a minimum term of 10 years to a minimum term of 1 day, expiring on May 28, 1941, and that the applicant to remain on parole until May 28, 1961. Applicant was granted a parole on Bill No. 1084 on May 25, 1941.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of Clyde Addlesperger, B-6688, No. 5046, June Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Clyde Addlesperger, convicted of robbery in the Court of Oyer and Terminer of Allegheny County on March 16, 1939, April 20, 1939, to begin be commuted from 5 years to 2 years and 4 months, expiring on July 16, 1941.

Our reasons for making this recommendation are as follows:

The applicant for commutation of sentence entered a plea of guilty on April 20, 1939, to Bill of Indictment No. 57 April Term, 1939, in the Courts of Allegheny County, charging robbery, and was sentenced by the Honorable W. Heber Dithrich, Judge to a term of imprisonment of not less than 5 years nor more than 10 years in the Western State Penitentiary. Sentence to be computed from March 16, 1939.

The petitioner had no previous criminal record and his present record is such as to indicate a desire to lead a normal and honest life.

Ralph T. Bell, Esquire, assistant district attorney of Allegheny County, appeared before the Board of Pardons and stated: ". . . That the district attorney's office did not object to the commutation as prayed for by the petitioner." A parole plan has been secured which provides the applicant with adequate sponsorship and immediate employment with a Bakery Shop in McKees Rocks, Pennsylvania.

The Board of Pardons, after a thorough review of all the facts, is of the opinion that the applicant's crime was not the result of criminal instinct, and that during the term of his imprisonment he has shown such a desire to rehabilitate himself, as promise a future which will be of benefit to himself, his child, and to society.

The Board, therefore, recommends that the sentence for commutation be commuted from a minimum term of 5 years to a minimum term of 2 years and 4 months, expiring on July 16, 1941, and that the petitioner remain on parole until March 16, 1949.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of John Joseph Carroll, D-1379, No. 5270, June Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of John Joseph Carroll, convicted off (1) robbery (2) being armed with an offensive weapon, in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County on June 3, 1936, be commuted from 10 years to 5 years and 1 month, expiring on July 3, 1941.

Our reasons for making this recommendation are as follows:

The applicant for commutation of sentence pleaded guilty in the Courts of Philadelphia County on June 3, 1936, to Bill of Indictment No. 1088 May Term, 1936, charging robbery, being armed with an offensive weapon, and was thereupon sentenced by the Honorable Howard A. Davis, Judge, to a term of imprisonment of not less than 10 years nor more than 20 years in the Eastern State Penitentiary.

The Board of Trustees of the Eastern State Penitentiary has advised the Board of Pardons as follows: ". . . The petitioner has maintained a good record of prison performance. He formerly worked in the weave shop and he is now attending the printing school where he is taking the printing apprenticeship course. He has maintained a good attitude and he associates with very few of the

inmates. He has maintained a constructive interest in his family and has sent out a large part of his earnings to help in their support. Subject's constructive prison record and his acceptance of part of his social responsibility by helping his family is a step in the right direction."

James W Tracey, Jr., Esquire, assistant district attorney, appeared before the Board of Pardons and stated: ". . . That deadly weapons were used in all the cases in which the petitioner was involved, and that because of the use of the deadly weapons and his prior criminal record, that the district attorney's office was opposed to the granting of the petition." The trial judge, the Honorable Howard A. Davis, in a communication addressed to the Board of Pardons under date of April 23, 1941, has stated in part as follows: ". . . You will observe that John Joseph Carroll was sentenced by me June 3, 1936, to a term of 10 to 20 years in the Eastern Penitentiary upon the charge of conspiracy to rob, carrying concealed deadly weapons, and robbery. I note in his application that he states he has not used any aliases. This is a misstatement as he is known as Jack Carroll and John Carney. He had a prison record and also arrests since May 1, 1926, at the time that he was tried before me in 1936. In 1938 he violated his parole which had been granted October 13, 1927. I see no reason why this defendant should be discharged."

The applicant has been confined in the Eastern State Penitentiary for a period of about five years and is undergoing his first imprisonment. A parole plan has been obtained which provides the petitioner with adequate sponsorship and bona fide employment to go to, if and when, he is released on parole. He is married and is the father of two children, age 10 and 4 years. He proposes to make his home with his family when released.

The Board of Pardons, after a careful review of all the facts and circumstances, are of the opinion, that the petitioner has been sufficiently punished, ad that he will, if released on parole, become a self-respecting law-abiding citizen and a credit to any community in which he may live. The Board, therefore, recommends that the minimum term of imprisonment be commuted to a minimum term of 5 years and 1 month, expiring on July 3, 1941, and that the petitioner remain on parole until June 3, 1956.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of Norman M. Chadwick, No. 5306, June Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Norman M. Chadwick, convicted of murder in the second degree in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County, on September 30, 1933, be pardoned.

Our reasons for making this recommendation are as follows:

The applicant for a full and complete pardon pleaded guilty in the Courts of Philadelphia County on September 30, 1933, to Bill of Indictment No. 785 October Sessions, 1933, charging murder. On December 29, 1933, he was adjudged guilty of murder in the second degree and sentenced to a term of imprisonment of not less than 3 years nor more than 12 years in the Philadelphia County Prison by the Honorable Harry S. McDevitt, Judge.

The petitioner was released on parole at the expiration of his minimum sentence on September 30, 1936. Since his release from the Philadelphia County Prison the petitioner has led a blameless life and is now employed by the American Baseball Club of Philadelphia.

James W. Tracey, Jr., Esquire, assistant district attorney, appeared before the Board of Pardons and stated that the district attorney's office had no objection to the granting of the prayer of the petitioner. The trial judge, the Honorable Harry S. McDevitt, in a letter to the Board of Pardons has stated in part as follows: " . . . I think by his conduct since his discharge he has earned a pardon."

The Board of Pardons, after a careful review of all of the facts, is of the opinion that the petitioner is not criminally minded, and that his rehabilitation as evidenced by the employment he has had since his discharge, is complete. The Board is further of the opinion that the granting of the pardon to the applicant will remove the stigma from his name and will permit him to attain a more substantial place in society. The Board, therefore, recommends that a full and complete pardon be granted to the applicant.

Respectfully submitted.

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of John Christopher, D-1802, C-9206, No. 5319, June Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of John Christopher, convicted of (1) robbery (2) being armed with an offensive weapon in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County on December 17, 1936, be commuted from 5 years to 4 years and 6 months, expiring on June 17, 1941.

Our reasons for making this recommendation are as follows:

The applicant for commutation of sentence entered his plea of guilty in the Courts of Philadelphia County on the 17th day of December, 1936 to Indictments Nos. 1442 to 1445 and 1458 June Term, 1936, charging (1) robbery (2) being armed with an offensive weapon, and was sentenced by the Honorable James B. Barnett, Judge, to a term of imprisonment of not less than 5 years nor more than 10 years in the Eastern State Penitentiary.

The petitioner is 28 years of age. He is married and the father of a son, five years of age. He has served 4 years and 6 months of his sentence and since his imprisonment has maintained a satisfactory record and a good attitude. Two of his accomplices of the crimes for which he was committed have been paroled.

James W. Tracey, Jr., Esquire, assistant district attorney, appeared before the Board of Pardons and stated: " . . . That the district attorney's office was satisfied to leave the matter with the Board."

The petitioner is assured employment upon his release at a salary which will enable him to support his family

A parole plan has been arranged which provides adequate sponsorship for him, if and when, he is released on parole.

The petitioner was arrested on June 25, 1926, and confined in the County Jail for 9 days less than 6 months before being sentenced, for which credit was not allowed by the sentencing court.

The Board of Pardons having in mind the provisions of an Act of Assembly approved April, 1937 feels that the applicant in this case should be given credit for the period confined in the County Jail, and therefore, recommends that the minimum sentence be commuted to a minimum term of 4 years and 6 months, expiring on June 17, 1941, and that the applicant remain on parole until December 17, 1946.

Respectfully submitted,
S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:
ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of Theodore Joseph Geisler, B-3685, No. 1619, June Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the sentences of imprisonment imposed on Theodore Joseph Geisler, convicted of robbery, in the Oyer and Terminer Courts of Allegheny County, on the 30th day of April, 1930; and in the Quarter Sessions Courts of Allegheny County on the 10th day of May, 1933, convicted of breaking and escaping penitentiary be commuted on Bill No. 56 April Term, 1930 from a maximum term of 4 years to a minimum term of 3 years and 2 months, expiring on July 3, 1941; on Bill No. 57 from a minimum term of 2 years to a minimum term of 1 day, expiring on July 4, 1941; on Bill No. 58 from a minimum term of 2 years to a minimum term of 1 day, expiring on July 5, 1941; on Bill No. 59 from a minimum term of 2 years to a minimum term of 1 day, expiring on July 6, 1941; on Bill No. 60 from a minimum term of 2 years to a minimum term of 1 day, expiring on July 7, 1941; on Bill No. 61 from a minimum term of 2 years to a minimum term of 1 day, expiring on July 8, 1941; on Bill No. 62 from a minimum term of 2 years to a minimum term of 1 day, expiring on July 9, 1941; on Bill No. 63 from a minimum term of 2 years to a minimum term of 1 day, expiring on July 10, 1941; and on Bill No. 181 May Term, 1933 from a minimum term of 3 years to a minimum term of 1 day, expiring on July 11, 1941.

Our reasons for making this recommendation are as follows:

The petitioner for commutation of sentence pleaded guilty in the Courts of Allegheny County on April 30, 1930, to Indictments Nos. 41, 55, 56, 57, 58, 59, 60, 61, 62, and 63 April Term, 1930, charging robbery, and on each Bill of Indictment was sentenced by the Honorable Harry H Rowand, Judge, to a term of imprisonment of not less than 2 years nor more than 4 years in the Western State Penitentiary, sentences to run consecutively. On April 27, 1933, within three years after being committed to the Western State Penitentiary the petitioner escaped from that institution and was apprehended the same day. He entered a plea of guilty in Allegheny County to Indictment No. 181 May Term, 1933, charging escape, and was sentenced by the Honorable S. H. Gardner, Judge, to a term of imprisonment of not less than 3 years nor more than 6 years in the Western State Penitentiary, sentence to begin at the expiration of original sentence imposed on April 30, 1930.

The petitioner's criminal record began at an early age and before the crimes for which he is now in prison were committed he had been sentenced at least five times. Since his re-commitment following the escape from the penitentiary his prison record had been good.

The Board of Trustees of the Western State Penitentiary in a report to the Board of Pardons has stated: " . . . If eligible to apply for parole, we would probably conditionally recommend him for parole subject to favorable parole plan (1) improvement in attitude over past 5 years (2) has now served 10½ years."

A very favorable parole supervision has been provided with adequate sponsorship and a position which will pay the petitioner seventy (70c) cents per hour awaits his release.

The Board after a thorough study of all the facts in connection with this application is of the opinion that the applicant has been sufficiently punished and that the opportunity of employment and sponsorship that awaits his release will finish the rehabilitation that has been started. The Board, therefore, recommends that the sentences of imprisonment be commuted in the following manner: on Bill No. 56 April Term, 1930 from a maximum term of 4 years to a minimum term of 3 years and 2 months, expiring on July 3, 1941; on Bill No. 57 from a minimum term of 2 years to a minimum term of 1 day, expiring on July 4, 1941; on Bill No. 58 from a minimum term of 2 years to a minimum term of 1 day, expiring on July 5, 1941; on Bill No. 59 from a minimum term of 2 years to a minimum term of 1 day, expiring on July 6, 1941; on Bill No. 60 from a minimum term of 2 years to a minimum term of 1 day, expiring on July 8, 1941; on Bill No. 62 from a minimum term of 2 years to a minimum term of 1 day, expiring on July 9, 1941; on Bill No. 63 from a minimum term of 2 years to a minimum term of 1 day, expiring on July 10, 1941; and on Bill No. 181 May Term, 1933, from a minimum term of 3 years to a minimum term of day, expiring on July 11, 1941, and that the applicant remain on parole until July 11, 1947.

Respectfully submitted,
S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:
ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of William Grimm, B-1953, No. 4873, June Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the life sentence of William Grimm, convicted of murder in the first degree in the Court of Oyer and Terminer of Lawrence County on April 4, 1930; be commuted from Life Imprisonment to 11 years and 3 months expiring on July 4, 1941.

Our reasons for making this recommendation are as follows:

The petitioner for commutation of sentence was convicted of murder in the first degree in Lawrence County

under Indictment No. 6 March Term, 1930, charging murder, and was sentenced by the Honorable James A. Chambers, Judge, on April 4, 1930 to life imprisonment in the Western State Penitentiary.

The petitioner's former criminal record shows two conviction of larceny. The Board of Trustees of the Western State Penitentiary reports to the Board of Pardons that: ". . . . If eligible to apply for parole, would probably recommend for parole (1) first imprisonment (2) good institutional record (3) has served 10 years 8 months."

The Honorable W. Walter Braham, President Judge of Lawrence County in a letter to the Board says: ". . . I may again summarize my views by saying that insofar as the local situation as observed by myself is concerned, the interests of justice will have been served by granting this young man a pardon at this time." The Honorable James A. Chambers, who presided as judge at the trial of the petitioner in a letter to the Board under date of February 20, 1940, states: ". . . I have looked over the petitions, and believe the facts as set forth in each of them are substantially correct. As I have stated on other occasions when similar applications by these applicants have been before the Board, that in my opinion these young men were not of the hardened criminal type, that they did not realize the gravity of the offense they were committing, and that while the facts of the case made the sentence mandatory that I always felt that the time would come when clemency should be extended. It has now been over 10 years since these boys were sentenced, and in my opinion clemency should now be extended to them." John S. Powers, Esquire, who was district attorney of Lawrence County at the time the petitioner was convicted in a letter to the Board states: ". . . I was District Attorney at the time and I believe that if Mr. Grimm receives the clemency he seeks, he will no longer be a detriment to society. I join with him in his application for parole."

The petitioner was only 20 years of age when this offense was committed, he has served a long term of imprisonment, and he has a good institutional record. An adequate parole system including competent sponsorship and employment has been provided.

The Board of Pardons, after a careful review of the facts in this case and in view of the recommendations of the trial judge, the trial district attorney, and the present judge of Lawrence County, is of the opinion that the petitioner has been sufficiently punished, and that his release on parole will give him an opportunity to complete his rehabilitation and permit him to take his place in society and become a useful citizen. The Board, therefore, recommends that the sentence of life imprisonment be commuted to a minimum term of 11 years and 3 months, expiring on July 4, 1941, and to remain on parole the rest of his natural life.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs

The above recommendation is approved:

ARTHUR H. JAMES.
Governor.

BOARD OF PARDONS

In re application of Rosario Gugliuzza, B-5562, D-1959, No. 4772, June Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Rosario Gugliuzza, convicted of voluntary manslaughter in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County, on February 16, 1937 be commuted from 5 years to 4 years, 4 mos. and 12 days, erpiring on June 28, 1941.

Our reasons for making this recommendation are as follows:

The applicant for commutation of sentence pleaded guilty in the Courts of Philadelphia County on February 16, 1937, to Indictment Nos. 1107 August Session, 1936, charging voluntary manslaughter, and was sentenced to a term of imprisonment in the Eastern State Penitentiary for not less than 5 years nor more than 10 years.

The petitioner had no previous criminal record. His institutional record is only fair.

James W. Tracey, Jr., Esquire, assistant district attorney, appeared before the Board of Pardons and stated: ". . . That the district attorney's office had no objection to the granting of the petition." A letter from the Honorable Robert E. Lamberton, Mayor of Philadelphia, who was the trial judge at the time the petitioner was convicted states: ". . . I have received your letter of May 19th advising me that Rosario Gugliuzzo has made application for clemency. The sentence imposed by me in this case was not less than five nor more than ten years in the Eastern State Penitentiary. The minimum term will not expire until February 16, 1942. The fact is, however, that the defendant was in the County Prison awaiting trial for approximately eight months in advance of that time. He will therefore actually have completed five years in prison in June, 1941. When I imposed the sentence I overlooked this fact. It would be my judgment that leniency could properly be exercised to the extent of paroling him next month."

A parole plan has been obtained which provides adequate sponsorship and bona fide employment to the petitioner, if and when, he is released on parole.

The petitioner spent 8 months in the Philadelphia County Prison awaiting trial, for which credit was not allowed by the sentencing court.

The Board, after a review of all of the facts, and giving full consideration to the recommendation of Judge Lamberton, are convinced that the petitioner will, if released on parole, become a useful and law-abiding citizen, and having in mind the provision of an Act of Assembly approved April, 1937, feels that the applicant in this case should be given credit for the period confined in the County Prison, and therefore, recommends that the minimum sentence be commuted to a minimum term of 4 years, 4 months and 12 days, expiring on June 28, 1941, and that the applicant to remain on parole until February 16, 1947.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of Thomas J. Harkins, No. 5341, June Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due

public notice, in open session, the undersigned members of the Board of Pardons recommend that Thomas J. Harkins, convicted of (1) larceny (2) conspiracy to cheat and defraud in the Court of Quarter Sessions of Philadelphia County, on May 10, 1938, be pardoned.

Our reasons for making this recommendation are as follows:

The applicant for a full and complete pardon pleaded guilty in the Courts of Philadelphia County on May 10, 1938, to Bills of Indictments No. 304 November Term, 1937, and No. 89 April Term, 1938, charging (1) larceny (2) conspiracy to cheat and defraud, and was thereupon sentenced by the Honorable L. Stauffer Oliver, Judge, to a term of imprisonment of not less than 3 months nor more than 2 years in the Philadelphia County Prison on each indictment. Sentences to run concurrently.

The petitioner was released on parole at the expiration of his minimum sentence. His parole expired on April 13, 1940. The petitioner has no previous criminal record and was never convicted of any other crime other than those for which he was centenced.

The petitioner has been supporting his wife and six children, and if pardoned, he alleges he will be able to secure a responsible position with a jeweler in the City of Philadelphia.

James W. Tracey, Jr., Esquire, assistant district attorney, appeared before the Board of Pardons and stated that the district attorney's office made no objection to the granting of a pardon. The trial judge, the Honorable L. Stauffer Oliver, in a letter to the Board of Pardons has stated: ". . . I have looked over my notes of the trial and find that his application correctly sets forth the facts. My notes further indicate that Harkins had a good record and was well regarded, and that he had probably been led into the crimes he committed by John Schneider. In view of the circumstances set forth in the application, I recommend that the pardon be granted.

The Board of Pardons, after a careful review of all of the facts, and in view of the position taken by the trial judge, are of the opinion that the granting of a pardon in this case will best serve the ends of justice and permit the further and complete rehabilitation of the petitioner. The Board, therefore, recommends that a full and complete pardon by granted to the applicant.

Respectfully submitted.

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.,
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of George Hodges, Jr., No. 5336, June Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that George Hodges, Jr., convicted of (1) robbery, (2) entering, (3) carrying concealed deadly weapons in the Court of Quarter Sessions of Philadelphia County, on February 13, 1934, be pardoned.

Our reasons for making this recommendation are as follows:

The applicant for a full and complete pardon pleaded guilty in the Courts of Philadelphia County on February 13, 1934, to Bills of Indictments Nos. 268, 269 and 287 February Term, 1934, charging (1) robbery (2) entering (3) carrying concealed deadly weapons, and was thereupon placed on probation for a term of 10 years by the Honorable Harry S. McDevitt, Judge.

The record of Philadelphia Probation Office indicates that the petitioner has made satisfactory progress since being placed on probation, and he is now employed by the Kaplan Hosiery Company located at Salisbury, Maryland. which company has recently moved to Philadelphia.

The petitioner had no previous criminal record and since being placed on probation has been married and is the father of one child, a boy, now two years of age.

James W. Tracey, Jr., Esquire, assistant district attorney, appeared before the Board of Pardons and stated that the district attorney's office interposed no objection to the granting of a pardon. The trial judge, the Honorable Harry S. McDevitt, in a letter to the Board of Pardons has stated: ". . . This man was placed on probation for ten years in February, 1934, and so far as I can ascertain has never been in trouble since that time. He is married and has one child. I would be inclined to give him the opportunity he seeks by granting a pardon."

The Board of Pardons, after a careful review of all of the facts, and particularly in view of the opinion expressed by the sentencing judge, are of the opinion that the granting of a pardon to the petitioner in this case will best serve the ends of justice, and will furnish him with the opportunity of renewing his life in a new location without the stigma of the conviction still attached to his record, and the Board, therefore, recommends that a full and complete pardon be granted to the applicant.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES.
Governor.

BOARD OF PARDONS

In re application of Edward Joseph Houghton, No. 5295, June Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Edward Joseph Houghton, convicted of assault and battery in the Court of Municipal of Philadelphia County, on November 8, 1940, be pardoned.

Our reasons for making this recommendation are as follows:

The applicant for a full and complete pardon entered a plea of guilty in the Municipal Court of Philadelphia County on November 8, 1940, to Bill of Indictment No. 680 June Term, 1940, charging asault and battery, and thereupon received a suspended sentence by the Honorable Thomas Bluett, Judge.

The crime for which the petitioner was arrested was not of a serious nor did its commission reveal any criminal tendencies. It was a simple assault, which was the result of sudden anger, and the failure of the trial judge to administer any imprisonment is the best evidence of its trival nature. In administering the sentence, after the petitioner pleaded guilty, Judge Bluett stated: ". . . This man has been very honest, I don't know whether he should have come to trial or not, but he pleaded guilty." In answer to a letter from the Board of Pardons a representative of

Judge Bluett replied: ". . . That the Judge felt that any decision he may come to in the matter of granting a pardon would be in accordance with the findings of the district attorney's office." James W. Tracey, Jr., Esquire, assistant district attorney, appeared before the Board of Pardons and stated: ". . . That the office was not opposed to the granting of the pardon."

The applicant is 31 years of age. He has no criminal record and has been constantly employed since he was 15 years of age, and is now working as a pipefitter with the J. G. Brill Corporation, Philadelphia. He was married in September, 1939. The petitioner desires a pardon so that the plot on his reputation, which interferes with his business advancements, can be removed.

The Board of Pardons is of the opinion that the life of this petitioner, has with this single exception, been of such an exemplary nature, that his advancement in a business way should not be retarded by the record of this one violation of the law, which the sentencing judge through of not great importance. The Board, therefore, recommends that a full and complete pardon be granted to the applicant.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of Steven Kruvzuk, D-3658, No. 4675, June Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Steven Kruvzuk, convicted of robbery, being armed with an offensive weapon in the Court of Oyer and Terminer and Quarter Sessions of Philadelpphia County, on January 6, 1939 to be computed from December 9, 1938, be commuted from 3 years to 2 years and 7 months, expiring on July 9, 1941.

Our reasons for making this recommendation are as follows:

The applicant for commutation of sentence entered a plea of guilty in the Court of Philadelphia County to Indictments Nos. 562 to 566 and 569, and 570 December Term, 1938, charging (1) robbery (2) being armed with an offensive weapon, and was sentenced by the Honorable Gerald F. Flood, Judge, on January 6, 1939 to a term of imprisonment in the Eastern State Penitentiary for not less than 3 years nor more than 20 years. Sentence to be computed from December 9, 1938.

The petitioner was 18 years of age at the time of the commission of the crimes for which he was sentenced. He was one of a gang of adolesence youths who engaged in dangerocs activities, but was only associated with this group on three occasions, when they were involved in the holdup.

The petitioner had no previous record and his institutional record has been satisfactory.

James W. Tracey, Jr., Esquire, assistant district attorney, appeared before the Board of Pardons and stated: ". . . That the district attorney's office felt the sentence had been lenient and that the minimum term should be served." The trial judge, the Honorable Gerald F. Flood, in a letter written to the Board states: ". . . I have been told that he has a good record in prison and I am content to leave the matter of parole for him entirely in the hands of the Board."

A satisfactory program of sponsorship has been provided for the petitioner upon his release and a position awaiting his release.

The Board, feels that in view of his youth at the time of his arrest, and the fact that he had no previous criminal record, together with a satisfactory prison record, is sufficient promise of such rehabilitation of the petitioner as to justify his release on parole. The Board, therefore, recommends that the minimum term of imprisonment in this case be commuted to a minimum term of 2 years and 7 months, expiring on July 9, 1941, and to remain on parole until December 9, 1958.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of Charles Alfred Llewellyn, B-1952, No. 2647 June Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the life sentence of Charles Alfred Llewellyn, convicted of murder in the first degree in the Court of Oyer and Terminer of Lawrence County on April 4, 1930, be commuted from life imprisonment to 11 years and 3 months expiring on July 4, 1941.

Our reasons for making this recommendation are as follows:

The petitioner for commutation of sentence pleaded guilty of murder in the first degree in the Courts of Lawrence County under Indictment No. 5 March Term, 1930, charging murder, and was sentenced by the Honorable James A. Chambers, Judge, on April 4, 1930, to life imprisonment in the Western State Penitentiary.

The petitioner had no prior criminal record and was 21 years of age when sentenced for the crime of which he was committed.

The Board of Trustees of the Western State Penitentiary in a report to the Board of Pardons states: " . . . If eligible to apply for parole, would probably recommend him for parole (1) first conviction (2) excellent institutional record."

The Honorable James A. Chambers, trial judge, in a letter under date of August 20, 1940 to the Board states: " . . . In regard to the application of Mr. Llewellyn will say that I have heretofore expressed my opinion as to the culpability of all the boys engaged in this transaction. They were young, and I feel did not realize the gravity of the crime they were committing. Two of them were tried and each convicted of first degree murder with recommendations of life imprisonment. Mr. Llewellyn entered a plea and I made the same finding in his case. While the sentence was mandatory I felt that the time would come when clemency might be extended to all of these boys. In the case of Mr. Llewellyn I feel that that

time has arrived and that clemency should be extended to him." W. Walter Braham, president judge of Lawrence County, in a letter to the Board states: " . . . I may summarize my view by again saying that, insofar as the local situation as observed by myself is concerned, the interests of justice will be served by granting this young man a pardon at this time and I therefore approve the granting of the prayer of the petition."

John Powers, Esquire, who was district attorney of Lawrence County at the time of the trial of the offense for which the applicant was sentenced in a letter to the Board writes: " . . . I believe that clemency should be extended to Mr. Llewellyn at this time. I believe that if mercy is shown Mr. Llewellyn that at no time in the future will society have anvthing to fear. I recommend the granting of the parole."

The Board, after a very thorough study off the facts in this case and in view of the recommendations of the present judge, the trial judge, and the trial district attorney, are of the opinion that the petitioner has been adequately punished, and that his release on parole will be in the best interests of justice. The Board, therefore, recommends that the life sentence of imprisonment be commuted to a minimum term of 11 years and 3 months, expiring on July 4, 1941, and that the petitioner remain on parole the balance of his natural life.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor

BOARD OF PARDONS

In re application of Jesse Joseph Martin, B-1954, No. 4543, June Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the life sentence of Jesse Joseph Martin, convicted of murder in the first degree in the Court of Oyer and Terminer of Lawrence County on April 4, 1930, be commuted from life imprisonment to 11 years and 3 months expiring on July 4, 1941.

Our reasons for making this recommendation are as follows:

The petitioner for commutation of sentence was convicted of murder in the first degree in Lawrence County under Indictment No. 7 March Term, 1930, charging murder, and was on April 4, 1930, sentenced by the Honorable James A. Chambers, Judge, to life imprisonment in the Western State Penitentiary.

The petitioner was 21 years of age when the crime for which he was sentenced was committed and had no previous criminal record.

The Board of Trustees of the Western State Penitentiary in a report to the Board of Pardons states: " . . . If eligible to apply for parole, would probably recommend him for parole (1) first conviction (2) very good institutional record (3) commendable progress in self-improvement."

The trial judge, the Honorable James A. Chambers, in a letter to the Board states: " . . . I have looked over the petitions, and believe the facts as set forth in each of them are substantially correct. As I have stated on other occasions when similar applications by these applicants have been before the Board, that in my opinion these young men were not of the hardened criminal type, that they did not realize the gravity of the offense they were committing, and that while the facts of the case made the sentence mandatory that I always felt that the time would come when clemency should be extended. It has now been over 10 years since these boys were sentenced, and in my opinion clemency should now be extended to them."

An adequate parole plan and satisfactory sponsorship has been provided for the petitioner, if and when, he is released on parole.

The Board of Pardons, after a careful study of the facts surrounding this case and in view of the recommendation of the trial judge of Lawrence County, are of the opinion that the petitioner has already been sufficiently punished, and that by reason of his self-improvement while confined, he has so rehabilitated himself as to deserve its leniency. The Board, therefore, recommends that the life sentence of imprisonment be commuted to a minimum term of 11 years and 3 months, expiring on July 4, 1941, and that petitioner remain on parole the balance of his natural life.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor

BOARD OF PARDONS

In re application of John F. McDevitt, B-1955, No. 2031, June Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the life sentence of John F. McDevitt, convicted of murder in the first degree in the Court of Oyer and Terminer of Lawrence County on April 4, 1930, be commuted from life imprisonment to 11 years and 3 months expiring on July 4, 1941.

Our reasons for making this recommendation are as follows:

The petitioner for commutation of sentence pleaded guilty of murder in the first degree in the Courts of Lawrence County under Indictment No. 8 March Term, 1930, charging murder, and was on April 4, 1930, sentenced by the Honorable James A. Chambers, Judge, to life imprisonment in the Western State Penitentiary.

The Board of Trustees of the Western State Penitentiary in a report to the Board has stated: " . . . If eligible for parole, we would probably recommend him (1) youth when sentenced (2) excellent institutional record (3) has served 10 years 8 months."

The trial judge, the Honorable James A. Chambers, in a letter to the Board under date of November 20, 1940, states: "" . . . I have looked over the petitions, and believe the facts as set forth in each of them are substantially correct. As I have stated on other occasions when similar applications by these applicants have been before the Board, that in my opinion these young men were not of the hardened criminal type, that they did not realize the gravity of the offense they were committing, and that while the facts of the case made the sentence mandatory that I always felt that the time would come when clemency should be extended. It has now been over 10 years

since these boys were sentenced, and in my opinion clemency should now be extended to them."

The petitioner was only 20 years of age when this offense was committed. He has served a long term of imprisonment and has an excellent institutional record. Provision has been made for an adequate parole program which includes competent sponsorship and assurance of employment.

The Board is of the opinion that the petitioner has been adequately punished, and that during his long term of imprisonment he has so rehabilitated himself as to be equipped to take his place in society. The Board, therefore, recommends that the life sentence of imprisonment be commuted to a minimum term of 11 years and 3 months, expiring on July 4, 1941, and that the petitioner remain on parole the balance of his natural life.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of John Metala, B-3463, No. 3191, June Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the sentence of imprisonment imposed on John Metala, convicted of (1) breaking and entering (2) larceny, in the Oyer and Terminer and Quarter Sessions Courts of Westmoreland County, on the 23rd day of November, 1932, be commuted on Bill No. 348 February Term, 1932, from a minimum term of 5 years to a minimum term of 3 years and 8 months, expiring on July 24, 1941. (Bills Nos. 228 and 270 having been imposed by the Court to run concurrent with Bill No. 348 are commuted to 3 years and 8 months, expiring on July 24, 1941).

Our reasons for making this recommendation are as follows:

The petitioner for commutation of sentence was convicted in the Courts of Westmoreland County on November 23, 1932, under Indictments Nos. 204, 207, 211, 348, 228, and 270 February Term, 1932, charging (1) breaking and entering (2) larceny, and was sentenced by the Honorable William T. Dom, Judge, to a term of imprisonment in the Western State Penitentiary on Bill No. 204 for not less than 5 years nor more than 10 years; on Bill No. 348 to a term of imprisonment of not less than 5 years nor more than 10 years and to run consecutively with Bill No. 204; on Bills Nos. 207 and 211 to a term of imprisonment for not less than 5 years nor more than 10 years to run concurrent with the sentence imposed on Bill No. 204; and on Bills Nos. 228 and 227 for not less than 5 years nor more than 10 years to run concurrent with sentence imposed on Bill No. 348. A parole has been granted on Bill No. 204, effective November 23, 1937, and approved December 20, 1937.

The applicant had no previous criminal record and bore an excellent reputation. The Board of Trustees of the Western State Penitentiary in a report to the Board of Pardons recommends that the petitioner be paroled on account of this being his first conviction, his excellent institutional record, and the length of time served.

Charles D. Copeland, Jr., Esquire, present district attorney of Westmoreland County, writes: " . . . Since this man has served eight years, six months and three days of his minimum of ten years any action your Honorable Board cares to take in this matter will be satisfactory to this office."

A parole plan has been obtained which provides adequate sponsorship and bona fide employment upon his release.

The Board is of the opinion that the applicant has been adequately punished, and if released on parole, he will make an honest effort to completely rehabilitate himself. The Board, therefore, recommends that the sentence in this case be commuted on Bill No. 348 to a new minimum term of 3 years and 8 months, expiring on July 24, 1941, and that the petitioner remain on parole until November 24, 1947.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of Sylvester Newton, B-6743, No. 4903, June Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Sylvester Newton, convicted of (1) stat. rape (2) assault and battery with intent to ravish (3) assault and battery (4) indecent assault in the Court of Oyer and Terminer of Lawrence County, on May 27, 1939, to begin in May 25, 1939, be pardoned.

Our reasons for making this recommendation are as follows:

The applicant for a full and complete pardon was convicted in the Courts of Lawrence County on May 25, 1939, after having been tried by a jury on Indictment No. 79 March Term, 1939, and was sentenced on May 27, 1939, to a term of imprisonment of not less than 3 years nor more than 6 years in the Western Penitentiary for the crimes of (1 statutory rape (2) assault and battery with intent to ravish (3) assault and battery (4) indecent assault.

The petitioner presented his application to the Board for commutation at the June 1940 session, which was refused. The petitioner had a good reputation before his conviction and his institutional record has been good. He was arrested once in 1938 by the police of New Castle for disorderly conduct and was sentenced to pay a fine of $50.00. The petitioner has denied his guilt from the time of his arrest, and since then, his wife has worked ceaselessly to prove his innocence. She appeared before the Board in 1940 and again when this petition for a pardon was heard.

The Board is in receipt of a letter from the Honorable W. Walter Braham, trial judge, in which he states: " . . . This case is before your Board once more, this time on a petition for a pardon. At the time when it was previously before the Board I declined to recommend a pardon because the offense was such that I felt there had not been sufficient imprisonment. At this time, however, after canvassing the situation carefully I am

prepared to express the opinion that a pardon should be granted. There was some doubt as to the identity of this man. The fact of identity depended upon the testimony of a young child which was not too certain. There was evidence of some collateral conduct which was believed to be significant but which in itself was anything but convincing. In view of the doubt which existed in the case and the circumstances of this man's family and his previous good record, I am of the opinion that the granting of a pardon would be in the interest of justice."

The trial judge is now in doubt as to the guilt of the petitioner and there would probably have been no conviction if the same facts that now give rise to this doubt had been brought to his knowledge at the time of the trial. In view of the doubt at this time, it would be only a matter of justice to correct the error made then. The Board, therefore, recommends that a full and complete pardon be granted to the petitioner.

Respectfully submitted.

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO.
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of Anthony Orlando, D-1817, No. 3644, June Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Anthony Orlando, convicted of murder in the second degree in the Court of Oyer and Terminer and Quarter Sessions of Schuylkill County, on July 13, 1936 to begin November 5, 1934 be commuted from 10 years to 6 years and 8 months, expiring on July 5, 1941.

Our reasons for making this recommendation are as follows:

The applicant for commutation of sentence was convicted of murder in the second degree in the Courts of Schuylkill County under Indictment No. 129 January Sessions, 1935, charging murder.

An appeal was taken from the refusal of the trial judge to grant a new trial and after the Supreme Court had approved the decision of the lower court the applicant was sentenced on July 13, 1936 by the Honorable Benjamin R. Jones, Judge, to a term of imprisonment of not less than 10 years nor more than 20 years in the Eastern State Penitentiary to begin November 5, 1934.

The petitioner was one of seven defendants accused of participation in the Kelayres slaying at the 1934 election eve political rallies in that town.

The petitioner had no previous criminal record and his criminal record has been satisfactory. He is employed as a laborer on the yard detail and is considered a good worker. He is married and the father of one child.

The previous record of the petitioner and his conduct and attitude since his confinement in prison are inconsistent with those of a hardened criminal who, when released on parole would constitute a menace to society.

William Forke a brother of Peter Forke one of the men slain on the night of November 4, 1934, was called before the Board by counsel for the petitioner at the hearing of his application.

When the witness stated that what counsel had said was "absolutely the truth about Peter Forke, the Secretary of the Commonwealth asked counsel to have William Forke state on the record what he meant by that statement. A transcript of the record follows:

Mr. BRUNO: Mr. Forke, why did you undertake this investigation of the death of your brother?

Mr. FORKE: Because at the time he was accused of murdering my brother he was with me. Charley Greco's car was right in front of us. Tony Orlando wasn't at that corner at the time my brother was killed.

Mr. BRUNO: Mr. Forke, can you tell us what you did in your investigation and whether you know now who killed your brother?

Mr. FORKE: Well, I can't actually prove who killed him, but I think the man that killed him is walking the street.

Mr. BRUNO: Are there any other questions?

THE SEC. OF THE COM: Have him state what investigation he made.

Mr. BRUNO: What investigation did you make, Mr. Forke?

Mr. FORKE. I went out and got the statements which are here. He absolutely told me that Larry Buanco was at that corner firing the first shot, and I got them signed in front of a squire. They are in this Board somewheres because I sent them here the first time he came on trial."

The reference of statements obtained by the witness "which are here" evidently refer to affidavits obtained in 1937 which now are on file with the Board of Pardons. Several of these refer to one Larry or Mike Larry Bovanko and set forth that on the night of November the deponents aver that they saw him draw a revolver and fire shots at James Bruno.

This witness before the Board was a brother of one of the victims of the shooting at Kelayres. He appeared before the Board asking its clemency for the man accused and convicted by a jury of participating in the killing of his brother. It would seem to be the most natural human instinct to bear a deep hatred for one who had taken the life of a brother.

That he should now appear and ask for the release of Anthony Orlando, the man convicted of being responsible for the death of his brother is either an outstanding example of that divine attribute of forgiveness which would be well to emulate or it is convincing evidence of his sincere belief in the innocence of the petitioner.

An adequate parole arrangement including competent sponsorship and employment has been provided.

The Board of Pardons is of the opinion the petitioner has been sufficiently punished for the part he took in the occurrence at Kelayres and that his institutional conduct shows such rehabilitation as to justify it in returning him to society and giving him an opportunity to lead a law-abiding life.

The Board, therefore, recommends that the minimum sentence of ten years be commuted to a minimum term of six years and eight months, expiring on July 5, 1941, and that the petitioner remain on parole until November 5, 1954.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
Dissenting,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of William Penland, B-2684, No. 1658, June Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of William Penland, convicted of breaking and escaping penitentiary in the Court of Quarter Sessions of Centre County, on May 26, 1931 to begin January 3, 1941 be commuted from 6 years to 6 months expiring on July 3, 1941.

Our reasons for making this recommendation are as follows:

The applicant for commutation of sentence entered his plea of guilty in the Courts of Centre County on May 26, 1931, charging breaking and escaping penitentiary, and was sentenced by the Honorable M. Ward Fleming, Judge, to a term of imprisonment in the Western State Penitentiary for not less than 6 years nor more than 12 years. Sentence to begin at the expiration of original sentence imposed in Allegheny County.

The applicant when he committed the crime for which he was sentenced was serving a term of not less than 6 years nor more than 12 years in the Rockview Prison imposed by the Allegheny County Courts on November 14, 1929, and he has now served 11 years, 7 months and 1 day since being in prison on the Allegheny County sentence.

In an opinion filed January 3, 1941, the Superior Court directed that the sentence under the original indictment in Allegheny County at No. 39 November Term, 1929, be set aside by reason of defects in the record as to the entry of the plea of guilty and subsequent proceedings him to the sentence. The Court, however, ruled that the petitioner be remanded to the penitentiary to serve the sentence imposed on him in the Court of Centre County to No. 16 September Sessions, 1931, imprisonment under said sentence to commence from the date of the Court's Order January 3, 1941.

As the Court set aside the original sentence, the time served in the penitentiary, by the petitioner, has since May 26, 1931 been on the sentence of the Centre County Court and the minimum sentence has long since been served.

The petitioner's prison record has been very good during the past 3 years. The trial judge, the Honorable M. Ward Fleming, has advised the Board that he has no objection to the granting of leniency if other authorities are in accord. The present district attorney N. W. Gettig, Esquire, has filed no objection to the granting of the prayer of the petitioner.

The applicant receives a monthly pension from the United States Government and immediately upon his release he intends to take a course in Electric Arc Welding. A parole plan has been obtained and adequate sponsorship has been provided.

The Board of Trustees of the Western State Penitentiary has advised the Board of Pardons that they would probably recommend the petitioner for parole on account of his long term of imprisonment and his very good institutional record during the past three years.

The Board of Pardons is of the opinion that the petitioner has been sufficiently punished for the offenses, and that, if released and given an opportunity, he will work out his complete rehabilitation. The Board, therefore, recommends that the minimum sentence imposed in Centre County be commuted from a minimum term of 6 years to a minimum term of 6 months, expiring on July 3, 1941, and that the petitioner remain on parole until January 3, 1953.

Respectfully submitted,
S. S. LEWIS,
Lieutenant Governor.

S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:
ARTHUR H. JAMES,
Governor

BOARD OF PARDONS

In re application of L. Sterling Phipps, Jr., No. 2583, June Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that L. Sterling Phipps, Jr., convicted of (1) robbery (2) larc. of auto. (3) vio. of the Firearms Act (4) armed to rob. in the Court of Oyer and Terminer and Quarter Sessions of Delaware and Philadelphia Counties, on March 21, 1933 and May 9, 1935, be pardoned.

Our reasons for making this recommendation are as follows:

The applicant for a full and complete pardon entered a plea of Non Vol Contendere in the Courts of Delaware County on the 21 day of March, 1933, to Bill of Indictment No. 275 March Term, 1933, charging (1) robbery (2) larceny of automobile (3) violation of the Firearms Act, and on the 9th day of May, 1935, he entered a plea of guilty in Philadelphia County to Bill of Indictment No. 1517 April Term, 1935, charging armed to rob. On March 21, 1933, he was sentenced by the Honorable A. D. MacDade, Judge, on Bill of Indictment No. 275 March Term, 1933, to a term of imprisonment of not less than 8 years nor more than 20 years in the Eastern State Penitentiary and to pay a fine of $100. On May 9, 1935, he was sentenced on Bill of Indictment No. 1517 April Term, 1935, by the Honorable Francis Shunk Brown, Jr., Judge, to a term of imprisonment of not less than 2½ years nor more than 5 years in the Eastern State Penitentiary, sentence to run concurrently with the sentence imposed by the Delaware County Courts. Sentence was commuted by the Board of Pardons on October 30, 1935.

At the time of the commission of the first offense the petitioner was only 17 years of age. He was released on parole on December 6, 1935, and since then, he has carefully obeyed every parole requirement and has not presented any problem from a standpoint of supervision. He has now been at liberty for about a period of 5½ years and during that time has been steadily employed at a salary of $30 per week. The applicant desires to marry and does not want to give to his future wife a name which bears the stigma of his conviction. Judge Brown in a reply from a letter has stated to the board: ". . . It seems to me that whether or not be should be granted the relief which he seeks is a question for the Board of Pardons to determine after consulting with the wishes of Judge MacDade." The Board has received no indication of the wishes of Judge MacDade. James W. Tracey, Jr., Esquire, assistant district attorney, appeared before the Board and stated that the district attorney's office favored the granting of a pardon on account of his splendid record.

The Board of Pardons, after a very thorough study of all of the facts, and in view of the position taken by the district attorney's office, is of the opinion, that the record of the petitioner since his parole justtifies the granting to him of any leniency that will assist in the restitution of his full freedom. The Board, therefore, recommends that a full and complete pardon be granted to the petitioner.

Respectfully submitted,
S. S. LEWIS,
Lieutenant Governor.

S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:
ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of Kenneth Puscavage, C-7196, No. 2837, June Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the sentences of imprisonment imposed on Kenneth Puscavage, convicted of (1) robbery (2) shooting at another with intent to kill (3) larceny, in the Oyer and Terminer and Quarter Sessions Courts of Schuylkill County, on the 17th day of June, 1931, be commuted on Bill No. 472 May Term, 1931, from a minimum term of 1½ years to a minimum term of 1 month, expiring on July 18, 1941; on Bill No. 547 from a minimum term of 10 years to a minimum term of 1 day, expiring on July 19, 1941; on Bill No. 548 from a minimum term of 10 years to a minimum term of 1 day, expiring on July 20, 1941; and on Bill No. 552 from a minimum term of 5 years to a minimum term of 1 day, expiring on July 21, 1941.

Our reasons for making this recommendation are as follows:

The applicant for commutation of sentence entered his plea of guilty in the Courts of Schuylkill County on June 17, 1931, to Indictments Nos. 469, 472, 547, 548, and 552 May Term, 1931, charging (1) robbery (2) shooting at another with intent to kill (3) larceny, and the following sentences were imposed by the Honorable Roy P. Hicks, Judge: on Bill No. 469 to a term of imprisonment of not less than 10 years nor more than 20 years in the Eastern State Penitentiary; on Bill No. 472 to a term of imprisonment of not less than 1½ years nor more than 3 years; on Bill No. 547 to a term of imprisonment of not less than 10 years nor more than 20 years; on Bill No. 548 to a term of imprisonment of not less than 10 years nor more than 20 years; and on Bill No. 552 to a term of not less than 5 years nor more than 20 years to run consecutively.

The petitioner was 18 years of age when sentenced. His previous criminal record consists of one minor charge of larceny. His institutional record was not satisfactory when first received, but after his transfer to Graterford progress has been made in self-adjustment. He has attended school and taken a correspondence course. At the present time he is employed in the butcher shop and is considered a steady and industrious worker.

No objection has been mae to the granting of leniency to this petition by the trial judge nor the district attorney of Schuylkill County.

A satisfactory parole arrangement has been made and employment has been provided for the applicant upon his release on parole.

The Board of Pardons is of the opinion that the applicant has been sufficiently punished for the crimes for which he was convicted and that his prison record justifies the Board in granting him another opportunity to become a useful citizen. The Board, therefore, recommends that the minimum sentences be commuted in the following manner: on Bill No. 472 from a minimum term of 1½ years to a minimum term of 1 month, expiring on July 18, 1941; on Bill No. 547 from a minimum term of 10 years to a minimum term of 1 day, expiring on July 19, 1941; on Bill No. 548 from a minimum term of 10 years to a minimum term of 1 day, expiring on July 20, 1941; and on Bill No. 552 from a minimum term of 5 years to a minimum term of 1 day, expiring on July 21, 1941, and that the applicant remain on parole until July 21, 1961. (Granted parole on Bill No. 469 on May 15, 1941).

Respectfully submitted,
S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:
ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of James A. Reynolds, C-8945, No. 4476, June Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of James A. Reynolds, convicted of (1) robbery (2) being armed with an offensive weapon in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County on May 17, 1933, be commuted from 10 years to 8 years and 2 months, expiring on July 17, 1941.

Our reasons for making this recommendation are as follows:

The applicant for a commutation of sentence was convicted in the Courts of Philadelphia County on May 17, 1933, under Indictment No. 571 May Term, 1933, charging (1) robbery (2) being armed with an offensive weapon, and was sentenced by the Honorable Harry S McDevitt, Judge, to a term of imprisonment of not less than 10 years nor more than 20 years in the Eastern State Penitentiary.

The petitioner had a previous criminal record including five arrests and two convictions. His institutional record since the beginning the serving of this sentence has been satisfactory. He is employed in the bake shop at the Graterford institution and reports shows that he is industrious, keeps to himself, and maintains a good attitude. He has completed two-thirds of an automobile mechanics course by correspondence. He has now served more than 8 years of his minimum sentence and his present behavior and attitude indicates that some rehabilitation has taken place.

James W. Tracey, Jr., Esquire, assistant district attorney, appeared before the Board of Pardons and stated: " . . . The district attorney's office leaves the matter entirely up to the Board." The Honorable Harry S. McDevitt, the trial judge, in a letter to the Board relative to the applicant, writes: " . . . He is a well behaved inmate and took some instruction as an automobile mechanic by correspondence. His record shows nothing unusual and the only thing that entitles him to consideration is the time he has already served. If your Honorable Board thinks he has been sufficiently punished, in view of his prior criminal record, I have no objection to any action you see fit to take."

A satisfactory parole supervision has been provided for the applicant and a job awaiting his release.

The Board, after careful consideration of all of the facts in this case, are of the opinion, that the applicant has been sufficiently punished for the crime committed, and that his present attitude evidence a desire to lead an honest and law-abiding life. The Board, therefore, recommends that the minimum term of 10 years be com-

muted to a minimum term of 8 years and 2 months, expiring on July 17, 1941, and that the petitioner remain on parole until May 17, 1953.

Respectfully submitted,
S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:
ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of Josephine Romauldo, No. 5192, June Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the death sentence of Josephine Romauldo, convicted of murder in the first degree in the Court of Oyer and Terminer of Philadelphia County on October 25, 1940, be commuted from death to life imprisonment.

Our reasons for making this recommendation are as follows:

The applicant for commutation of sentence was convicted in the Courts of Philadelphia County to Bill of Indictment No. 742 May Sessions, 1939, charging murder in the first degree, and was thereupon sentenced to suffer death in the electric chair.

James W. Tracey, Jr., Esquire, assistant district attorney, appeared before the Board of Pardons and stated: " . . . That upon the receipt of a copy of the application for commutation of sentence to life imprisonment a conference was held in the district attorney's office and that the members of the district attorney's staff were of the opinion that the ends of justice would be met by the commuting of the death sentence to life imprisonment, and that the district attorney's office did not oppose the granting of the prayer contained in the petition." The trial judge, the Honorable Frank Smith, in a communication to the Board of Pardons dated February 1, 1941, in reference to the petitioner's application has stated in part as follows: " . . . I am in receipt of a letter from Frank J. Marolla, Jr., and Bernard R. Cohn, Esquires, attorneys for the above who was tried before me with a jury convicted of murder in the first degree, with penalty of death. An appeal was taken from my refusal to give this woman a new trial. In my opinion, I indicated a belief that there were certain individuals in the so-called arsenic ring who were the most guilty of all this group of men and women. I indicated that this woman was not as guilty as this little group to which I made reference. Therefore, while I believe she was guilty of murder in the first degree, I think she should have been sentenced to life imprisonment instead of death. I am still of this opinion although I cannot understand how this woman could expect to be pardoned."

The petitioner in this case was a member of the so-called arsenic ring in the City of Philadelphia. She was tried and convicted of the murder of her husband who met his death in the year of 1936. The petitioner came to the United States at the age of 13 years. She had the benefit of little or no formal education. She resided in a neighborhood populated entirely by Italians, and she brought with her to the United States belief in some of superstitious practices common to certain groups within her nationality.

The death of her husband was caused by arsenical poisoning given in a liquid known as "la fatura" which was known a "charm" for the relief of physical ailments and which she considered as a substance which would curb the brutal attacks which had been made upon her by her husband prior to his death.

The Board of Pardons, after a careful review of all of the facts and circumstances surrounding this case, are of the opinion, that although, the petitioner is guilty of murder in the first degree that there is a strong element of doubt as to whether the petitioner knew that the liquid known as "la fatura" would cause her husband's death, and after careful and independent review of the record, have concluded that the intent to kill is not definitely shown to be deliberate and premeditated by the record. This doubt is strengthened by the attitude taken by the district attorney's office and the trial judge in this case.

The Board, therefore, recommends that the sentence of death imposed by the jury in this case be commuted to a term of life imprisonment.

Respectfully submitted,
Dissenting.
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:
ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of James Santucci, B-3837, No. 4566. June Session, 1041.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of James Santucci, convicted of (1) assault (2) being armed with an offensive weapon with intent to rob (3) aggravated assault and battery (4) assault and battery in the Court of Oyer and Terminer of McKean County, on October 7, 1933, be commuted from 10 years to 7 years and 9 months, expiring on July 7, 1941.

Our reasons for making this recommendation are as follows:

The petitioner for commutation of sentence was convicted in the Courts of McKean County on October 7, 1933, under Indictment No. 92 October Term, 1933, charging (1) assault (2) being armed with an offensive weapon with intent to rob (3) aggravated assault and battery (4) assault and battery, and was sentenced by the Honorable J. W. Bouton, Judge, to a term of imprisonment of not less than 10 years nor more than 20 years in the Western State Penitentiary.

The applicant had no previous criminal record except a dishonorable discharge from the United States Army for larceny.

The crimes of which the petitioner was convicted were committed in company with three accomplices all of whom received similar sentences and one of whom was released on parole in May, 1939.

The institutional record of the petitioner has been fair as to conduct and very good as to employment. The Board of Trustees of the Western State Penitentiary in a report to the Board of Pardons states: ". . . If eligible to apply for parole, would probably recommend him for parole (1) first imprisonment (2) good institutional record (3) has served 7 years 7 months (4) sentence of one accomplice has been commuted."

The Honorable Charles G. Hubbard, President Judge, who was District Attorney at the time of the conviction of the petitioner in a letter to the Board states: ". . . This man has now served more than seven years and a half. If the Board is satisfied to grant his application at this time, I will make no opposition to such action."

A satisfactory parole plan insuring employment and adequate sponsorship has been obtained for the petitioner, if and when, he is released on parole.

The Board, after a thorough study of all the facts, is of the opinion that the petitioner has been sufficiently punished, and that he will, if released, lead an honest law-abiding life. The Board, therefore, recommends that the sentence in this case be communted to a minimum term of 7 years and 9 months, expiring on July 7, 1941, and that the petitioner shall remain on parole until October 7, 1953.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of Theodore Schilling, C-7197, No. 2572, June Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Theodore Schilling, convicted of (1) robbery (2) shooting with intent to kill (3) larceny in the Court of Oyer and Terminer and Quarter Sessions of Schuylkill County on June 17, 1931, be commuted from 1½ years to 1 month expiring on July 18, 1941.

Our reasons for making this recommendation are as follows:

The applicant for commutation of sentence pleaded guilty in the Courts of Schuylkill County on June 17, 1931, to Indictments Nos. 469, 471, and 472 May Term, 1931, charging (1) robbery (2) shooting at another with intent to kill (3) larceny, and was sentenced by the Honorable Roy P. Hicks, Judge, to the following sentence: in Bill No. 469 to a term of imprisonment of not less than 10 years nor more than 20 years; on Bill No. 472 to a term of imprisonment of not less than 1½ years nor more than 3 years; and on Bill No. 471 to a term of imprisonment of not less than 1½ years nor more than 3 years in the Eastern State Penitentiary. Bill No. 471 to run concurrent with Bill No. 469 and Bills Nos. 469 and 472 to run consecutively.

The petitioner had a previous criminal record of four arrests for causes such as attempt forcible entry, larceny and receiving, but was never before convicted. He has now served 10 years of his minimum sentence. The petitioner's institutional record has been satisfactory. He was formerly employed at the shoe shop, but now is working in the bakery and is considered a good worker. The report of the Board of Trustees of the Eastern State Penitentiary states: ". . . That the man's prison performance has been of a good type, and that if he would demonstrate on the outside the same habits as he has shown in prison, he would probably adjust successfully."

A satisfactory parole supervision has been provided and employment is assured for the petitioner upon his release.

The Board is of the opinion that the petitioner has been sufficiently punished for the crimes committed, and that his prison record is such as to demonstrate a marked degree of rehabilitation, which should be completed upon his return to society. The Board, therefore, recommends that the minimum sentence be commuted on Bill No. 472 from a minimum term of 1½ years to a minimum term of 1 month, expiring on July 18, 1941, and that the petitioner remain on parole until June 17, 1954. Applicant was granted parole on Bill No. 469 on May 15, 1941.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES.
Governor.

BOARD OF PARDONS

In re application of Ner Tate Schoel, No. 4413, June Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Ner Tate Schoel, convicted of burglary in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County, on April 3, 1936, be pardoned.

Our reasons for making this recommendation are as follows:

The applicant for a full and complete pardon entered his plea of guilty in the Courts of Philadelphia County on the 3rd day of April, 1936, to Bills of Indictments Nos. 43 and 71 March Term, 1936, charging burglary, and was sentenced on one Bill of Indictment to a term of imprisonment of not less than 1 year nor more than 10 years in the Eastern State Penitentiary; and on the other Bill of Indictment to a probationary period of 10 years, commencing at the expiration of the maximum term of the sentence of the first bill. The applicant was released on parole from the Eastern State Penitentary on April 3, 1937.

The petitioner is married and has one child, a daughter, age one year. His conduct since his release has been exceptionally good and he has fully complied with the terms of his parole. His conduct was such as to merit the receipt of the White Award from the Board of Trustees of the Eastern State Penitentiary in December, 1937, for the most outstanding record that year.

James W. Tracey, Jr., Esquire, assistant district attorney, appeared before the Board of Pardons and stated: " . . . That they would not oppose the application, that the applicant was only 18 years of age at the time of the offense, and that he has since made good. The Honorable Harry S. McDevitt, who sentenced the applicant, writes as follows: " . . . Whether he was a flighty high school boy who wanted a thrill, I am unable to say, but so far as I can ascertain his conduct has been satisfactory since his discharge. Any action that you see fit to take has my approval."

The Board of Pardons, after careful consideration of the petition, is of the opinion that the applicant by reason of his exemplary conduct since his release from imprisonment, has proven the permanency of his rehabilitation and deserves the benefit of a pardon, and the Board,

therefore, recommends that a full and complete pardon be granted to the applicant.

Respectfully submitted,
S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO.
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:
ARTHUR H. JAMES.
Governor.

BOARD OF PARDONS

In re application of Robert Silver, No. 5072, June Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Robert Silver, convicted of attempted robbery in the Court of Quarter Sessions of Philadelphia County, on March 6, 1931, be pardoned.

Our reasons for making this recommendation are as follows:

The applicant for a full and complete pardon entered a plea of guilty on March 6, 1931, in Philadelphia County to Bill of Indictment No. 122 March Term, 1931, charging attempted robbery, and was sentenced by the Honorable Francis Shunk Brown, Jr., Judge, to a term of imprisonment in the Philadelphia County Prison for not less than 8 years nor more than 16 years. On April 4, 1931, the sentence was reconsidered and changed to not less than 6 years nor more than 16 years in the Philadelphia County Prison.

At the time of his participation in the crime for which he was sentenced, the applicant was only 18 years of age and the only child of a widowed and paralyzed mother. He was unable to get work and wanted to assist his mother, listened to the talk of older men and became involved in the crimes for which he was sentenced. His record includes no other offenses of a criminal nature, and since his release on parole he has led an exemplary life. He finished his high school course by attending night school and completed a course in religious training at the Kenseth Isrial School.

His inability to obtain a fidelity bond, by reason of the record of his conviction, has caused the loss of one position and has prevented other employment. He now operates a gas station in the City of Philadelphia, and has the promise of a better position, if and when, he can furnish a fidelity bond, and this requires the granting of a pardon.

James W. Tracey, Jr., Esquire, assistant district attorney, appeared before the Board of Pardons and stated: " . . . That they would not oppose the application." A letter from the Honorable Francis Shunk Brown, Jr., trial judge, quotes from a former letter of his to the Board to the effect: " . . . That the matter of whether or not a pardon should be granted is a question solely for the Board of Pardons to consider." Judge Brown also stated in the same letter that William J. Connelly, Chief of County Detectives, was thoroughly familiar with the case, and had informed him that he had been in constant communication with Silver for the past two years, and that, " . . . in his opinion the young man has rehabilitated himself."

The Board of Pardons, after giving this petition most careful consideration, is of the opinion that the applicant has thoroughly rehabilitated himself, is a useful member of society, and is entitled to every consideration that will make his efforts affective, including a record from which has been removed the stigma of this conviction. The Board, therefore, recommends that a full and complete pardon be granted to the petitioner.

Respectfully submitted.
S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO.
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:
ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of Harold Williams, C-8702. No. 4191, June Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the life sentence of Harold Williams, convicted of murder in the first degree in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County, on February 27, 1933, be commuted from life imprisonment to 10 years and 8 months expiring on July 24, 1941.

Our reasons for making this recommendation are as follows:

The applicant for commutation of sentence pleaded guilty in the Courts of Philadelphia County on February 27, 1933, to Bill of Indictment No. 166 December Sessions, 1930, charging murder in the first degree, and thereupon Honorable Otto R. Heiligman, Judge, sentenced him to a term of life imprisonment in the Eastern State Penitentiary.

The Board of Trustees of the Eastern State Penitentiary in a report submitted to the Board of Pardons under date of December 5, 1940, has stated in part as follows: ". . . Received at the Eastern Penitentiary February 27, 1933. He has been continually incarcerated since his arrest November, 1930 a period of over 10 years. He attended Girard College for a number of years; his mental rating is superior; his physical condition satisfactory; and the prison officials are favorably impressed with his constructive performance, and are of the opinion that he will not again become involved with the law.

James W. Tracey, Jr., Esquire, assistant district attorney for Philadelphia County appeared before the Board of Pardons and stated: ". . . Williams is the man who killed Prophet and the district attorney's office is opposed to the granting of this clemency." Honorable Otto R. Heiligman, the trial judge in a communication addressed to the Board of Pardons under date of November 20, 1940, stated in part as follows: ". . . Permit me to acknowledge receipt of your letter of the 19th instant with enclosure, relative to the application of Harold Williams. In answer thereto I beg to advise you that I feel this matter is solely for the decision of your Honorable Board. I desire to call your attention to the fact that when this defendant appeared and entered a plea of 'guilty', he did so before my colleagues, Judge Alessandroni, Judge Gordon and myself. At that time the District Attorney of Philadelphia County, Mr. Charles F. Kelley, made a statement to the Court that in view of the fact the defendant had entered a plea of 'guilty' to the charge of murder generally, that if the Court fixed the crime of 'murder in the first degree' the Commonwealth would not ask for the extreme penalty of the law, and would suggest to the Court that the sentence

of life imprisonment be imposed, due to the fact that the other principal, his sister, Mrs. Prophet, had been found guilty of murder in the first degree, and that the Jury had imposed the penalty of life imprisonment. With this statement, and with the fact that the Judges reviewed the entire printed record of the appeals of the defendant, Harold Williams, to the Supreme Court, the sentence of life imprisonment was imposed. There was no question in the minds of the Judges at that time as to the guilt of this defendant, and I for one have not changed my opinion. The murder that was committed was a brutal one, and the defendant, Harold Williams, was equally guilty with his sister of this crime. However, as stated above, this matter is solely for the decision of your Honorable Board."

On the other hand, Honorable Harry S. NcDevitt, who was the trial judge on the second trial had written a letter dated December 22, 1940, to the Pardon Board as follows: ". . . I tried Williams and I think I know . . . the atmosphere . . . There are contradictions in the record and in the records of his two trials . . . I have seen Williams once a week during his entire confinement in the Penitentiary and I believe he is too chicken hearted to kill a bird, much less a man. Williams was devoted to his sister . . . He would gladly have taken the consequences to save his sister because he was under her domination. I know the Board does not do things hastily, but if one of the lawyer members would read the records of the two trials, it would give an entirely different impression. I may be mistaken but I have tried a great many murder cases and I think I know one when I see a murderer. I am sure Williams had guilty knowledge of his sister's plans . . . but I am . . . certain that he never killed Prophet. I do hope the Board will defer this matter until their representative makes an impartial investigation."

James Wilson, one of the signers of the Declaration of Independence, from Pennsylvania, said: ". . . Citizens even condemned citizens, may be unfortunate in a higher degree than that in which they are criminal . . . when judges themselves, descending from their seats, and laying aside the formidable sword of justice, come to supplicate in behalf of a person whom they have been obliged to condemn . . . in such a situation clemency is a virtue it becomes a duty."

The applicant in this case was tried three times, first in January of 1931 before the Honorable Frank Smith Judge. In that trial a verdict of guilty was returned, and the death sentence was imposed. On an appeal a new trial was granted by the Supreme Court, and in February 1932, he was again tried; found guilty by the Jury and again sentenced to death by the Honorable Harry S. McDevitt, Judge, from whose letter we have quoted. Again an appeal was taken to the Supreme Court and the lower court was reversed, and a new trial was ordered, and at the third trial before Honorable Otto R. Heiligman the applicant pleaded guilty. We have given careful consideration to the opinions of the Supreme Court 307 Pennsylvania 134, (Mr. Justice Kephart) and 309 Pennsylvania, Page 529, (Mr. Justice Frazer).

The application for clemency is made at this time on a plea of innocence of the homicide notwithstanding the applicant's repeated admissions of guilt, though admitting participation after the commission of the homicide. The applicant now asserts that he pleaded guilty to the homicide for the purpose of shielding his sister, Clara Grace Prophet, from criminal responsibility for the crime.

On December 7, 1938, Clara Grace Prophet (then and now incarcerated under a sentence of life imprisonment for the same crime with which the applicant was charged, and to which he pleaded guilty) signed a statement in which she stated that the applicant, her brother, came into her home after she had shot her husband, and before she knew that the victim was dead. She states: ". . . Harold came in and asked what in the name of God had happened. He asked what I was going to do. I did not know. The thought came to us both about this burglar—we had read about it in the paper. I said I would tell that story. We thought he was just shot. I did not know he was dead. I made no effort to go to him. I had a feeling of horror. Harold said if I could not make the story stick about this burglar he would take the blame for it. He told me to wait until he got away. I did. I went down and got my pocketbook and took things out of the pocketbook. I make it appear that a burglar was there and I hid the things."

The Board of Pardons caused a separate and independent investigation to be made in December 1938. The co-defendant, Clara Grace Prophet was interviewed by the Board's investigators. In her statement to them she said in part: ". . . When I was in Moyamensing Mr. Moyerman (defendant's attorney) came down to see me and I gave him this statement and he read it and said, 'Why in the name of all that is good did you not make this statement before?' and I said 'I was afraid. Harold said he would take the blame.'" I do not know what was done with that statement. She again admitted her sole responsibility for the murder. The investigation did not disclose any opportunity for communication between the applicant and his sister from the time of the original arrest to that time of the statement.

The Board of Pardons, after public hearing, careful review of the records and due deliberation, finding that petitioner was of good character before his plea of guilty to the charge of homicide; (2) that Clara Grace Prophet's confession of sole guilt for the death of her husband seems founded in fact; (3) that a parole plan has been obtained which provides the applicant with responsible sponsorship, bona fida and adequate employment, if and when he is release on parole; (4) believing that the ties of blood and sympathy between the applicant and the sister may well have prompted him to assume responsibility for the death of his sister's husband; (5) that the applicant has been sufficiently punished for the part played by him in this crime, (that of accessory after the fact). The Board, therefore, recommends (a) that the sentence of confinement be commuted to a minimum of ten years and 8 months, expiring on July 24, 1941 with credit for the period beginning November 22, 1930, when the applicant was arrested and ending February 27, 1933, when he started serving the term of life imprisonment. being a period of two years, two months and five days; (b) that the applicant remain on parole during the balance of his natural life.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of David A. Berger, D-5630, No. 5397, September Session, 1941:

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of David A. Berger, convicted of receiving stolen goods in the Court of Oyer and Terminer of Dauphin County on March 3, 1941, be commuted from 1 year to 7 months expiring on October 3, 1941.

Our reasons for making this recommendation are as follows:

The applicant for commutation of sentence was convicted by a jury in the Court of Oyer and Terminer of Dauphin County on March 3, 1941, charging receiving stolen goods, on Indictment No. 2 September Sessions, 1940, and was sentenced on the same day by the Honorable John E. Fox, Judge, to imprisonment in the Eastern State Penitentiary for a term of not less than one nor more than two years.

The applicant had a previous record of one arrest for issuing a worthless check.

The Warden of the Dauphin County Prison, where applicant is confined, reports that he has maintained a cooperative attitude, does general work as a trusty and is considered a good worker. He recommends his release.

Neither the trial judge nor the district attorney of Dauphin County make any objections to the granting of commutation.

A satisfactory parole sponsorship has been obtained and employment with a very reputable jewelry merchant, who formerly employed the applicant, awaits his release.

The Board of Pardons is of the opinion that his former record shows no evidence of criminal tendencies, that his incarceration in prison for the time he has served has sufficiently punished him, and that his institutional record demonstrates his complete repentance. The Board feels that an opportunity should be given him to try again to maintain a reputable place in society, and it would, therefore, recommend that the sentence of imprisonment in this case on Bill No. 2 September Sessions, 1940, be commuted from a minimum term of one year to a new minimum term of seven months, expiring on October 3, 1941, and that the applicant remain on parole until March 3, 1943.

Respectfully submitted,

Not sitting.
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of George D. Brown, D-868, No. 3885, September Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of George D. Brown, convicted of conspiracy, carrying concealed deadly weapons, aggravated assault and battery, and robbery in the Court of Oyer and Terminer and Quarter Sessions of Cumberland County on September 21, 1935, be commuted from 8 years to 6 years, expiring on September 21, 1941.

Our reasons for making this recommendation are as follows:

The applicant for commutation of sentence entered his plea of guilty in the Courts of Oyer and Terminer and Quarter Sessions of Cumberland County on September 21, 1935, to Indictments Nos. 5, 9, 10, and 11 December Term, 1935, charging conspiracy, carrying concealed deadly weapons, aggravated assault and battery and robbery; and was sentenced on the same day by the Honorable Frederick S. Reese, Judge, to imprisonment in the Eastern State Penitentiary for not less than eight nor more than sixteen years.

The applicant had a prior criminal record of two minor arrests and convictions for illegal possession of liquor.

The Board of Trustees of the Eastern State Penitentiary reports that the applicant has maintained a constructive prison record, has completed 6 lessons from State College and one course with the International Correspondence School in Agriculture. He has been employed in the weave shop for over four years, has learned the trade of loom fixer and regularly sends a part of his wages home.

The Honorable Frederick S. Reese, Judge, who tried this case, in a letter to the Board writes that if the prison authorities are of the opinion that he is ready for release he would gladly follow their recommendations.

Ray T. Harrigan, Esquire, district attorney of Cumberland County, has advised the Board that the victim of the crime for which applicant was imprisoned has no objection to the granting of leniency and that personally he has no objections, feeling that he has served time enough for the offense.

The Board of Pardons is of the opinion that, in view of the attitude taken by Judge Reese and the district attorney and the report of the Board of Trustees of the Eastern State Penitentiary, the applicant should be given another opportunity to lead an honest and law-abiding life, and would, therefore, recommend that the minimum sentence of eight years be commuted to a new minimum term of six years, expiring on September 21, 1941, and that the petitioner remain on parole until September 21, 1951.

Respectfully submitted.

Not sitting,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of Alfred Burrell, C-8238, No. 3957, September Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the maximum sentence of Alfred Burrell, convicted of breaking and entering with intent to steal, larceny in the Court of Oyer and Terminer and Quarter Sessions of Tioga County on August 31, 1932, be commuted from 10 years to 8 years and 1 month and 21 days, expiring on October 31, 1941.

Our reasons for making this recommendation are as follows:

The applicant for commutation of sentence was convicted in the Court of Oyer and Terminer and Quarter Sessions of Tioga County on the 31st day of August, 1932, on Indictment No. 83 May Term, 1932, charging breaking and entering with intent to steal, larceny, and was sentenced by the Honorable Howard F. Marsh, Judge, to imprisonment in the Eastern State Penitentiary for a term of not less than four nor more than ten years. He was paroled August 31, 1936, and on July 12, 1937, he pleaded guilty to the charge of operating a motor vehicle while intoxicated, and was sentenced to two months in the Tioga County Prison, after which he was returned to the Eastern State Penitentiary, where he is facing six years back time.

The applicant has a previous criminal record of three convictions.

The Board of Trustees of the Eastern State Penitentiary in its report to the Board states: " . . . This man's institutional performance has been satisfactory. He has maintained a good attitude and he associates with the ordinary type of inmates. He attempted to improve himself by attending school for 2½ months, studied academic work and quit because he lost interest. He is employed as a winder in the weaving shop and he is considered to be a willing worker. He corresponds with his sister and receives no visits. Since this man has been continually incarcerated for 3 years, 11 months and 24 days as a result of his parole violation, it is our feeling that he has been sufficiently punished for the offense."

The Supervisor of Paroles, Mr. Taylor, in a statement filed with this Board states: " . . . The petitioner has been confined for a period of about four years, which is a period of time greatly in excess of the period ordinarily imposed by the court in the case of drunken driving. For this reason the Supervisor of Paroles will have no objection to the granting of clemency if the petition meets with the approval of the convicting authorities and an exceptionally good parole program is offered."

The Honorable Howard L. Marsh, Judge, does not oppose and the trial district attorney has filed no objections to the granting of leniency.

Employment on a farm owned by his mother awaits the release of the applicant and a satisfactory parole sponsorship has been arranged.

The Board of Pardons is of the opinion that the applicant has sufficiently paid for his parole violation and that his institutional record is such as to demonstrate sufficient rehabilitation to justify his release. The Board, therefore, recommends that the maximum term of ten years imposed in this case be commuted to a new maximum term of nine years and two months, expiring on October 31, 1941, and that the applicant remain on parole until September 10, 1943.

Respectfully submitted,

Not sitting,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:
ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of Oren R. Butler, B-7201, No. 5364, September Session 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Oren R. Butler, convicted of incest, incestuous fornication and bastardy, statutory rape in the Court of Oyer and Terminer of Clinton County on April 26, 1940, to begin March 5, 1940, be commuted from 2½ years to 1 year and 7 months expiring on October 5, 1941.

Our reasons for making this recommendation are as follows:

The applicant for commutation of sentence entered his plea of not guilty in the Court of Oyer and Terminer of Clinton County on April 26, 1940, to Indictment No. 24 April Sessions, 1940, charging incest, incestuous fornication and bastardy, statutory rape, but was convicted by a jury on the same day on all counts and sentenced by the Honorable Henry Hipple, Judge, to imprisonment in the Western State Penitentiary to a term of not less than two and one-half nor more than five years sentence to be computed from March 5, 1940. He was transferred to Rockview on July 5, 1940.

The previous criminal record of the applicant includes only one arrest for illegal train riding.

The Board of Trustees of the Western State Penitentiary reports that if the applicant was eligible it would recommend him for parole for the reason that it was his first conviction and that he has an excellent institutional record.

The Honorable Henry Tipple, trial judge, in a letter to the Board dated August 22, 1941, writes: ". . . The facts stated in the application are substantially correct. After the expiration of the Term at which Mr. Butler was sentenced reliable information came to us which led us to believe that a serious doubt exists as to Butler's guilt, therefore if the Term had not expired the sentence would have been changed to a minimum of at least one year. We have made an independent investigation and our conclusion is that this petition should be acted upon favorably and the sentence commuted. I know Mr. Donald C. Welsh, Butler's sponsor personally and have known him for some time, and I am convinced that if the commutation is granted Mr. Welsh will exercise proper supervision, and that under all the circumstances Butler has served a sufficient length of time."

B. L. Haag, Esquire, district attorney of Clinton County, advised the Board that he did not wish to interpose any objection to the application.

Employment by a former employer of the applicant is promised him when he is released and satisfactory sponsorship has been provided.

In view of the opinion expressed by the trial judge in his letter to the Board, it is convinced that common justice demands the release of the applicant, and that his institutional record is such as to justfy such release.

The Board, therefore, recommends that the minimum sentence of two and one-half years imposed on Indictment No. 24 April Term, 1940 be commuted to a new minimum term of one year and seven months, expiring on October 5, 1941, and that the applicant remain on parole until March 5, 1945.

Respectfully submitted,

Not sitting,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:
ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of Thomas Charles Carroll, C-8946, No. 4125, September Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Thomas Charles Carroll, convicted of robbery, being armed with an offensive weapon in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County on May 17, 1933, be commuted from 10 years to 8 years and 5 months, expiring on October 17, 1941.

Our reasons for making this recommendation are as follows:

The applicant for commutation of sentence was con-

victed by a jury in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County on May 17, 1933, under Indictment No. 571 May Term, 1933, charging robbery, being armed with an offensive weapon, and was sentenced by the Honorable Harry S. McDevitt, Judge, to the Eastern State Penitentiary for a term of not less than ten nor more than twenty years.

The applicant's previous criminal record shows eighteen arrests and two convictions.

The Board of Trustees of the Eastern State Penitentiary advises that his record and attitude in the institution have been satisfactory and that he has made an attempt to improve himself.

One of the accomplices of the applicant was paroled June 26th of this year.

The Honorable Harry S. McDevitt, who sentenced the applicant writes: ". . . I would be inclined to take a chance on Carroll." James W. Tracey, Jr., Esquire, assistant district attorney, appeared before the Board and stated their office would leave the matter entirely up to the Board.

A satisfactory parole sponsorship has been provided and employment awaits his release.

The Board of Pardons, is of the opinion, after a thorough study of this application, that the applicant has shown such evidence of the possibility of complete rehabilitation, that he is due an opportunity to take his place in society. The Board, therefore, recommends that the minimum sentence be commuted from ten years to a new minimum term of eight years and five months, expiring on October 17, 1941, and that the petitioner remain on parole until May 17, 1953.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO.
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:
ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of Louis Joseph Davis, B-7232 No. 5260, September Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Louis Joseph Davis, convicted of arson in the Court of Oyer and Terminer of Fayette County of May 22, 1940, be commuted from 2 years to 1 year and 5 months expiring on October 22, 1941.

Our reasons for making this recommendation are as follows:

The applicant for commutation of sentence was convicted in the Court of Oyer and Terminer of Fayette County, Pennsylvania on Indictment No. 23/158 March Term, 1940, charging arson, and was sentenced by the Honorable W. Russell Carr, Judge, to undergo imprisonment in the Western State Penitentiary for a term of not less than two years nor more than four years.

The previous criminal record of the applicant includes only one arrest for an automobile collision.

The Board of Trustees of the Western State Penitentiary advises the Board that if eligible for parole it would probably recommend him for parole (1) first conviction (2) excellent institutional record.

The trial judge, the Honorable W. Russell Carr, has been reported to the Board by the Probation Officer of Fayette County, as being of the opinion that he was very lenient in passing sentence.

The district attorney in a letter to the Board states: ". . . I am quite familiar with the facts in connection with this case, and I believe that the inmate has been sufficiently punished for his participation in the crime of arson. I have known Mr. Davis, as well as his wife, Mary Davis, for some twenty years, and I know that Mrs. Davis needs the help of her husband, and I have no objection to any leniency which might be shown to this applicant."

The applicant intends to reestablish himself in business and his past record coupled with his conduct while confined in prison would indicate that he can be successful. A definite and satsifactory sponsorship has been provided.

The Board of Pardons, is of the opinion, that the applicant has been sufficiently punished and that his conduct and demeanor while in prison indicate a desire to lead an honest life when released. The Board, therefore, recommends that the minimum sentence of two years imposed in this case be commuted to a new minimum term of one year and five months, expiring on October 22, 1941, and that he remain on parole until May 22, 1944.

Respectfully submitted,

Not sitting,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:
ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of Thomas W. Herb, D-4127, No. 5049, September Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Thomas W. Herb, convicted of forcible entry and larceny in the Court of Quarter Sessions of Berks Cunty on June 29, 1939, be commuted from 2½ years to 2 years and 4 months, expiring on October 10, 1941.

Our reasons for making this recommendation are as follows:

The applicant for commutation of sentence entered his plea of guilty in the Court of Quarter Sessions of Berks County on June 29, 1939, to Indctment No. 293 June Sessions, 1939, charging forcible entry and larceny, and on the same day was sentenced by the Honorable Forrest R. Shanaman, Judge, to imprisonment in the Eastern State Penitentiary for a term of not less than two and one-half nor more than five years. He was transferred to the Berks County Prison on January 3, 1940. (Sentence to be computed from June 10, 1939).

The applicant's previous criminal record consists of two arrests and two convictions of felonious entry, larceny and resisting arrest.

The Board of Trustees of the Eastern State Penitentiary have advised the Board that the Warden of the Berks County Prison reports that the applicant's record has been satisfactory, that he is employed on the farm and is considered a good worker.

Neither the trial judge, the Honorable Forrest R. Shanaman nor the district attorney object to the granting of leniency in this case.

A satisfactory parole plan has been provided and em-

ployment on a farm in Berks County has been secured for the applicant.

The Board of Pardons, feels that the applicant has been sufficiently punished for the crime committed, and that his institutional record evidences a desire to lead an honest life, it would therefore recommend that the minimum sentence of two and one-half years imposed on Indictment No. 293 June Sessions, 1939, be commuted to a new minimum term of two years and four months, expiring on October 10, 1941, and that the applicant remain on parole until June 10, 1944.

Respectfully submitted,

Not sitting,
Lieutenant Governor.
S. M. R. O'HARA.
Secretary of the Commonwealth.
CLAUDE T. RENO
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of Cleveland Leroy Kirkley, B-2266, No. 3108, September Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the sentence of imprisonment imposed on Cleveland Leroy Kirkley, convicted of robbery, rape, robbery, larceny of automobile, in the Oyer and Terminer and Quarter Sessions Court of Allegheny County, on the 14th day of October, 1930, be commuted on Bill No. 10 February Term, 1930, from a minimum term of 7½ years to a minimum term of 5 years, expiring on October 14, 1941; on Bill No. 15 from a minimum term of 10 years to a minimum term of 1 day, expiring on October 15, 1941; on Bill No. 23 from a minimum term of 5 years to a minimum term of 1 day, expiring on October 16, 1941; on Bill No. 16 from a minimum term of 5 years to a minimum term of 1 day, expiring on October 17, 1941; and on Bill No. 115 from a minimum term of 1½ years to a minimum term of 1 day, expiring on October 18, 1941.

Our reasons for making this recommendation are as follows:

The applicant entered a plea of guilty in the Courts of Oyer and Terminer and Quarter Sessions of Allegheny County on October 14, 1930, to Bills of Indictments Nos. 114, 5, 10, 23, 16, and 115 February Term, 1930, charging robbery, rape, robbery, larceny of automobile, and was sentenced by the Honorable George V. Moore, Judge, to from 1 to 2 years on Bill No. 114; from 2 to 4 years on Bill No. 5; from 7½ to 15 years on Bill No. 10; from 10 to 20 years on Bill No. 15; from 5 to 10 years on Bill No. 23; from 5 to 10 years on Bill No. 16; and from 1½ to 3 years on Bill No. 115; the sentences to be served consecutively.

The applicant at the time of the commission of these crimes was less than twenty years old and his previous criminal record consisted only of two arrests for vagrancy and train riding.

The Board of Trustees of the Western State Penitentiary advises that if eligible for parole they would probably recommend on account of (1) being his first conviction (2) his excellent institutional record and (3) the serving of almost 11 years in the penitentiary. They report that he is now industrious, relatively stable and reliable, and is in every way much more mature than when committed.

The office of the district attorney of Allegheny County makes no objection to the commutation of the sentence.

The Board, after a careful review of all the facts in the case, and particularly in view of his prison record, his age at the time of the commission of the crimes, for which he was sentenced, and his remarkable improvement in personality integration, feels convinced that the applicant is an excellent parole risk and has been sufficiently rehabilitated to take his place in society. The Board, therefore, recommends that the sentences of imprisonment in this case be commuted on Bill No. 10 from a minimum term of 7½ years to a minimum term of 5 years, expiring on October 14, 1941; on Bill No. 15 from a minimum term of 10 years to a minimum term of 1 day, expiring on October 15, 1941; on Bill No. 23 from a minimum term of 5 years to a minimum term of 1 day, expiring on October 16, 1941; no Bill No. 16 from a minimum term of 5 years to a minimum term of 1 day, expiring on October 17, 1941; and on Bill No. 115 from a minimum term of 1½ years to 1 day, expiring on October 18, 1941; and that the petitioner be kept on parole until October 14, 1961.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of John Kizis, B-5415, No. 4875, September Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the sentence of imprisonment imposed on John Kizis, convicted of entering a building with felonious intent, in the Quarter Sessions Court of Allegheny County, on the 17th day of February, 1937, be commuted on Bill No. 422 February Term, 1937, from a minimum term of 5 years to a minimum term of 4 years and 8 months, expiring on October 17, 1941; and on Bill No. 423 from a minimum term of 5 years to a minimum term of 1 day, expiring on October 18, 1941.

Our reasons for making this recommendation are as follows:

The applicant for commutation of sentence entered his plea of guilty in the Court of Quarter Sessions in Allegheny County on February 17, 1937, to Indictments Nos. 422 and 423 February Term, 1937, charging the entering of a building with felonious intent. He was sentenced on the same day by the Honorable Joseph Richardson, Judge, to from five to ten years on Indictment No. 422 and to from five to ten years on Indictment No. 423, the latter sentence to begin at the expiration of that imposed on No. 422.

The applicant was but eighteen years of age when these crimes were committed and his previous criminal record was confined to one juvenile conviction for truancy.

The Board of Trustees of the Western State Penitentiary advise that if eligible for parole they would probably recommend his parole for the reason (1) his first commitment and (2) his satisfactory work and conduct records.

The Honorable Joseph A. Richardson, Judge, who sentenced the applicant, in a letter to the Board, recommends the commutation of his sentence and the District Attorney's Office makes no objection.

The Board of Pardons, after consideration of all the facts in connection with this application, feel that the years served in prison by the applicant are sufficient punishment, and that his record in the institution justifies the Board in affording him an opportunity to resume his life in the outside world and to make a place for himself and his family. The Board, therefore, recommends that the minimum sentences of imprisonment be commuted on Bill No. 422 from a minimum term of 5 years to a minimum term of 4 years and 8 months, expiring on October 17, 1941; and on Bill No. 423 from a minimum term of 5 years to a minimum term of 1 day, expiring on October 18, 1941, and that the applicant to remain on parole until October 17, 1951.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:
ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of Edward J. Lee, No. 5367, September Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Edward J. Lee, convicted of embezzlement and conspiracy to embezzle, larceny, in the Court of Quarter Sessions of Philadelphia County, on May 17, 1929, be pardoned.

Our reasons for making this recommendation are as follows:

The applicant for a full and complete pardon pleaded nolle contendere in the Quarter Sessions Court of Philadelphia County on May 17, 1929, to Bills of Indictments Nos. 859 to 863 November Term, 1928, charging embezzlement and conspiracy to embezzle and larceny. On the same day he was adjudged not guilty on Bill No. 859 (larceny and receiving stolen goods), but guilty on all other Bills. On the same day he was sentenced to not less than two nor more than four years in the Philadelphia County Prison by the Honorable Frank Smith, Judge.

The applicant was paroled after serving one year of his sentence and made complete restitution of the sums of money embezzled.

The applicant had no criminal record prior to committing the crime for which he was sentenced, and since his release on parole, his record is clear, except for a charge of disorderly conduct made in New York, which was due to a misunderstanding with his wife, and in which case sentence was suspended.

The applicant is now living and working in Argentia, Newfoundland, where he is employed at the Naval Air Station as a foreman of construction at a present salary of $93.00 per week.

The assistant district attorney, James W. Tracey, Jr., Esquire, of Philadelphia County, advised the Board that his office had no objection to the granting of the pardon.

The Board of Pardons, is of the opinion, that the applicant is not criminally inclined and has, by his record of achievement since his release on parole, demonstrated hsi fitness to finish his life free from the taint and embarrassment of the record of his conviction, and it therefore, recommends that a full and complete pardon be granted to the applicant.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs

The above recommendation is approved:
ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of Frank LePut, B-5628, No. 147A, September Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the sentence of imprisonment imposed on Frank LePut, convicted of breaking and entering, larceny, robbery, larceny of automobile, and larceny, in the Oyer and Terminer Court of Somerset County, on October 15, 1934; and of breaking and escaping penitentiary, in the Quarter Sessions of Centre County, on July 10, 1937; be commuted on Bill No. 5 December Sessions, 1934, from a min, term of 3 years to a min. term of 2 years and 11 mos. and 29 days, exp. on Oct. 22, 1941; and on Bill No. 67 Sept. Sessions, 1937, from a min. term of 2 years to a min. term of 1 day, exp. on October 23, 1941.

Our reasons for making this recommendation are as follows:

The applicant is one of many prisoners whose release on parole has been affected by the opinion of the Supreme Court in the case of Commonwealth of Pennsylvania ex rel. Thomas Lynch v. Stanley P. Ashe, Warden of the Western State Penitentiary, 320 Pa. 341. In this opinion it was held that unless a prisoner, who was serving sentences imposed to run consecutively, was recommended and approved for parole at the expiration of the first minimum sentence, he would be serving the maximum of that sentence, and if no recommendation for parole was made at the expiration of the second and subsequent minimum of sentences imposed to run consecutively, the prisoner would be serving the maximum of the second and subsequent sentences. In other words, a prisoner serving an indeterminate sentence is not automatically paroled at the expiration of the minimum term but is merely eligible for parole at that time, and if not favorably considered by the Prison Board at any time thereafter, the prisoner is required to serve the full sentence.

(And also in the opinion of the Superior Court in the case of Anthony Narcise, Appellant, vs. The Board of Trustees of the Eastern State Penitentiary).

It was the custom for a long period of time for the officials of both the Eastern and Western State Penitentiaries to lump consecutive sentences and the Boards of Trustees would only make recommendations for release on parole at the expiration of the period of time equal to the total of the minimum sentences.

Since the Supreme Court held this procedure improper, the applicant and others, whose cases were not considered for parole at the expiration of their minimum sentences, through no fault of their own, will have to serve a much longer period of time than contemplated by the sentencing judge and the prison officials.

The failure of the Board of Trustees to make the necessary recommendations for parole at the expiration of the minimum sentences was an honest mistake, as most, if not all, sentencing judges shared the same view as the prison officials in deeming it to be unnecessary to make recommendations for parole at the expiration of the minimum

of every consecutive sentence. Sentencing judges throughout the state have uniformly believed and taken into consideration in passing sentences the Prison Board practice that consecutive sentences would be lumped making a total minimum and a total maximum.

We believe that a great injustice would be done and that it would be most unfair to keep the applicant incarcerated for a longer period of time than recommended by the Board of Trustees of the institution in which the applicant is confined.

Respectfully submitted,

S. S. LEWIS,
Lieutenant-Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.,
Secretary of Internal Affairs.

The above recommendation is approved:
ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of Joseph Martello, C-4596, No. 5374, September Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Joseph Martello, convicted of robbery, A&B. with intent to rob, aggravated A&B. larceny from person in the Court of Oyer and Terminer and Quarter Sessions of Cumberland County, on May 16, 1928 be pardoned.

Our reasons for making this recommendation are as follows:

The applicant for a full and complete pardon was convicted by a jury in the Oyer and Terminer and Quarter Sessions Court of Cumberland County, Pennsylvania on May 15, 1928 on Indictments Nos. 47 and 48 May Term, 1928 charging robbery, assault and battery with intent to rob, aggravated assault and battery, larceny from person, and was sentenced by the Honorable E. M. Biddle, Jr., Judge, to not less than seven nor more than fifteen years in the Eastern State Penitentiary.

On May 25, 1935, after serving a term of seven years and nine days he was paroled, and since that time, according to the report of Mr. Taylor, the Supervisor of Paroles, he has complied with his parole obligations and has conducted himself as a law-abiding, self-respecting citizen.

The applicant had a criminal record before his conviction of the crime for which he was sentenced in 1928, but has led an exemplary life since his release on parole and desires a pardon so that he can file his second papers in connection with proceedings to become an American citizen.

Neither the trial judge nor the office of the district attorney of Cumberland County has filed any objection to the granting of this pardon.

The Board of Pardons, feels that the applicant by his conduct and behavior during the past six years, has given sufficient evidence of his complete rehabilitation, to justify it in restoring to him the privilege of obtainng the citizenship he covets and make it possible for him to become a useful American, it therefore recommends that a full and complete pardon be granted to the applicant.

Respectfully submitted,

Not sitting,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:
ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of Frank Martini, D-5330, No. 5400, September Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Frank Martini, convicted of arson in the Court of Oyer and Terminer and Quarter Sessions of Columbia County on October 21, 1940 be commuted from 1½ years to 1 year expiring on October 21, 1941.

Our reasons for making this recommendation are as follows:

The applicant for commutation of sentence entered a plea of not guilty in the Court of Oyer and Terminer and Quarter Sessions of Columbia County on the 21st day of October, 1940 to Indictment No. 3 May Term, 1940 charging arson, but was convicted by a jury and sentenced by the Honorable Samuel Humes, Judge, to imprisonment in the Eastern State Penitentiary for a term of not less than one and one-half years nor more than four years.

The applicant had no previous criminal record.

The Board of Trustees of the Eastern State Penitentiary reports: ". . . This man has maintained a satisfactory record of prison performance. He attended school for a period of 2½ months, studied academic work and was released to go to work. He is employed as an inspector in the tailor department and is considered to be a capable worker. He corresponds and receives visits from his family. Judging on the basis of this man's performance the short time he has been in the institution, we are inclined to believe he will refrain from further criminal activities when released."

Honorable Samuel H. Humes, the trial judge, makes no objection to the granting of clemency, but in his letter to the Board states: ". . . I am *legally* of the mind that the defendant was fairly tried, convicted, and sentenced according to law; I am *personally* of the mind that the wife, who was jointly charged, probably was more to be blamed than he."

C. W. Kreisher, Esquire, district attorney of Columbia County writes: ". . . I know of no good reason why the sentence should not be commuted because Mr. Martini is advanced in years and prior to the time of the offense charged, enjoyed a rather good reputation. It is the contention of the Commonwealth that Nancy Martini the wife of Frank Martini was the real force back of this crime, but because of the rule of law that a wife acts only under the direction and coercion of her husband we were unable to convict her of the crime and I believe that Mr. Martini is paying the penalty for his wife's actions. Therefore, I feel that Mr. Martini has paid his penalty to society and no good would be accomplished by continuing his imprisonment at the Eastern State Penitentiary."

Adequate sponsorship has been arranged for the applicant and his employment is assured.

In view of the report and recommendations of the Board of Trustees of the Eastern State Penitentiary and the contents of the letters from the trial judge and the

district attorney, the Board, is convinced that it is justified in granting leniency to this applicant and affording him an opportunity to create a new place for himself in society. It would therefore, recommend that the minimum sentence imposed on Indictment No. 3 May Term, 1940 be commuted from a minimum term of one and one-half years to a new minimum term of one year, expiring on October 21, 1941, and that the applicant remain on parole until October 21, 1944.

Respectfully submitted,

Not sitting,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:
ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of Lawrence Meek, B-5941, No. 146A, September Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the sentence of imprisonment imposed on Lawrence Meek, convicted of forgery and false pretense, in the Quarter Sessions Court of Washington County, on June 4, 1937 (effective May 18, 1937); and of breaking and escaping penitentiary, in the Quarter Sessions Court of Centre County on February 7, 1938; be commuted on Bill No. 60 Aug. Sess. 1937 from a min. of 1 year to a min. of 5 mos. and 29 days, exp. on Nov. 18, 1941 (Bills Nos. 57, 58, 69, 61, and 65 concurrent with sentence imposed on Bill No. 60 Aug. Sess. 1937); and on Bill No. 169 Feb. Sess. 1938 from a min. of 1 year to a min. of 1 day, expiring on Nov. 19, 1941.

Our reasons for making this recommendation are as follows:

The applicant is one of many prisoners whose release on parole has been affected by the opinion of the Supreme Court in the case of Commonwealth of Pennsylvania ex rel. Thomas Lynch v. Stanley P. Ashe, Warden of the Western State Penitentiary, 320 Pa. 341. In this opinion it was held that unless a prisoner, who was serving sentences imposed to run consecutively, was recommended and approved for parole at the expiration of the first minimum sentence, he would be serving the maximum of that sentence, and if no recommendation for parole was made at the expiration of the second and subsequent minimum of sentences imposed to run consecutively, the prisoner would be serving the maximum of the second and subsequent sentences. In other words, a prisoner serving an indeterminate sentence is not automatically paroled at the expiration of the minimum term but is merely eligible for parole at that time, and if not favorably considered by the Prison Board at any time thereafter, the prisoner is required to serve the full sentence.

(And also in the opinion of the Superior Court in the case of Anthony Narcise, Appellant vs. The Board of Trustees of the Eastern State Penitentiary).

It was the custom for a long period of time for the officials of both the Eastern and Western State Penitentiaries to lump consecutive sentences and the Boards of Trustees would only make recommendations for release on parole at the expiration of the period of time equal to the total of the minimum sentences.

Since the Supreme Court held this procedure improper, the applicant and others, whose cases were not considered for parole at the expiration of their minimum sentences, through no fault of their own, will have to serve a much longer period of time than contemplated by the sentencing judge and the prison officials.

The failure of the Board of Trustees to make the necessary recommendations for parole at the expiration of the minimum sentences was an honest mistake, as most, if not all, sentencing judges shared the same view as the prison officials in deeming it to be unnecessary to make recommendations for parole at the expiration of the minimum of every consecutive sentence. Sentencing judges throughout the state have uniformly believed and taken into consideration in passing sentences the Prison Board practice that consecutive sentences would be lumped making a total minimum and a total maximum.

We believe that a great injustice would be done and that it would be most unfair to keep the applicant incarcerated for a longer period of time than recommended by the Board of Trustees of the institution in which the applicant is confined.

Respectfully submitted,

S. S. LEWIS,
Lieutenant-Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.,
Secretary of Internal Affairs.

The above recommendation is approved:
ARTHUR H. JAMES.
Governor.

BOARD OF PARDONS

In re application of John R. Miller, A-12646, No. 5383, September Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the maximum sentence of John R. Miller, convicted of murder in the second degree in the Court of Oyer and Terminer of Allegheny County on November 24, 1922 be commuted from 20 years to 18 yrs. 9 mos. and 13 days, expiring on September 17, 1941.

Our reasons for making this recommendation are as follows:

The applicant for commutation of sentence was convicted of murder in the second degree by a jury in the Courts of Oyer and Terminer of Allegheny County on the 24th day of November, 1922 under Indictment No. 48 June Term, 1921 and was sentenced to serve a term of not less than sixteen nor more than twenty years in the Western State Penitentiary. This sentence was amended in accordance with the provisions of the Act of June, 1931 and the applicant was released on parole on November 24, 1932. Immediately after his release he became intoxicated and was returned to the Western State Penitentiary on December 7, 1932, after having been treated in St. John's Hospital and St. Francis' Hospital, Pittsburgh, Pennsylvania for a condition brought about his over indulgence.

He now asks that his maximum sentence be commuted by allowing him credit for one year, seven months and five days spent in jail awaiting trial.

To do this would only be doing that which is now provided for by the Act of 1937 in cases arising since its passage.

The Board of Trustees of the Western State Penitentiary advise that his institutional record has been entirely satisfactory.

The Supervisor of Paroles, Mr. Taylor, in a statement to this Board says: ". . . The applicant was originally

committed to the Allegheny County Jail on April 19, 1921 to await trial on the charge of Murder. He was brought to trial November 24, 1922 and was confined to the County Prison for a term of 1 year, 7 months and 5 days in default of bail. Since the Act of 1937 provides credit for time spent in the county jail to defendants awaiting trial in default of bail, the Supervisor of Paroles has no objection to the granting of a period of time as applying against the sentence of this petitioner as is allowed defendants now confined awaiting trial."

No objections to the granting of commutation to the applicant has been made by the trial judge nor by the district attorney.

The Board of Pardons, is of the opinion, that the ends of justice have already been served in this case, and that the institutional record of the applicant is such as to show a desire on his part to lead a useful and law-abiding life. The Board, therefore, recommends that the maximum sentence imposed in this case be commuted to a minimum term of eighteen years and ten months, to expire October 7, 1941, and that the applicant remain on parole until December 7, 1942.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of Christopher Columbus Monroe, D-4185, No. 5382, September Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Christopher Columbus Monroe, convicted of arson in the Court of Oyer and Terminer and Quarter Sessions of Franklin County, on August 5, 1939 to begin August 3, 1939 be commuted from 3 years to 2 years and 2 months expiring on October 3, 1941.

Our reasons for making this recommendation are as follows:

The applicant for commutation of sentence entered his plea of guilty in the Courts of Oyer and Terminer and Quarter Sessions of Franklin County on August 5, 1939 to Indictment No. 4 October Term, 1939 charging arson, and was sentenced by the Honorable Watson R. Davison, Judge, to undergo imprisonment in the Eastern State Penitentiary for a term of not less than 3 years nor more than 6 years.

The applicant had never been arrested for any offense before the perpetration of the crime for which he was sentenced.

The Board of Trustees of the Eastern State Penitentiary have made the following report: ". . . While at the Graterford institution, he attempted to improve himself by attending school for a period of 8½ months. He was illiterate when he entered and made fair progress until he was released to go to work. He was transferred to Rockview on May 8, 1941. The authorities of that institution report that this man's record there has been good. He has maintained a co-operative attitude and he associates with the average type of inmate. He is employed in the State Gardens and is considered to be a good worker. He corresponds with his cousin. Rockview officials state that they would probably recommend consideration."

The Honorable Watson R. Davison, Judge, writes: ". . . If this man's record has been good since he has been in the penitentiary and you believe that it would be for his interests and not detrimental to the community for him to have his sentence commuted, I would not oppose it."

The District Attorney, J. Glenn Benedict, Esquire, has made no objections to the granting of clemency.

The Board of Pardons is of the opinion that the applicant's institutional record is indicative of a desire to lead an honest life, and in view of this being his first offense, the Board, feels that an opportunity should be afforded him to thoroughly rehabilitate himself and become a useful member of society. The Board, therefore, recommends that the minimum sentence of three years imposed in this case be commuted to a new minimum term of two years and two months, expiring on October 3, 1941, and that the applicant remain on parole until August 3, 1945.

Respectfully submitted,

Not sitting,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of Thomas William Moore, D-134, No. 4722, September Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the sentence of imprisonment imposed on Thomas William Moore, convicted of robbery, being armed with an offensive weapon, in the Oyer and Terminer and Quarter Sessions Courts of Philadelphia County, on the 19th day of November, 1934, be commuted on Bill No. 419 November Sessions, 1934, from a minimum term of 5 years to a minimum term of 1 year and 1 month and 1 day, expiring on October 20, 1941. (Applicant was granted parole on Bill No. 418 November 19, 1939).

Our reasons for making this recommendation are as follows:

The applicant entered a plea of nolle contendere in the Courts of Oyer and Terminer and Quarter Sessions of Philadelphia County on the 19th day of November, 1934, to Indictments Nos. 418 and 419 November Sessions, 1934 charging robbery, being armed with an offensive weapon, and was sentenced by the Honorable Horace Stern, Judge, on Indictment No. 418 to not less than five nor more than fifteen years; and on Indictment No. 419 to not less than five nor more than ten years in the Eastern State Penitentiary. The sentences to run consecutively.

The applicant was but twenty-one years of age when the crime was committed and his previous criminal record includes three arrests and one conviction for illegal possession and sale of liquor.

The Board of Trustees of the Eastern State Penitentiary in its report states that he has maintained a very good record in the institution and associates with the better type of inmates. He attended night school for a period of nine months and was then made a teacher of academic

studies and later taught commercial English. He has completed a business correspondence course.

James W. Tracey, Jr., Esquire, assistant district attorney of Philadelphia County, informed the Board that the office had no objection to the granting of a commutation.

Satisfactory parole sponsorship has been obtained and definite employment will be available upon his release.

The Board, feels that the applicant's institutional performance is deserving of credit and indicates sufficient progress in rehabilitation to justify his release, it therefore, recommends that the sentence be commuted on Bill No. 419 from a minimum term of 5 years to a minimum term of 2 years and 10 months, expiring on October 20, 1941, and that the applicant remain on parole until November 9, 1949. (Applicant was granted parole on Bill No. 418 November 19, 1939).

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of Harry C. Newlin, D-2421, No. 4400, September Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the minimum sentence of Harry C. Newlin, convicted of statutory rape in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County on September 13, 1937 to begin September 7, 1937, be commuted from 5 years to 4 years and 1 month, expiring on October 7, 1941.

Our reasons for making this recommendation are as follows:

The applicant for commutation of sentence entered his plea of guilty in the Oyer and Terminer and Quarter Sessions Courts of Philadelphia County on the 13th day of September, 1937 charging statutory rape, on Bill of Indictments Nos. 201 and 202 September Term, 1937, and was sentenced by the Honorable Eugene V. Allessandroni, Judge, on Bill No. 201 to undergo imprisonment in the Eastern State Penitentiary for a term of not less than five nor more than ten years, sentence to begin on the 7th day of September, 1937.

The applicant had no previous criminal record and the Board of Trustees of the Eastern State Penitentiary reports that his performance in the institution is above the average. He is considered to be an industrious worker, is now employed on the farm outside the wall, has studied carpentry and has made good progress.

James W. Tracey, Jr., Esquire, assistant district attorney, stated to the Board that the office of the district attorney was satisfied to leave the matter to the judgment of the Board and the trial judge, the Honorable Eugene V. Allessandroni, in a letter submitted to the Board in October, 1939 stated: ". . . The prisoner has, however, served two years of his sentence and from the information I have of his home life and past record in behavior, it is quite possible that he has learned his lesson and that he will be a law-abiding citizen in the future."

The Board of Pardons, is of the opinion, that the applicant, on account of his previous record and judged on the basis of his institutional performance, is entitled to its leniency, and it therefore, recommends that the minimum sentence of five years imposed on Bill No. 201 September Term, 1937 be commuted to a minimum term of four years and one month, expiring on October 7, 1941, and that the applicant remain on parole until September 7, 1947.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of James Salvaggio, D-427, No. 5399, September Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of James Salvaggio, convicted of accessory before and after the fact to robbery and conspiracy in the Court of Oyer and Terminer and Quarter Sessions of Lehigh County on March 15, 1935 be commuted from 7½ years to 6 years and 7 months expiring on October 15, 1941.

Our reasons for making this recommendation are as follows:

The applicant for commutation of sentence entered his plea of guilty in the Courts of Oyer and Terminer and Quater Sessions of Lehigh County on March 15, 1935 to Indictment No. 108 January Sessions, 1935 charging accessory before the fact and accessory after the fact to robbery and conspiracy, and was sentenced by the Honorable Richard W. Iobst, Judge, to undergo imprisonment in the Eastern State Penitentiary for a term of not less than seven and one-half nor more than fifteen years and pay a fine of five hundred dollars.

Before his arrest for the crime for which he was sentenced, the applicant had no criminal record, except one arrest (juvenile) for statutory burglary.

The Board of Trustees of the Eastern State Penitentiary in its report to this Board states: ". . . While at the Graterford institution, his record was satisfactory. He was illiterate when he entered, attended school for a period of 9 months, studied academic work, and made good progress. He was transferred to the Lehigh County Prison on June 24, 1941. The Warden of the institution reports that he has maintained a good record. He associates with very few of the inmates. He is employed at odd jobs in the institution and at the county farm. He is considered to be a willing worker. He corresponds with no one. He receives visits from his mother."

The Honorable Richard W. Iobst, Judge, in a letter to this Board states that he has no objections to the granting of leniency in view of the length of service and prison record.

Joseph E. Gehringer, Esquire, District Attorney, in a letter states that the applicant should serve his minimum sentence unless the Court was now of the opinion that the sentence was too harsh.

Adequate sponsorship has been arranged for the applicant and steady employment awaits his release.

The Board of Pardons, is of the opinion, after a thor-

ough study of this case, that the applicant has been sufficiently punished, and that his attitude before being arrested and his institutional record indicate a desire to lead an honest life, which is strong enough to justify the Board in giving him an opportunity to accomplish that end. The Board, therefore, recommends that the minimum term of seven and one-half years imposed in this case be commuted to a new minimum term of six years and seven months, expiring on October 15, 1941, and that the applicant remain on parole until March 15, 1950.

Respectfully submitted,

Not sitting,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:
ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of Leo Timco, C-9283, No. 5115, September Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the maximum sentence of Leo Timco, convicted of felonious burglary, breaking and entering, larceny in the Court of Quarter Sessions of Northumberland County on October 30, 1933 be commuted from 10 years to 6 years, 4 months, and 14 days expiring on October 30, 1941.

Our reasons for making this recommendation are as follows:

The applicant for commutation of sentence entered his plea of guilty in the Court of Quarter Sessions of Northumberland County on October 30, 1933 to Indictments Nos. 2 and 21 December Term, 1933 charging felonious burglary, breaking and entering, larceny, and was sentenced by the Honorable Charles K. Morganroth, Judge, to undergo imprisonment in the Eastern State Penitentiary for a term of not less than five nor more than ten years. He was paroled on March 1, 1938 and violated his parole by a conviction for violation of the Vehicle Code on November 3, 1939, for which he was given a sentence of three months in the Northumberland County Jail. At the termination of this sentence, he was returned to the Eastern State Penitenitary on June 19, 1940.

The Board of Trustees of the Eastern State Penitentiary in its report to this Board states: ". . . This inmate was transferred to the Northumberland County Prison on August 1, 1940. The Warden of that institution reports that he has maintained a good record. He associates with the better type of inmate. He is employed at painting and general repairing and also works in the Warden's kitchen. He is considered to be a good worker. He corresponds and receives visits from his mother, sister, and brother. The Warden states: " . . . We would consider this man as one of the best cases to ever ask for parole and believe that he will surely do the right thing if he is released.'"

The Supervisor of Paroles, Mr. Taylor, has no objection to the granting of clemency if the convicting authorities recommend executive clemency, provided an adequate parole plan is obtained.

Robert M. Fortney, Esquire, district attorney of Northumberland County, in a letter to the Board states: ". . . Please be advised that after a thorough investigation of the above, our office not only has no objection to the above application, but recommends for your consideration the granting of said parole."

An adequate parole plan has been provided and employment awaits the applicant's release.

The Board of Pardons, in view of the attitude of the Supervisor of Paroles and the District Attorney of Northumberland County, feels that the applicant is fitted to resume his place in society and that the report of his institutional record is additional evidence of that fitness. The Board, therefore, recommends that the maximum sentence of ten years imposed in this case be commuted to a new maximum term of 8 years, to expire on October 30, 1941, the applicant to remain on parole until June 16, 1945.

Respectfully submitted.

Not sitting,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:
ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of Charles Wollner, C-7686, No. 2441, September Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Charles Wollner, convicted of murder in the second degree in the Court of Oyer and Terminer and Quarter Sessions of Delaware County on January 22, 1932, be commuted from 10 years to 9 years and 9 months expiring on October 22, 1941.

Our reasons for making this recommendation are as follows:

The applicant for commutation of sentence entered his plea of not guilty in the Courts of Oyer and Terminer and Quarter Sessions of Delaware County, Pennsylvania on January 22, 1932 to Indictment No. 178 December Term, 1931 charging murder, and was convicted by a jury of murder in the second degree. He was sentenced by the Honorable W. Roger Fronefield, Judge, to undergo imprisonment in the Eastern State Penitentiary for a term of not less than ten nor more than twenty years.

The previous criminal record of the applicant includes three arrests and one conviction for participation in an armed holdup.

The Board of Trustees of the Eastern State Penitentiary reports that the applicant has had a very good institutional record. At the present time he is working as a car washer and mechanic, his work taking him both inside and outside the walls. He has saved approximately seven hundred dollars from his earnings. The Trustees further advise the Board that: ". . , If this man would maintain the same habits of industry and interest in the welfare of his family after his release that he has demonstrated in the institution, he would probably have a good opportunity of making a successful adjustment."

One of applicant's accomplices in the crime for which he was sentenced has been on parole since June 30, 1937.

The District Attorney's Office of Delaware County had nothing to say either for or against the granting of leniency. Proper parole supervision has been arranged for the applicant and adequate employment has been provided.

The Board of Pardons is of the opinion that the conduct of the applicant in the institution and his efforts at self-improvement indicate a strong purpose on his part to become a useful self-respecting citizen upon his release. The Board, therefore, recommends that the minimum term of ten years imposed in this case be commuted to a new minimum term of nine years and nine months, expiring on October 22, 1941, and that the petitioner remain on parole until January 22, 1952.

Respectfully submitted,
Not sitting,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:
ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of Albert J. Bilby, B-5647, No. 5442, October Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Albert J. Bilby, convicted of (1) counterfeiting a bank check (2) larceny (3) making checks with intent to defraud (4) false pretense in the Courts of Quarter Sessions of Washington and Allegheny Counties, on January 27, 1930, March 9, 1934 and June 15, 1937, be pardoned.

Our reasons for making this recommendation are as follows:

The applicant for a full and complete pardon entered a plea of guilty in the Court of Quarter Sessions of Washington County on the 27th day of January, 1930 to Indictments Nos. 290 to 303 inclusive of February Term, 1930 and was sentenced by the Honorable Howard Hughes, Judge, to two years imprisonment in the Allegheny County Workhouse and about the same time entered a plea of guilty in the Quarter Sessions Court of Allegheny County to Indictments Nos. 397 to 400 inclusive of April Term, 1930 and was sentenced to four months imprisonment in the Allegheny County Workhouse by the Honorable Harry W. Rowland, Judge. He was paroled from this imprisonment on April 13, 1931 and entered a plea of guilty in the Quarter Sessions Court of Allegheny County on the 15th day of June, 1937 to Indictments Nos. 13, 14, and 38 May Term, 1937 charging couterfeiting a bank check and larceny and was sentenced by the Honorable Joseph A. Richardson, Judge, on the counterfeiting case to imprisonment in the Western State Penitentiary for not less than six months nor more than four years and on each of the indictments charging larceny to terms of not less than six months nor more than three years. Sentences were commuted and applicant was again paroled on December 15, 1938 and finally discharged from parole on June 15, 1941.

Since his release, the applicant has been gainfully employed. During his parole period he displayed a cooperative attitude toward parole supervision and never violated or abused privileges extended. His conduct shows a change in his attitude toward life and indicates sufficient rehabilitation to justify the removal of the handicap of his prison record.

Judge Howard Hughes in a letter to the Board dated September 25th writes: ". . . I have talked to Mr. Bilby several times in the past year, and, as far as I am able to determine, he is now an industrious man and conducts himself properly. If my information in this respect is correct, I would see no objection to granting a pardon in this case." Judge Joseph A. Richardson in a letter advises the Board that: ". . . In the case of Bilby, if a very careful investigation by your office shows that his parole record has been exemplary, and he has not been in any difficulties, I would recommend the pardon. I know that Bilby has attempted to get work, but I am not familiar with his private life and I think that this should be the field of your investigation."

Robert B. Ivory, Esquire, an attorney practicing in Allegheny County, who served as sponsor for the applicant during the last twenty-one months of his parole writes: " . . . During that time, and since, I have been in close touch with him, and I can vouch for the fact that he has conducted himself properly and has given his earnest attention to whatever work he has been able to secure from time to time. Due to his record, he has naturally experienced a good deal of trouble in finding employment. He is working at present, but there is some possibility that his position will soon come under civil service. He would like to take the civil service examinations and, of course, cannot do so unless he receives a pardon. I believe that Mr. Bilby deserves a great deal of credit for the effort he has made in the face of many obstacles, and I feel that if a pardon is granted and one of the obstacles is to be removed, he will continue to justify the confidence which his many friends have in him."

The District Attorney's office of Allegheny County made no objection to the granting of a pardon.

The Board of Pardons is of the opinion that the conduct of the applicant, since his release on parole, has been of such character as to justify it in extending to him a fuller opportunity to become a useful part of society by removing the handicap of the record of these convictions. It would therefore, recommend the granting of a full and complete pardon.

Respectfully submitted,
S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:
ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of Leo Bilecki, B-3150, No. 1333, October Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Leo Bilecki, convicted of murder in the second degree in the Court of Oyer and Terminer of Erie County on March 4, 1932 be commuted from 10 years to 9 yrs. 10 mos. and 8 days, expiring on January 12, 1942.

Our reasons for making this recommendation are as follows:

The applicant for commutation of sentence was convicted in the Court of Oyer and Terminer of Erie County on the 4th day of March, 1932 under Indictment No. 66 February Sessions, 1932 of the crime of murder in the second degree, and was sentenced by the Honorable U. P. Rossiter, Judge, to a term of imprisonment in the Western State Penitentiary for not less than ten nor more than twenty years.

The applicant was arrested and placed in the Erie

County Jail on January 8, 1932 where he remained until his removal to the Western State Penitentiary, after his conviction. He spent fifty-one days in jail awaiting trial and under existing laws would be entitled to credit for such time.

The Board of Trustees of the Western State Penitentiary reports that applicant has had an excellent institutional record.

Employment and sponsorship will be provided the applicant upon his release, by his father and brother.

The Board feels that the applicant is entitled to credit for the time he served in jail prior to his conviction and would, therefore, recommend that his minimum sentence of ten years be commuted to a new minimum term of nine years, ten months, and eight days, expiring on January 12, 1942, and that the applicant remain on parole until March 4, 1952.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of Frank Bommarito, D-1513, No. 5441, October Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Frank Bommarito, convicted of (1) robbery (2) larceny (3) assalut and battery with intent in the Court of Oyer and Terminer and Quarter Sessions of Lehigh County on August 10, 1936 be commuted from 7½ years to 5 years and 3 months, expiring on November 10, 1941.

Our reasons for making this recommendation are as follows:

The applicant for commutation of sentence entered his plea of guilty in the Court of Oyer and Terminer and Quarter Sessions of Lehigh County on the 10th day of August, 1936 to Indictment No. 96 January Sessions, 1935 charging (1) larceny (2) robbery (3) assault and battery with intent, and was sentenced by the Honorable Richard W. Iobst, Judge, to imprisonment in the Eastern State Penitentiary for a term of not less than seven and one-half nor more than fifteen years and pay a fine of $1000.00.

The Board of Trustees of the Eastern State Penitentiary reports that the applicant has maintained an ordinary record of prison performance.

The Honorable Richard W. Iobst, trial judge, in a letter to the Board writes: ". . . When this individual voluntarily appeared for sentence on August 10, 1936, the record discloses that the following sentence was imposed upon him: ". . . Fine $1000, costs of prosecution and imprisonment in the Eastern State Penitentiary for not less than 7½ years nor more than 15 years; if the defendant behaves himself well at the Penitentiary he may apply for a pardon at the end of 5 years and this court will not oppose it. This sentence is for a lesser term as has been imposed upon some of the other defendants for the reason that this defendant has presented himself before the Bar of his own volition coming here from the City of Detroit." In view of the foregoing sentence, I am not registering any opposition to the granting of this pardon, if deemed advisable by the Board."

The District Attorney of Lehigh County in a letter states: ". . . I have no additional information available which might assist the Board in its decision on the said application, nor do I know of any reason why the same should be refused."

Based upon these letters from the convicting authorities, the Board of Pardons feels that the ends of justice have been met and that the applicant is entitled to his freedom so that he can return to his home in Detroit, Michigan, complete his rehabilitation and become a useful citizen. The Board, therefore, recommends that the minimum sentence of 7½ years be commuted to a new minimum term of 5 years and 3 months, expiring on November 10, 1941, and that the applicant remain on parole until August 10, 1951.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of John W. Brooking, Jr., C-8834, No. 2303, October Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the maximum sentence of John W. Brooking, Jr., convicted of arson in the Court of Quarter Sessions of Columbia County on March 29, 1933, be commuted from 7 yrs. 8 mos. and 3 days to 4 months expiring on November 18, 1941.

Our reasons for making this recommendation are as follows:

The applicant for commutation of sentence entered his plea of guilty in the Courts of Columbia County on the 29th day of March, 1933, to Indictment No. 18 May Term, 1933, charging arson, and was sentenced by the Honorable Charles C. Evans, Judge, to a term of imprisonment in the Eastern State Penitentiary for not less than five nor more than ten years.

Following the presentation of a plea for commutation of this sentence, the applicant, was released on parole on July 26, 1935. On May 5, 1941, he was arrested on a charge of false pretense, entered a plea of guilty and was sentenced to six months imprisonment, which sentence was immediately suspended, but he was returned to the Eastern State Penitentiary as a parole violator. The charge of false pretense involved the cashing of a relief check after he had secured employment and the sentencing judge had no idea at the time of sentencing that the applicant would have to return to the penitentiary to serve his parole time.

The Board of Trustees of the Eastern State Penitentiary reports that his performance while on parole was satisfactory for a period of over six years.

C. W. Kreisher, Esquire, district attorney of Columbia County, and a son of the Honorable C. E. Kreisher, the trial judge, in a letter to the Board writes: ". . . My father and I both feel very sorry that it was necessary to return Mr. Brooking to the Eastern State Penitentiary.

At the time sentence was imposed we had no knowledge of his parole and he enter his voluntary plea of guilty to the charge of false pretense laid by the Department of Public Assistance for receiving a few dollars relief while also having an income of his own. Since he entered his voluntary plea of guilty of his indictment we did not go into the details of the case, but the Judge merely passed sentence on his plea. It was not until your Parole Officer, Mr. Llewellyn informed us of the seriousness of his plea that we had any knowledge of the hardship imposed upon Mr. Brooking. We both, in fact, took this case up with the Governor in the hope of doing something for Mr. Brooking. We have in our files a letter stating that should Mr. Brooking apply for executive clemency that the Governor would give the matter his prompt attention. Both my father and I have gone into the details of this man's record since he has been released on parole and find that he is married and has small children, that he has endeavored to obtain work and support his wife and family and lead a decent and respectable life and, therefore, we are both of the opinion that any and all possible consideration which might be given to this boy would be deserving and also appreciated."

The Supervisor of Paroles in a report to the Board states: ". . . The Trial Judge, at the time of imposition of sentence in the Columbia County Courts, contacted the Supervisor of Paroles about the matter and stated that if he had known what the effect of Brooking's plea would have been at the time it was accepted that perhaps a definite disposition would have been made in the matter. If a satisfactory parole plan is obtained in this case, the Supervisor of Paroles will have no objection to the granting of clemency."

The Board of Pardons, is of the opinion, that in view of the letter from the District Attorney of Columbia County, it becomes its duty to correct what is now admitted to have been an error and to give the applicant an opportunity to make a new start in life. The Board, therefore, recommends that the maximum sentence of seven years, eight months, and three days be commuted to a new minimum sentence of four months, expiring on November 18, 1941, and that the applicant to remain on parole until March 21, 1949.

Respectfully submitted,
S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs

The above recommendation is approved:
ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of Harleigh B. Burky, D-178, No. 3713, October Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Harleigh B. Burky, convicted of fraudulently making a written instrument in the Court of Quarter Sessions of Philadelphia County on June 27, 1935, be commuted from 5 years to 1 year and 5 months, expiring on November 28, 1941.

Our reasons for making this recommendation are as follows:

The applicant for commutation of sentence entered his plea of guilty in the Court of Quarter Sessions of Philadelphia County on the 27th day of June, 1935, to Indictments Nos. 1263 to 1285 June Term, 1935, charging fraudulently making a written instrument, and was sentenced by the Honorable Joseph L. Kun, Judge, on No. 1263 to imprisonment in the Eastern State Penitentiary for a term of not less than five nor more than ten years and on No. 1264 to not less than five or more than ten years to run consecutively.

The applicant has been granted parole on Indictment No. 1263 and is now serving the minimum sentence imposed on Bill No. 1264.

The applicant had no previous criminal record.

The Board of Trustees of the Eastern State Penitentiary in a report to this Board reports that: ". . . Since this man is a first offender, and judgment on the basis of his institutional performance, it is felt that he has a sincere interest in becoming a law-abiding citizen."

Honorable Joseph L. Kun, Judge, in a letter to the Board of Pardons stated: ". . . I am of the opinion that when he shall have served the minimum term of five years on one of the bills of indictment, it would be proper and desirable to commute the defendant's sentence on the other bill of indictment."

The District Attorney's office of Philadelphia County has no objection to the granting of leniency to this applicant.

An adequate and satisfactory parole plan has been obtained and employment awaits the release of the applicant.

The Board of Pardons, after careful deliberation, is of the opinion that in view of the report of the Board of Trustees of the Eastern State Penitentiary and the letter from Judge Kun, the applicant has now served sufficient time to satisfy the ends of justice and is prepared to take his place in society with a large degree of assurance of complete rehabilitation.

The Board, therefore, recommends that the minimum term of 5 years imposed on Indictment No. 1264 of June Term, 1935, be commuted to a new minimum term of 1 year and 5 months, expiring on November 28, 1941, and that the applicant remain on parole until June 27, 1950.

Respectfully submitted,
S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:
ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of Meyer Cohen, No. 5340, October Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Meyer Cohen, convicted of (1) larceny of automobile (2) operating automobile without consent of owner in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County, on January 31, 1935 be pardoned.

Our reasons for making this recommendation are as follows:

The applicant for a full and complete pardon was convicted by a jury in the Quarter Sessions Court of Philadelphia Cunty on the 14th day of November, 1924, on Indictments Nos. 738 and 739 June Sessions, 1934, charging (1) larceny of automobile (2) operating automobile with-

out consent of owner, and was sentenced by Honorable Eugene V. Alessandroni, Judge, on January 31, 1935, to imprisonment in the Philadelphia County Prison for a term of thirty days.

The applicant had no previous criminal record and the facts in this case do not indicate the existence of a criminal intent at the time of the commission of the alleged crime, to convert the automobile to his own use.

From a statement furnished by the District Attorney's office describing the occurrence, it appears to the Board, that the facts indicate a high powered practice used in getting business rather than an intent to steal.

The trial judge, the Honorable Eugene V. Alessandroni, advised the Board that he had no recommendation to make and the District Attorney's office has no objection to the granting of a pardon.

The applicant has conducted himself properly since his release more than seven years ago and is now successfully operating an automobile repair business, but finds that the record of his conviction is a handicap to him in the operation of that business.

The Board of Pardons, after a careful study of the facts in the case as furnished by the District Attorney, feels that the applicant is entitled to any relief it can afford and that the removal of the handicap will assist one whose conduct since his conviction has justified it.

The Board, therefore, recommends the granting of a full and complete pardon to the applicant.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES.
Governor.

BOARD OF PARDONS

In re application of George Drake, B-3352, No. 148A, October Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the sentence of imprisonment imposed on George Drake, convicted of Burglary, in the Oyer and Terminer Court of Allegheny County, on the 7th day of September, 1932, be commuted on Bill No. 90 June Sessions, 1932, from a maximum term of 6 years to a minimum term of 3 years, 2 months, and 29 days, expiring on December 6, 1941; and on Bill No. 91 from a minimum term of 3 years to a minimum term of 1 day, expiring on December 7, 1941.

Our reasons for making this recommendation are as follows:

The applicant is one of many prisoners whose release on parole has been affected by the opinion of the Supreme Court in the case of Commonwealth of Pennsylvania ex rel. Thomas Lynch v. Stanley P. Ashe, Warden of the Western State Penitentiary, 320 Pa. 341. In this opinion it was held that unless a prisoner, who was serving sentences imposed to run consecutively, was recommended and approved for parole at the expiration of the first minimum sentence, he would be serving the maximum of that sentence, and if no recommendation for parole was made at the expiration of the second and subsequent minimum of sentences imposed to run consecutively, the prisoner would be serving the maximum of the second and subsequent sentences. In other words, a prisoner serving an indeterminate sentence is not automatically paroled at the expiration of the minimum term but is merely eligible for parole at that time, and if not favorably considered by the Prison Board at any time thereafter, the prisoner is required to serve the full sentence.

It was the custom for a long period of time for the officials of both the Eastern and Western State Penitentiaries to lump consecutive sentences and the Boards of Trustees would only make recommendations for release on parole at the expiration of the period of time equal to the total of the minimum sentences.

Since the Supreme Court held this procedure improper, the applicant and others, whose cases were not considered for parole at the expiration of their minimum sentences, through no fault of their own, will have to serve a much longer period of time than contemplated by the sentencing judge and the prison officials.

The failure of the Board of Trustees to make the necessary recommendations for parole at the expiration of the minimum sentences was an honest mistake, as most, if not all, sentencing judges shared the same view as the prison officials in deeming it to be unnecessary to make recommendations for parole at the expiration of the minimum of every consecutive sentence. Sentencing judges throughout the state have uniformly believed and taken into consideration in passing sentences the Prison Board practice that consecutive sentences would be lumped making a total minimum and a total maximum.

We believe that a great injustice would be done and that it would be most unfair to keep the applicant incarcerated for a longer period of time than recommended by the Board of Trustees of the institution in which the applicant is confined.

Respectfully submitted,

S. S. LEWIS,
Lieutenant-Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.,
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of James Gemza, D-399, No. 4667, October Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the sentence of imprisonment imposed on James Gemza, convicted of robbery, in the Oyer and Terminer and Quarter Sessions Courts of Lackawanna County, on the 28th day of February, 1933, be commuted on Bill No. 29 April Term, 1933, from a minimum term of 10 years to a minimum term of 6 years and 9 months, expiring on November 28, 1941, and on Bill No. 31 from a minimum term of 10 years to a minimum term of 1 day, expiring on November 29, 1941. (Sentence to be computed from February 28, 1935).

Our reasons for making this recommendation are as follows:

The applicant for commutation of sentence entered his plea of guilty in the Courts of Oyer and Terminer and Quarter Sessions of Lackawanna County on the 28th day of February, 1933, to Indictments Nos. 29 and 31 April Term, 1933, charging robbery, and was sentenced by the Honorable Will Leach, Judge, to imprisonment in the Eastern State Penitentiary for a term of not less than ten nor more than twenty years on each case. Sentences to run consecutively.

Applicant was previously sentenced to the Eastern State Penitentiary for a term of not less than two nor more than four years for larceny of a motor vehicle and was paroled on October 10, 1931, and violated that parole by his plea of guilty on February 25, 1933. He started serving the current sentence on February 28, 1935.

The Board of Trustees of the Eastern State Penitentiary report that the institutional record of the applicant has been satisfactory.

Two accomplices of the applicant in the crime for which he is now imprisoned have been discharged.

The Supervisor of Paroles in a report to the Board states: ". . . The petitioner has been confined for a period of about 6 years and 8 months on his current conviction. He has served in addition a two year period because of his prior parole violation, making his total period of confinement about 8 years and 8 months, which is about 1 year and 4 months less than the minimum term imposed by the court. For this reason the Supervisor of Paroles will enter no objection to the petition if a satisfactory parole plan is obtained."

No objection to the granting of leniency has been made by the authorities of Lackawanna County.

The Board of Pardons is of the opinion that by his long period of imprisonment the applicant has paid his debt to society and should be given an opportunity to demonstrate his fitness to become a useful citizen. The Board, therefore, recommends that the minimum sentence of ten years on Bill No. 29 be commuted to a new minimum term of 6 years and 9 months, expiring on November 28, 1941, and on Bill No. 31 from a minimum term of 10 years to a minimum term of 1 day, expiring on November 29, 1941, and that the applicant remain on parole until November 28, 1961.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re Application of Joseph Huggins, A-13565, No. 1124, October Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the sentence of imprisonment imposed on Joseph Huggins, convicted of rape, assault with intent, etc., impersonating an officer, pointing firearms, robbery, in the Quarter Sessions Court of Westmoreland County, on the 21st day of June, 1924, be commuted on Bill No. 262 November Sessions, 1923, from a minimum term of 7½ years to a minimum term of 2 years and 6 months, expiring on December 21, 1941.

Our reasons for making this recommendation are as follows:

The applicant is one of many prisoners whose release on parole has been affected by the opinion of the Supreme Court in the case of Commonwealth of Pennsylvania ex rel. Thomas Lynch v. Stanley P. Ashe, Warden of the Western State Penitentiary, 320 Pa. 341. In this opinion it was held that unless a prisoner, who was serving sentences imposed to run consecutively, was recommended and approved for parole at the expiration of the first minimum sentence, he would be serving the maximum of that sentence, and if no recommendation for parole was made at the expiration of the second and subsequent minimum of sentences imposed to run consecutively, the prisoner would be serving the maximum of the second and subsequent sentences. In other words, a prisoner serving an indeterminate sentence is not automatically paroled at the expiration of the minimum term but is merely eligible for parole at that time, and if not favorably considered by the Prison Board at any time thereafter, the prisoner is required to serve the full sentence.

It was the custom for a long period of time for the officials of both the Eastern and Western State Penitentiaries to lump consecutive sentences and the Boards of Trustees would only make recommendations for release on parole at the expiration of the period of time equal to the total of the minimum sentences.

Since the Supreme Court held this procedure improper, the applicant and others, whose cases were not considered for parole at the expiration of their minimum sentences, through no fault of their own, will have to serve a much longer period of time than contemplated by the sentencing judge and the prison officials.

The failure of the Board of Trustees to make the necessary recommendations for parole at the expiration of the minimum sentences was an honest mistake, as most, if not all, sentencing judges shared the same view as the prison officials in deeming it to be unnecessary to make recommendations for parole at the expiration of the minimum of every consecutive sentence. Sentencing judges throughout the state have uniformly believed and taken into consideration in passing sentences the Prison Board practice that consecutive sentences would be lumped making a total minimum and a total maximum.

We believe that a great injustice would be done and that it would be most unfair to keep the applicant incarcerated for a longer period of time than recommended by the Board of Trustees of the institution in which the applicant is confined.

Respectfully submitted,

S. S. LEWIS,
Lieutenant-Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.,
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES.
Governor.

BOARD OF PARDONS

In re application of Albert Langer, B-5159, No. 798, October Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the Minimum sentence of Albert Langer, convicted of breaking penitentiary, attempted escape in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County on December 2, 1926, to be computed from January 12, 1940, be commuted from 10 years to 1 year and 11 months, expiring on November 12, 1941.

Our reasons for making this recommendation are as follows:

The applicant for commutation of sentence was convicted by a jury in the Courts of Oyer and Terminer and Quarter Sessions of Philadelphia County on the 2d day of December, 1926, under Indictment No. 16 July Term, 1926, charging breaking penitentiary, attempted escape, and was sentenced by the Honorable Harry S. McDevitt,

Judge, to not less than eight nor more than thirty-three years in the Eastern State Penitentiary.

At the time of the commission of the crime of attempting to escape he was serving a term of not less than eight years and three months nor more than thirty-three years under sentence of the Court of Lancaster County imposed by the Honorable A. B. Hasslar, Judge, on November 6, 1909, after entering pleas of guilty to indictments charging buglary, larceny, receiving stolen goods, and assault and battery with intent to kill. He was paroled February 6, 1918, but was returned to the Eastern State Penitentiary on December 23, 1918, for violation of parole and was again released on parole on July 23, 1932.

On August 11, 1936, he was arrested in the City of New York, charged with robbery and after conviction was sentenced to serve a term of imprisonment at Sing Sing for not less than four nor more than ten years. At the expiration of his minimum term on January 12, 1940, he was released and returned to the Eastern State Penitentiary for parole violation.

After his return to the Eastern State Penitentiary he applied to the Courts of Philadelhpia County for a correction of sentence and the Court made a correction of the sentence imposed December 2, 1926, by amending the same to read not less than two and one-half nor more than ten years to begin at the expiration of sentence imposed November 6, 1909.

The applicant has served the greater part of his adult life in prison and the Board of Trustees of the Eastern State Penitentiary reports that time is beginning to tell on him. If he is not given another chance it is doubtful if he will finish the sentence he started to serve thirty-two years ago.

The applicant states in his application that he has "a burning desire to show them (his friends) by my future good life that I appreciate their efforts in my behalf."

It is probable that long jail service, in spite of his bad record, has finally brought to him a realization of the folly of his previous life and that even at his age there is opportunity for full rehabilitation.

The Board of Pardons feels that there is enough probability of full repentance to justify it in affording to this man an opportunity to fulfill his desire to lead an honest life. The Board, therefore, recommends that the sentence imposed on Bill No. 16 July Term, 1926, be computed from a maximum term of ten years to a minimum term of 1 year and 11 months, expiring on November 12, 1941 and that the applicant remain on parole until June 12 1950.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO.
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of Martin Loonan, C-3743, No. 5407, October Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the maximum sentence of Martin Loonan, convicted of (1) burglary, (2) breaking and entering, (3) entering with intent to steal, (4) larceny in the Courts of Oyer and Terminer and Quarter Sessions of Delaware and Philadelphia Counties on December 23, 1926, sentence to be computed from September 17, 1926, be commuted on Bill No. 108 from 10 years to 1 year and 3 months, expiring on November 14, 1941.

Our reasons for making this recommendation are as follows:

The applicant for commutation of sentence entered his plea of guilty in the Court of Oyer and Terminer of Delaware County on the 17th day of September, 1926, to Indictment No. 108 December Term, 1926, and was sentenced by the Honorable John M. Broomall, 3rd, Judge, to imprisonment in the Eastern State Penitentiary for a term of not less than five nor more than ten years.

The applicant was released on parole at the expiration of his minimum sentence on September 17, 1931, to reside in the City of New York, and within three months was arrested and convicted in New York City of a charge of rape, but a new trial was granted and on October 5, 1934, he was discharged to appear when wanted.

He was later arrested in New York City on a charge of attempted robbery, possession of a gun and burglary, and entered a plea of guilty. Sentence was deferred, and while in prison he rendered valuable assistance to the District Attorney's office, as a result of which he withdrew his plea of guilty to the original charges and entered a plea of guilty to the charge of assault and was committed to serve an indeterminate sentence. After his release he was taken into custody as a fugitive from Pennsylvania on June 18, 1940, and was returned to the Eastern State Penitentiary to serve the remainder of the sentence imposed in 1926.

The Board of Trustees of the Eastern State Penitentiary reports that he has maintained a satisfactory conduct record and spends most of his time working on an invention.

Honorable George L. Donnellan, Judge of the Court of General Sessions of New York, in a letter to the Pennsylvania Prison Society writes: "* * * Personally, I have no objection to the commutation of the sentence which Loonan is now serving in your State. Although he has a bad record, nevertheless I think he has been punished sufficiently for what he has done."

James W. Tracey, Jr., Esquire, assistant district attorney of Philadelphia County, stated in view of the time served by the applicant in New York the District Attorney's office had no objection to the granting of leniency.

Employment awaits the applicant and a satisfactory parole plan has been provided.

The Supervisor of Paroles in a report to the Board states: "* * * Loonan has been confined for a period of about six years and it may be that he is entitled to consideration at this time. If a satisfactory parole plan is obtained in this case, the Supervisor of Paroles will interpose no objection to the granting of clemency."

The Board, is of the opinion, that the applicant has now served sufficient time for the crime committed and that an opportunity should be given him to become a useful member of society. The Board, therefore, recommends that the maximum sentence of 10 years imposed December 23, 1926, be commuted to a new minimum term of 1 year and 3 months, expiring on November 14, 1941, and that the applicant remain on parole until Dec. 12, 1949.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of John Manion, B-3517, No. 3099, October Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The abve application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of John Manion, convicted of murder in the second degree in the Court of Oyer and Terminer of Allegheny County on December 21, 1932, be commuted from 10 years to 9 years 8 months and 25 days expiring on September 16, 1942.

Our reasons for making this recommendation are as follows:

The applicant for commutation of sentence entered his plea of guilty in the Court of Oyer and Terminer of Allegheny County on the 21st day of December, 1932, to Indictment No. 137 September Sessions, 1932, charging murder in the second degree, and was sentenced by the Honorable J. N. Langham, Judge, to imprisonment in the Western State Penitentiary for a term of not less than ten years nor more than twenty years.

The applicant had no previous criminal history.

The Board of Trustees of the Western State Penitentiary reports that if eligible for parole, it would probably recommend for parole (1) first conviction (2) excellent institutional record (3) cooperative inmate (4) has served 8½ years.

The crime was the result of a drunken brawl and was committed in the heat of passion occassioned by a beating administered to him by his subsequent victim.

Ralph T. Bell, Esquire, representing the District Attorney's office of Allegheny County, has advised the Board that: "Our office has no objection if credit is allowed the applicant for the time which was spent in jail and waiting trial, to-wit: three months and five days."

Employment is promised the applicant upon his release and his prospective employer has agreed to become his sponsor.

The Board feels that to allow his credit for the time spent in jail awaiting trial is only in accordance with existing law, and would, therefore, recommend that the minimum sentence of ten years be commuted to a new minimum term of 9 years, 8 months, and 25 days, expiring on September 16, 1942, and that the applicant remain on parole until December 21, 1952.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of John Marrazzo, D-2522, No. 5439, October Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of John Marrazzo, convicted of (1) rape (2) pandering in the Court of Oyer and Terminer and Quarter Sessions of Lackawanna County on October 9, 1937, to be computed from October 7, 1937, be commuted from 10 years to 4 years and 1 month, expiring on November 7, 1941.

Our reasons for making this recommendation are as follows:

The applicant for commutation of sentence was convicted by a jury in the Courts of Oyer and Terminer and Quarter Sessions of Lackawanna County on the 9th day of October, 1937, under indictment No. 21 October Term, 1937, charging (1) rape, (2) pandering, and was sentenced by the Honorable William R. Lewis, Judge, to imprisonment in the Eastern State Penitentiary for a term of not less than six nor more than twelve years on the rape charge, and not less than four nor more than eight years on the pandering charge to run consecutively. Sentence to be computed from October 7, 1937.

The Honorable William R. Lewis, the trial judge, writes to the Board as follows: "* * * I have examined his application and find his record of former convictions is substantially correct as I recall it. He was properly and justly convicted of the two offenses, rape and pandering, for which he stood trial. At the time of his sentence I was somewhat disgusted with his attitude while testifying in his own behalf. This disgust led me to impose what I now consider, after due deliberation, a somewhat severe sentence considering his youth. I have been informed that his conduct while an inmate of the Penitentiary has been exemplary and if this is so I am of the opinion that he has been sufficiently punished. If he were compelled to serve the full minimum sentences imposed on the two charges his chances of making a success of life would be seriously impaired. If his conduct as a prisoner indicates a complete reformation I think his plea for clemency should be favorably considered."

The Board of Trustees of the Eastern State Penitentiary reports that the institutional record of the applicant at the Lackawanna County Prison, to which he was transferred on June 16, 1941, has been excellent and the Warden of that prison states: "* * * Our staff would recommend this man for parole or commutation."

Adequate sponsorship and employment have been provided and awaits the release of the applicant.

The Board of Pardons, is of the opinion, that this young man who was only twenty years old when the crime was committed has fully paid his debt to society and that he should now be given an opportunity to demonstrate his fitness to mingle freely with his fellowmen and lead a life of usefulness. The Board, therefore, recommends that the minimum sentence of ten years be commuted to a new minimum term of four years and one month, expiring on November 7, 1941, and that the applicant remain on parole until October 7, 1957.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of Charles Minifield, D-3109, No. 5198, October Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Charles Minnifield, convicted of voluntary manslaughter in the Court of Quarter Sessions of Chester County on May 25, 1938, to be computed from April 1,

1938, be commuted from 4 years to 3 years and 7 months, expiring on November 1, 1941.

Our reasons for making this recommendation are as follows:

The applicant for commutation of sentence entered his plea in the Court of Quarter Sessions of Chester County on the 25th day of May, 1938, to Indictment No. 85 May Term, 1938, charging voluntary manslaughter, and was sentenced by the Honorable William B. Windle, Judge, to a term of imprisonment in the Eastern State Penitentiary of not less than four nor more than eight years. Sentence to begin April 1, 1938.

The Board of Trustees of the Eastern State Penitentiary reports to this Board that the applicant has maintained an excellent record of prison performance and that an exceptional parole plan, along with his constructive prison record, indicates a good possibility of adjustment if released.

Honorable W. Butler Windle, Judge, in a letter to the Board of Pardons writes: "* * * Mr. Ben Wolf, who is willing to employ the applicant should he be released from custody at this time, is a former employer of the man who, by reason of said former employment and the knowledge obtained thereby, has sufficient confidence in him to reemploy him. I understand that the opportunity for such reemployment will lapse in all probability unless Minnifield is available therefor in the very near future. I recognize that it is very desirable for this applicant to be able to reenter the employ of his former employer and realize that in that regard the situation is a little unusual. I did not have this matter so clearly before me when I wrote my former letter under date fo September 22, 1941. Under the circumstances I am not so convinced that a further incarceration of six months with doubtful employment available at the expiration of that time, will so benefit this man that he should be called upon to suffer it. I, therefore, desire to state to the Board that I do not definitely oppose Mannifield's application at this time, although I believe the minimum term was the proper one for him to serve when I imposed it, but am willing to leave the question of clemency entirely to the Board in the belief that it will exercise sound judgment in regard thereto."

A good and sufficient parole plan has been obtained and employment is assured the applicant upon his release.

The Board of Pardons is of the opinion that the report of the Board of Trustees indicates a desire on the part of the applicant to readjust himself and the confidence displayed by his former employer in his rehabilitation is sufficient evidence to justify it in granting the leniency desired. The Board, therefore, recommends that the minimum sentence be commuted to a new minimum term of 3 years and 7 months, expiring on November 1, 1941, and the applicant remain on parole until April 1, 1946.

Respectfully submitted,
S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:
ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of Charles Murray, B-6654, No. 4795, October Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Charles Murray, convicted of sodomy in the Court of Oyer and Terminer of Allegheny County on March 31, 1939, to be computed from February 16, 1939, be commuted from 4 years to 2 years and 9 months, expiring on November 16, 1941.

Our reasons for making this recommendation are as follows:

The applicant for commutation of sentence was convicted by a jury in the Court of Oyer and Terminer of Allegheny County on the 16th day of February, 1939, under Indictment No. 31 March Term, 1939, charging sodomy, and on the 31st day of March, 1939, was sentenced by the Honorable Thomas W. Dickey, Judge, to undergo imprisonment in the Western State Penitentiary for a term of not less than four nor more than eight years. Sentence to be computed from February 16, 1939.

The applicant has a criminal record including a conviction of adultery in 1919, and robbery in 1924. Since his release in 1924 from imprisonment, following the last conviction, he seems to have kept out of trouble.

The Board of Trustees of the Western State Penitentiary in its report to this Board states: ". . . This is a case which should be decided on the applicant's guilt or innocence of this particular offense."

He was convicted by a jury, but both the Classification Summary made by the Board of Trustees and the report made by one of the Field Agents of the Board after an investigation, unite in raising a strong doubt as to the guilt of the applicant. The man making the charge which led to the conviction of the applicant is described by the agent as "an habitual drunkard," an "intimate of prostitutes" and a "sexual pervert" and the summary of the Board of Trustees refers to him as a "sexual pervert."

It would seem unfair to convict a defendant of a serious crime on the testimony of a man with such a reputation, and manifestly unjust to keep him long in prison after a conviction based on such evidence.

The applicant has served more than two years and eight months, his parole is not opposed by the trial judge, and employment and sponsorship have been provided.

The Board of Pardons is of the opinion that all the elements entering into this application call for the commutation of the sentence of the applicant, and it therefore, recommends that the minimum sentence in this case be commuted to a new minimum term of 2 years and 9 months, expiring on November 16, 1941, and that the applicant remain on parole until February 16, 1947.

Respectfully submitted,
S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:
ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of Edward Reynolds, D-582, No. 5446 October Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Edward Reynolds, convicted of robbery, being armed with an offensive weapon, in the Court of Oyer and

Terminer and Quarter Sessions of Philadelphia County, on May 17, 1933, to be computed from May 17, 1935, be commuted from 10 years to 6 years and 6 months, expiring on November 17, 1941.

Our reasons for making this recommendation are as follows:

The applicant for commutation of sentence was convicted in the Courts of Philadelphia County on April 23, 1930, of the crime of larceny of an automobile and was sentenced by Judge D. U. Arird to the Eastern State Penitentiary for a term of not less than two nor more than four years, from which institution he was released on parole on April 23, 1932.

On the 12th day of May, 1933, he was convicted by a jury in the Courts of Oyer and Terminer and Quarter Sessions of Philadelphia County under Indictment No. 571 May Term, 1933, charging robbery, being armed with an offensive weapon, and was sentenced by the Honorable Harry S. McDevitt, Judge, to imprisonment in the Eastern State Penitentiary for a term of not less than ten nor more than twenty years, sentence to be computed from the expiration date of his unexpired parole period. He commenced service on his sentence under Indictment No. 571 of May Term, 1933 on May 17, 1935.

The Supervisor of Paroles in a report to this Board states: ". . . In view of the length of time this subject has been confined, the Supervisor of Paroles will enter no objection to the granting of clemency providing the applicant has a satisfactory parole plan and if his petition meets with the approval of the convicting authorities."

The Board of Trustees of the Eastern State Penitentiary report that they can cite, in his favor, a continuous general improvement in his conduct and attitude.

Honorable Harry S. McDevitt, Judge, advises the Board that there has been a continuous general improvement in his conduct in the penitentiary and the office of the District Attorney does not object to clemency being granted.

A satisfactory parole plan has been provided and employment awaits the release of the applicant.

The Board of Pardons feels that sufficient time has been served by the applicant, his accomplices have been released and his improvement in institutional conduct indicates a desire for rehabilitation. The Board, therefore, recommends that the minimum sentence of 10 years imposed on Indictment No. 571 May Term, 1933, be commuted to a new minimum term of six years and six months, expiring on November 17, 1941, and that the applicant remain on parole until May 17, 1955.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of Joseph Russella, B-6879, No. 5102, October Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Joseph Russella, convicted of (1) robbery (2) robbery with aggravated circumstances (3) conspiracy to commit robbery (4) violation of the Uniform Firearms Act, in the Court of Quarter Sessions of Jefferson County on August 28, 1939, to be computed from August 22, 1939, be commuted from 3 years to 2 years and 3 months, expiring on November 22, 1941.

Our reasons for making this recommendation are as follows:

The applicant for commutation of sentence entered a plea of guilty in the Quarter Sessions Court of Jefferson County on the 28th day of August, 1939, to Indictment No. 38 August Term, 1939, charging (1) robbery (2) robbery with aggravated circumstances (3) conspiracy to commit robbery (4) violation of the Uniform Firearms Act, and was sentenced by the Honorable Jesse C. Long, Judge, to imprisonment in the Western State Penitentiary for a term of not less than three nor more than ten years. Sentence to be computed from August 22, 1939.

The applicant was only twenty years of age when the crime was committed and had no previous criminal history.

The Board of Trustees of the Western State Penitentiary report that if the applicant was eligible for parole, it would probably recommend him for parole (1) first conviction (2) excellent institutional record.

The Honorable Jesse C. Long, trial judge, has advised the Board that he has no recommendations for or against the applicant. The district attorney of Jefferson County has filed no objection to the granting of clemency.

Employment and adequate sponsorship awaits the release of the applicant.

The Board feels that on account of the age of the applicant at the time the offense was committed, coupled with his institutional record and his previous record, he is entitled to another chance to become a law-abiding citizen. It would, therefore, recommend that the minimum sentence of 3 years be commuted to a new minimum term of 2 years and 3 months, expiring November 22, 1941, and that the applicant remain on parole until August 22, 1949.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of Clement H. Savage, C-7185, No. 3810, October Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the life sentence of Clement H. Savage, convicted of murder in the first degree, in the Court of Oyer and Terminer and Quarter Sessions of Luzerne County, on June 18, 1931, be commuted from Life Imprisonment to 10 years and 5 months, expiring on November 18, 1941.

Our reasons for making this recommendation are as follows:

The applicant for commutation of sentence was convicted by a jury in the Courts of Oyer and Terminer and Quarter Sessions of Luzerne County on the 18th day of June, 1931, of murder in the first degree under Indictment No. 83 June Term, 1933, and was sentenced by the Honorable John S. Fine, Judge, to imprisonment in the Eastern State Penitentiary for the term of his natural life.

The applicant was twenty-one years of age at the time of the commission of this crime.

The Board of Trustees of the Eastern State Penitentiary in a report to the Board states: ". . . Judging on the basis of his performance while he has been in the institution, it is felt that he would have a good opportunity of succeeding if he was paroled."

The District Attorney's office through Assistant District Atttorney Silverblatt, stated that: ". . . Justice will not be harmed by his release."

The Board of Pardons feels that the time served by the applicant has been sufficient punishment for his part in the crime committed and his efforts at self-improvement since his imprisonment are such as to justify the Board in granting clemency and in affording him an opportunity to make a fitting place for himself in society. The Board, therefore, recommends that the life sentence of imprisonment be commuted to a minimum term of ten years and five months, expiring on November 18, 1941, and that the applicant remain on parole the balance of his natural life.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO.
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of Walter Scott, B-1794, No. 2838, October Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the sentences of imprisonment imposed on Walter Scott, convicted of (1) robbery (2) receiving stolen goods, in the Oyer and Terminer Court of Allegheny County, on the 16th day of January, 1930, be commuted on Bill No. 8 from a minimum term of 5 years to a minimum term of 1 year and 10 months, expiring on November 16, 1941; on Bill No. 9 from a minimum term of 5 years to a minimum term of 1 day, expiring on November 17, 1941; on Bill No. 10 from a minimum term of 5 years to a minimum term of 1 day, expiring on November 18, 1941; and on Bill No. 16 from a minimum term of 2½ years to a minimum term of 1 day, expiring on November 19, 1941.

Our reasons for making this recommendation are as follows:

The applicant for commutation of sentence was convicted by a jury in the Court of Oyer and Terminer of Allegheny County on the 16th day of January, 1930, under Indictments Nos. 7, 8, 9, 10, and 16 January Term, 1930, charging (1) robbery (2) receiving stolen goods, and was sentenced by the Honorable J. Frank Graff, Judge, to undergo imprisonment in the Western State Penitentiary for a term of from five to ten years in Nos. 7, 8, 9, and 10 and from two and one-half to five years in No. 16, all of which sentences were to run consecutively.

The Board of Trustees of the Western State Penitentiary advises this Board that if eligible for parole, it would probably recommend because of (1) first major conviction (2) very good institutional record (3) has served 11 years and 9 months (4) sentence of accomplice was commuted.

The previous criminal record of the applicant shows no convictions of any major offenses.

Neither the trial judge, the Honorable J. Frank Graff or the district attorney's office has made any objection to the granting of leniency, and as the accomplice of the applicant has had his sentence commuted, it seems only proper to give this man another chance to lead an honest and useful life. Satisfactory employment awaits his release and an adequate sponsorship has been provided.

The Board of Pardons feels that his long term of imprisonment has satisfied the ends of justice and his institutional record evidences a desire to become an honest and law-abiding citizen. The Board, therefore, recommends that the minimum sentence be commuted in the following manner: on Bill No. 8 from a minimum term of 5 years to a minimum term of 1 year and 10 months, expiring on November 16, 1941; on Bill No. 9 from a minimum term of 5 years to a minimum term of 1 day, expiring on November 17, 1941; on Bill No. 10 from a minimum term of 5 years to a minimum term of 1 day, expiring on November 18, 1941; and on Bill No. 16 from a minimum term of 2½ years to a minimum term of 1 day, expiring on November 19, 1941, and that the applicant remain on parole until November 18, 1951.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO.
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of Harry E. Swiger, B-3965, No. 149A, October Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the sentence of imprisonment imposed on Harry E. Swiger, convicted of forgery, in the Quarter Sessions Court of Allegheny County, on the 18th day of December, 1933, be commuted on Bill No. 106 Dec. Session, 1933, from a maximum term of 4 years to a maximum term of 3 years, 11 months and 28 days, expiring on Dec. 16, 1941; on Bill No. 107 from a minimum term of 2 years to a minimum term of 1 day, expiring on December 17, 1941; and on Bill No. 108 from a minimum term of 2 years to a minimum term of 1 day, expiring on December 18, 1941.

Our reasons for making this recommendation are as follows:

The applicant is one of many prisoners whose release on parole has been affected by the opinion of the Supreme Court in the case of Commonwealth of Pennsylvania ex rel. Thomas Lynch v. Stanley P. Ashe, Warden of the Western State Penitentiary, 320 Pa. 341. In this opinion it was held that unless a prisoner, who was serving sentences imposed to run consecutively, was recommended and approved for parole at the expiration of the first minimum sentence, he would be serving the maximum of that sentence, and if no recommendation for parole was made at the expiration of the second and subsequent minimum of sentences imposed to run consecutively, the prisoner would be serving the maximum of the second and subsequent sentences. In other words, a prisoner serving an indeterminate sentence is not automatically paroled at the expiration of the minimum term but is merely eligible for parole at that time, and if not favorably considered by the Prison Board at any time thereafter, the prisoner is required to serve the full sentence.

It was the custom for a long period of time for the officials of both the Eastern and Western State Penitentiaries to lump consecutive sentences and the Boards of Trustees would only make recommendations for release on parole at the expiration of the period of time equal to the total of the minimum sentences.

Since the Supreme Court held this procedure improper, the applicant and others, whose cases were not considered for parole at the expiration of their minimum sentences, through no fault of their own, will have to serve a much longer period of time than contemplated by the sentencing judge and the prison officials.

The failure of the Board of Trustees to make the necessary recommendations for parole at the expiration of the minimum sentences was an honest mistake, as most, if not all, sentencing judges shared the same view as the prison officials in deeming it to be unnecessary to make recommendations for parole at the expiration of the minimum of every consecutive sentence. Sentencing judges throughout the state have uniformly believed and taken into consideration in passing sentences the Prison Board practice that consecutive sentences would be lumped making a total minimum and a total maximum.

We believe that a great injustice would be done and that it would be most unfair to keep the applicant incarcerated for a longer period of time than recommended by the Board of Trustees of the institution in which the applicant is confined.

Respectfully submitted,

S. S. LEWIS,
Lieutenant-Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.,
Secretary of Internal Affairs.

The above recommendation is approved:
ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of Albert Thompson, B-1650, No. 4018, October Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the sentence of imprisonment imposed on Albert Thompson, convicted of (1) entering a building, (2) larceny, (3) receiving stolen goods, in the Quarter Sessions Courts of Allegheny County, on the 11th day of October, A. D., 1929, be commuted on Bill No. 94 September Term, 1929, from a minimum term of 5 years to a minimum term of 2 years and 1 month, expiring on November 11, 1941; and on Bill No. 95 from a minimum term of 5 years to a minimum term of 1 day, expiring on November 12, 1941.

Our reasons for making this recommendation are as follows:

The applicant for commutation of sentence entered his plea of guilty in the Court of Quarter Sessions of Allegheny County on October 11, 1929 to Indictments Nos. 93, 94, and 95 September Term, 1929 charging (1) entering a building (2) larceny (3) receiving stolen goods, and was sentenced by the Honorable M. Ward Fleming, Judge, to undergo imprisonment in the Western State Penitentiary for from five to ten years on each of Bills Nos. 93, 94, and 95. Sentences to be served consecutively.

The Board of Trustees of the Western State Penitentiary report that the applicant has an excellent institutional record, that he has served twelve years and if eligible for parole it would probably recommend him for parole.

The Honorable M. Ward Fleming, trial judge, has advised the Board of Pardons that he is satisfied with the determination of the Board.

Employment with his former employer awaits the applicant and the same person has indicated his willingness to act as sponsor. The employer bears an excellent reputation in the neighborhood in which he conducts his business.

The Board of Pardons feels that to sustain an excellent institutional record during a period of upwards of twelve years is convincing evidence of a desire to lead a better life and merits the help of the Board in bringing about that end. The Board, therefore, recommends that the minimum sentence of imprisonment be commuted in the following manner: on Bill No. 94 from a minimum term of 5 years to a minimum term of 2 years and 1 month, expiring on November 11, 1941; and on Bill No. 95 from a minimum term of 5 years to a minimum term of 1 day, expiring on November 12, 1941, and that the applicant remain on parole until November 11, 1951.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:
ARTHUR H. JAMES.
Governor.

BOARD OF PARDONS

In re application of Robert Thornburg, B-6745, No. 5086, October Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Robert Thornburg, convicted of (1) robbery (2) violation of the Firearms Act in the Court of Oyer and Terminer of Allegheny County on May 31, 1939, to be commuted from 3 years computed from February 11, 1939, to 2 years and 9 months, expiring on November 11, 1941.

Our reasons for making this recommendation are as follows:

The applicant for commutation of sentence was convicted by a jury in the Court of Oyer and Terminer of Allegheny County under indictments Nos. 9 and 29 March Sessions, 1939, charging (1) robbery (2) violation of the Firearms Act, and was sentenced by the Honorable John P. Egan, Judge, to undergo imprisonment in the Western State Penitentiary to a term of not less than three nor more than six years on Indictment No. 9 Sentence was suspended on Indictment No. 29.

The applicant was convicted solely on the testimony of the attendant at a gasoline station, and an officer present at the time of the identification, stated to an agent of the Board that the idenification was one of "hesitation and caution." Applicant's defense was an alibi, well sustained but evidently not believed by the jury.

The Honorable John P. Egan, Judge, in a letter to the Board stated that he would leave the matter entirely to it and the District Attorney's office has no objection to clemency being granted if a satisfactory parole plan is obtained.

A painting contractor in Crafton, Pennsylvania, has offered employment as a painter's helper and has also agreed to act as sponsor for the applicant, if and when released. The employer bears an excellent reputation and should prove to be an excellent sponsor.

The Board of Pardons feels that the two years and eight months served by the applicant is sufficient punishment for the offense committed, and that the employment and parole plan provided is sufficient to start him on the way to complete and final rehabilitation. It, therefore, recommends that the minimum term of three years be commuted to a new minimum term of two years and nine months, expiring on November 11, 1941, and that the applicant remain on parole until February 11, 1945.

Respectfully submitted,
S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:
ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of George Van Steenburgh, No. 5124, October Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that George Van Steenburgh, convicted of (1) assault and battery (2) indecent assault in the Court of Quarter Sessions of Philadelphia County, on October 30, 1931, be pardoned.

Our reasons for making this recommendation are as follows:

The applicant for a full and complete pardon entered a plea of nolle contendere in the Quarter Sessions Courts of Philadelphia County on the 30th day of October, 1931 to Indictment No. 766 June Sessions, 1931, charging (1) assault and battery (2) indecent assault, was adjudged guilty by the Honorable Theodore Rosen, Judge, and on the same day was sentenced by Judge Rosen to imprisonment in the Philadelphia County Jail for a term of not less than four months nor more than two years.

The offense committed, although perhaps indicating an unhealthy state of mind, did not involve any violence or threats of violence and the conduct of the applicant, since his release, tends to indicate that there will be no recurrence of the desire that brought about his departure from decent living.

At the time of his arrest the applicant was employed as a ticket agent at the Tulpehocken Station by the Pennsylvania Railroad Company, but since his release from imprisonment his employment has not been steady or very lucrative on account of the stigma of the record against him.

If a pardon is granted, the applicant is assured of reemployment by the Railroad Company as is evidenced by a letter from an official of the Company in which he states: " . . . We have been in close contact with Mr. Van Steenburg since April 1932 and our confidence in his character and ability to perform service is indicated in our restoring him to active duty and the further fact that prior to the time he got into this trouble sufficiently penalized by his conviction and there is no doubt as to his full and complete rehabilitation."

The Board feels that the conduct of the applicant since his release entitles him to an opportunity to be restored to employment with the Railroad Company so that his rehabilitation may be completed and he may more amply provide for himself and his family.

The Board, therefore, recommends that a full and complete pardon be granted to the applicant.

Respectfully submitted,
S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:
ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of Howard Delmont Way, B-6735, No. 5228, October Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the sentence of imprisonment imposed on Howard Delmont Way, convicted of (1) keeping fraudulent accounts as an employee (2) fraudulent conversion (3) embezzlement, in the Quarter Sessions Court of Indiana County, on the 2nd day of June, 1939, be commuted on Bill No. 106 March Sessions, 1939, from a minimum term of 2 years to a minimum term of 7 months, expiring on November 9, 1941, and on Bill No. 107 from a minimum term of 2 years to a minimum term of 1 day, expiring on November 10, 1941. (Bill No. 101 to run concurrently with Bill No. 105.)

Our reasons for making this recommendation are as follows:

The applicant for commutation of sentence entered his plea of guilty in the Court of Quarter Sessions of Indiana County on the 22nd day of May, 1939, to Indictments Nos. 101 and 110 inclusive of March Sessions, 1939, charging (1) keeping fraudulent accounts as an employee (2) fraudulent conversion (3) embezzlement, and on the same day was sentenced by the Honorable E. E. Creps, Judge, to imprisonment in the Western State Penitentiary on Indictment No. 101 March Sessions, 1939, to not less than one and one-half nor more than three years, to run concurrently with sentence on No. 105 and on Nos. 105, 106, and 107 to not less than two nor more than four years, sentences to run consecutively.

The Board of Trustees of the Western State Penitentiary report that if eligible for parole, they would probably recommend parole by reason of this being a first imprisonment and on account of the excellent institutional record of the applicant.

A letter to the Board from the President of the Rochester and Pittsburgh Coal Company, the former employer of the applicant, states: " . . . The Company interposes no objection to the release from prison of Mr. Way. Its responsible officer believed that his prosecution was essential as an example and deterrent to others holding positions of trust and that failure to prosecute would have been unfair to faithful employees of the Company. The extent of his punishment was for the Court, in the first instance, and now for the Pardon Board. It may be stated, however, that Mr. Way's record prior to the embezzlement was good and it is our belief that he is not a criminal in any sense denoting depravity but rather that he did not have strength of character to resist temptation."

Neither the trial judge nor the trial district attorney of Indiana County has objected to the granting of clemency in this case.

Immediate employment is assured the applicant and an adequate and satisfactory sponsorship has been obtained.

The Board of Pardons is of the opinion that the time served by the applicant has been sufficient punishment and has fully served the ends of justice and that the record of the applicant since his incarceration is evidence

of a sincere desire to make amends for his errors and take up life anew with his wife and child. The Board, therefore, recommends that the minimum sentence be commuted in the following manner: on Bill No. 106 from a minimum term of 2 years to a new minimum term of 7 months, expiring on November 9, 1941, and on Bill No. 107 from a minimum term of 2 years to a minimum term of 1 day, expiring on November 10, 1941, and that the applicant to remain on parole until November 9, 1945. (Bill No. 101 to run concurrently with Bill No. 105.)

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of George Young, B-4427, No. 150 A, October Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the sentence of imprisonment imposed on George Young, convicted of larceny of automobile, larceny, breaking, entering and larceny, receiving stolen goods, in the Oyer and Terminer Court of Blair County on December 31, 1934, be commuted on Bill No. 46 January Session 1935 from a minimum term of 3 years to a minimum term of 2 years, 11 months, and 28 days, expiring on December 29, 1941; on Bill No. 47 from a minimum term of 1 year to a minimum term of 1 day, expiring on December 30, 1941; and on Bill No. 49 from a minimum term of 1 day to a minimum term of 1 day, expiring on December 31, 1941.

Our reasons for making this recommendation are as follows:

The applicant is one of many prisoners whose release on parole has been affected by the opinion of the Supreme Court in the case of Commonwealth of Pennsylvania ex rel. Thomas Lynch v. Stanley P. Ashe, Warden of the Western State Penitentiary, 320 Pa. 341. In this opinion it was held that unless a prisoner, who was serving sentences imposed to run consecutively, was recommended and approved for parole at the expiration of the first minimum sentence, he would be serving the maximum of that sentence, and if no recommendation for parole was made at the expiration of the second and subsequent minimum of sentences imposed to run consecutively, the prisoner would be serving the maximum of the second and subsequent sentences. In other words, a prisoner serving an indeterminate sentence is not automatically paroled at the expiration of the minimum term but is merely eligible for parole at that time, and if not favorably considered by the Prison Board at any time thereafter, the prisoner is required to serve the full sentence.

It was the custom for a long period of time for the officials of both the Eastern and Western State Penitentiaries to lump consecutive sentences and the Boards of Trustees would only make recommendations for release on parole at the expiration of the period of time equal to the total of the minimum sentences.

Since the Supreme Court held this procedure improper, the applicant and others, whose cases were not considered for parole at the expiration of their minimum sentences, through no fault of their own, will have to serve a much longer period of time than contemplated by the sentencing judge and the prison officials.

The failure of the Board of Trustees to make the necessary recommendations for parole at the expiration of the minimum sentences was an honest mistake, as most, if not all, sentencing judges shared the same view as the prison officials in deeming it to be unnecessary to make recommendations for parole at the expiration of the minimum of every consecutive sentence. Sentencing judges throughout the state have uniformly believed and taken into consideration in passing sentences the Prison Board practice that consecutive sentences would be lumped making a total minimum and a total maximum.

We believe that a great injustice would be done and that it would be most unfair to keep the applicant incarcerated for a longer period of time than recommended by the Board of Trustees of the institution in which the applicant is confined.

Respectfully submitted,

S. S. LEWIS,
Lieutenant-Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.,
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of Gottfried George Adams, C-7914. No. 5014, November Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Gottfried George Adams, convicted of pointing deadly weapons, robbery in the Court of Oyer and Terminer and Quarter Sessions of Northampton County on April 12, 1932, be commuted from 10 years to 9 years and 8 months, expiring on December 12, 1941.

Our reasons for making this recommendation are as follows:

The applicant for commutation of sentence was convicted in the Courts of Oyer and Terminer and Quarter Sessions of Northampton County on April 12, 1932, under Indictment No. 102 December Term, 1931, charging pointing deadly weapons, robbery, and was sentenced by the Honorable Robert A. Stotz, Judge, to not less than ten nor more than twenty years in the Eastern State Penitentiary and to pay a fine of $3,000.00.

The applicant's previous criminal history included one conviction and four arrests.

The applicant has actually served over nine years and seven months of his minimum sentence with no credit for the time confined before being sentenced, which is now allowed by Act of Assembly.

Applicant was arrested and committed on December 7, 1931, and started serving this sentence on April 12, 1937, and should be given credit for the four months and five days spent in jail awaiting trial.

The applicant will be able to secure employment immediately upon his release and an adequate parole plan has been provided for him.

The Board of Pardons feels that simple justice demands that the applicant should be given credit for the time spent awaiting trial, and, therefore, recommends that the minimum sentence of ten years be commuted to a new minimum term of nine years and eight months, expiring on December 12, 1941, and that the applicant remain on parole until April 12, 1952.

Respectfully submitted,
S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:
ARTHUR H. JAMES.
Governor.

BOARD OF PARDONS

In re application of Joseph Bisko, C-7194, No. 4596, November Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the sentences of imprisonment imposed on Joseph Bisko, convicted of (1) robbery (2) shooting at another with intent to kill and (3) larceny, in the Oyer and Terminer and Quarter Sessions of Schuylkill County, on the 17th day of June, 1931, be commuted on Bill No. 472 from a minimum term of 1½ years to a minimum term of 6 months, expiring on December 18, 1941; on Bill No. 547 from a minimum term of 10 years to a minimum term of 1 day, expiring on December 19, 1941; on Bill No. 548 from a minimum term of 10 years to a minimum term of 1 day, expiring on December 20, 1941; and on Bill No. 552 from a minimum term of 5 years to a minimum term of 1 day, expiring on December 21, 1941. (Bills Nos. 471A, 549, 551A, and 558 to run concurrently have already expired.)

Our reasons for making this recommendation are as follows:

The applicant for commutation of sentence entered his plea of guilty in the Courts of Oyer and Terminer and Quarter Sessions of Schuylkill County on the 17th day of June, 1931, to Indictments Nos. 469, 471-A, 477, 547, 548, 549, 551-A, 552, and 558 charging robbery, shooting at another with intent to kill, and larceny and was sentenced by the Honorable Roy P. Hicks, Judge, to imprisonment in the Eastern State Penitentiary on Bill No. 469 for not less than 10 nor more than 20 years; on Bill No. 472 for not less than 1½ nor more than 3 years; on Bill No. 547 for not less than 10 nor more than 20 years; on Bill No. 548 for not less than 10 nor more than 20 years; and on Bill No. 552 to not less than 5 nor more than 20 years, these sentences to run consecutively. On Bill No. 471-A to not less than 1½ nor more than 3 years; on Bill No. 549 to not less than 5 nor more than 20 years; on Bill No. 551-A not less than 1½ nor more than 3 years; and on Bill No. 558 to not less than 1½ nor more than 3 years—sentences to run concurrently with Bills Nos. 469, 472, 547, and 548. (The applicant has been granted parole on Bill No. 469).

The applicant had three accomplices engaged with him in the crimes for which he was sentenced, all of whom have been paroled.

The applicant had no previous criminal record and was but eighteen years old when convicted of these crimes.

The Board of Trustees of the Eastern State Penitentiary reports that he has had an excellent institutional record. He has been employed in the weave shop, is now an inspector foreman and is considered one of the best workers in the prison labor department. The trustees further report that he has definitely demonstrated mature adjustment and an honest interest in self-improvement.

The applicant has lucrative employment awaiting his release and an adequate sponsorship has been provided.

The District Attorney's office of Schuylkill County has withdrawn all objection to the granting of leniency to the applicant.

The Board of Pardons is of the opinion that the applicant has been sufficiently punished for his wrong doing and that his splendid prison record entitles him to an opportunity to demonstrate his complete rehabilitation. The Board; therefore, recommends that the minimum sentence imposed on Bill No. 472 be commuted from a minimum term of 1½ years to a minimum term off 6 months, expiring on December 18, 1941; on Bill No. 547 from a minimum term of 10 years to a minimum term of 1 day, expiring on December 19, 1941; on Bill No. 548 from a minimum term of 10 years to a minimum term of 1 day, expiring on December 20, 1941; and on Bill No. 552 from a minimum term of 5 years to a minimum term of 1 day, expiring on December 21, 1941, and that the applicant remain on parole until December 20, 1961. (The sentences imposed on Bills Nos. 471-A, 549, 551-A, and 558 to run concurrently have already expired.)

Respectfully submitted,
S. S. LEWIS.
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:
ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of William Joseph Carpinelli, C-9680, No. 5197, November Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of William Joseph Carpinelli, convicted of robbery, being armed with an offensive weapon in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County on May 10, 1934, be commuted from 8 years to 7 years and 7 months, expiring on December 10, 1941.

Our reasons for making this recommendation are as follows:

The applicant for commutation of sentence entered his plea of guilty in the Courts of Oyer and Terminer and Quarter Sessions of Philadelphia County on May 10, 1934, to Indictment No. 34 of May Term, 1934, charging robbery, being armed with an offensive weapon, and was sentenced by the Honorable Raymond MacNeille, Judge, to imprisonment in the Eastern State Penitentiary for a term of not less than eight nor more than sixteen years.

The applicant had never been previously convicted of any crime and has now served over seven years and five months of the sentence imposed in 1934.

The Board of Trustees of the Eastern State Penitentiary reports that his prison performance has been above the average and that his constructive attitude and habits of industry deserve some consideration.

The applicant will find employment waiting for him, if and when released, and a very satisfactory parole plan has been provided.

James W. Tracey, Jr., Esquire, assistant district attorney, representing the District Attorney's office of Philadelphia, advised the Board that the office had no objections to the granting of clemency, in view of the fact, that applicant had served most of his minimum sentence.

The Board of Pardons is of the opinion that the time served by the applicant has sufficiently punished him for the part he took in the crimes that led to this sentence,

and that his conduct while in prison justifies it in giving him an opportunity to try again to lead an honest life. The Board, therefore, recommends that the minimum sentence of 8 years be commuted to a new minimum term of 7 years and 7 months, expiring on December 10, 1941, and that the applicant remain on parole until May 10, 1950.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:
ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of Frank Certelli, B-6172, No. 4614, November Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Frank Certelli, convicted of statutory rape in the Court of Oyer and Terminer of Allegheny County on June 10, 1938, be commuted from 5 years to 3 years and 6 months, expiring on December 10, 1941.

Our reasons for making this recommendation are as follows:

The applicant for commutation of sentence was convicted in the Court of Oyer and Terminer of Allegheny County on the 10th day of June, 1938, under Indictment No. 40 December Sessions, 1937, charging statutory rape, and was sentenced by the Honorable Edward B. Farr, Judge, to imprisonment in the Western State Penitentiary for a term of not less than five nor more than fifteen years.

The Board of Trustees of the Western State Penitentiary reports that the institutional record of the applicant has been entirely satisfactory.

The applicant at his trial and since his incarceration has denied his guilt.

The trial judge advised the Board of Pardons that he had not comment to make.

Ralph T. Bell, Esquire, of the District Attorney's office in Allegheny County, in a letter to the Board dated November 18, 1941, writes: " . . . Please be advised that in the above captioned case, our office will have no objection to whatever discretion the Board wishes to exercise in this matter. We take this position for the reason that the evidence given on the part of the victim in this case was very contradictory, and we have also found that after the case was over, the victim told her mother that there was nothing to the charges which she had made against the applicant. In view of those facts and taking into consideration the time already served, perhaps the applicant is entitled to a benefit of the doubt in this matter."

Employment awaits the release of the applicant and a satisfactory parole plan has been provided.

The Board of Pardons is of the opinion that in view of the letter of Mr. Bell there might reasonably be some doubt as to the justice of the verdict of the jury that passed upon the guilt of the applicant, and that at this time, he is entitled to the benefit of that doubt, the Board, therefore, recommends that the minimum sentence of five years be commuted to a new minimum term of three years and six months, expiring on December 10, 1941, and that the applicant remain on parole until June 10, 1953.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:
ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of Harry Jesse Christy, B-3629, No. 2737, November Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the sentence of imprisonment imposed on Harry Jesse Christy, convicted of robbery, in the Oyer and Terminer Court of Allegheny County, on the 15th day of March, 1933, be commuted on Bill No. 24 from a minimum term of 5 years to a minimum term of 3 years and 9 months, expiring on December 16, 1941; and on Bill No. 25 from a minimum term of 5 years to a minimum term of 1 day, expiring on December 17, 1941. (Was granted parole on Bill No. 23 on January 19, 1938.)

Our reasons for making this recommendation are as follows:

The applicant for commutation of sentence entered his plea of guilty in the Court of Oyer and Terminer of Allegheny County on the 15th day of March, 1933, to Indictments Nos. 23, 24, and 25 March Term, 1933, charging robbery, and was sentenced by the Honorable Samuel Gardner, Judge, to imprisonment in the Western State Penitentiary for a term of not less than five nor more than ten years in each case, the sentences to run consecutively.

The applicant had no criminal record before the commission of the offense for which he was sentenced and has now served eight years and eight months of the combined sentences. On the 15th day of March, 1938, he was granted parole on Bill No. 23.

The Board of Trustees of the Western State Penitentiary report that if eligible for parole, they would probably recommend by reason of his excellent institutional record, this being his first conviction and the length of time he has served.

The applicant is assured of employment upon his release and an adequate parole plan has been arranged.

The Board of Pardons is of the opinion that the period of time served by the applicant in the penitentiary is sufficient punishment for the offense committed, that the ends of justice have been sufficiently satisfied and that his prison record demonstrates such a determination to live an honest life as to justify it in granting clemency.

The Board of Pardons, therefore, recommends that the minimum sentence of 5 years imposed on Bill No. 24 be commuted to a new minimum term of 3 years and 9 months, expiring on December 16, 1941, and on Bill No. 25 from a minimum term of 5 years to a minimum term of 1 day, expiring on December 17, 1941, and that the applicant remain on parole until December 16, 1951.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.

WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:
ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of Lawson Campbell Christy, B-3630, No. 3555, November Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the sentence of imprisonment imposed on Lawson Campbell Christy, convicted of robbery, in the Oyer and Terminer Court of Allegheny County, on the 15th day of March 1933, be commuted on Bill No. 24 from a minimum term of 5 years to a minimum term of 3 years and 9 months, expiring on December 16, 1941; and on Bill No. 25 from a minimum term of 5 years to a minimum term of 1 day, expiring on December 17, 1941. (Was granted parole on Bill No. 23 on January 19, 1938.)

Our reasons for making this recommendation are as follows:

The applicant for commutation of sentence entered his plea of guilty in the Court of Oyer and Terminer of Allegheny County on the 15th day of March, 1933, to Indictments Nos. 23, 24 and 25 March Term, 1933, charging robbery, and was sentenced by the Honorable Samuel Gardner, Judge, to imprisonment in the Western State Penitentiary for a term of not less than five nor more than ten years in each case, the sentences to run consecutively.

The applicant had no criminal record before the commission of the offense for which he was sentenced and has not served eight years and eight months of the combined sentences. On the 15th day of March, 1938, he was granted parole on Bill No. 23.

The Board of Trustees of the Western State Penitentiary report that if eligible for parole, they would probably recommend by reason of his excellent institutional record, this being his first conviction and the length of time he has served.

The applicant is assured of employment upon his release and an adequate parole plan has been arranged.

The Board of Pardons is of the opinion that the long period of time served by the applicant in the penitentiary is sufficient punishment for the offense committed, that the ends of justice have been sufficiently satisfied and that his prison record demonstrates such a determination to live an honest life as to justify it in granting clemency.

The Board of Pardons, therefore, recommends that the minimum sentence of 5 years imposed on Bill No. 24 be commuted to a new minimum term of 3 years and 9 months, expiring on December 16, 1941; and on Bill No. 25 from a minimum term of 5 years to a minimum term of 1 day, expiring on December 17, 1941, and that the applicant remain on parole until December 16, 1951.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:
ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of Zole Danko, B-5928, No. 5087, November Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the sentence of imprisonment imposed on Zole Danko, convicted of entering a building with intent, in the Quarter Sessions Court of Allegheny County, on the 26th day of January, 1938, be commuted on Bill No. 55 from a minimum term of 2 years to a minimum term of 1 day, expiring on December 11, 1941; on Bill No. 56 from a minimum term of 2 years to a minimum term of 1 day, expiring on December 12, 1941; and on Bill No. 99 from a minimum term of 2 years to a minimum term of 1 day, expiring on December 13, 1941. (Sentence to be computed from December 10, 1937.)

Our reasons for making this recommendation are as follows:

The applicant for commutation of sentence entered his plea of guilty in the Court of Quarter Sessions of Allegheny County on January 26, 1938, to Indictments Nos. 54, 55, 56, and 99 January Term, 1938, charging entering a building with intent, and was sentenced to imprisonment in the Western State Penitentiary by the Honorable H. H. Rowland, Judge, for a term of not less than one nor more than four years on Indictment No. 54; not less than two nor more than four years on each of Indictments Nos. 55 and 56; and not less than two nor more than five years on Indictment No. 99, said sentences to run consecutively. Sentence to be computed from December 10, 1937.

In the perpetration of the crimes for which he was sentenced, the applicant had four accomplices, all of whom have been released.

He has now served four years and the Board of Trustees of the Western State Penitentiary reports that he has an excellent institutional record.

Ralph T. Bell, Esquire, assistant district attorney of Allegheny County, stated to the Board that the applicant was of great assistance to their office in breaking the case involving himself and his accomplices and that he "got the sorriest dose." He further stated that the applicant had served sufficient time and should be released.

The Board of Pardons in view of the statement of the Assistant District Attorney and the applicant's excellent institutional record is of the opinion that the ends of justice have been served and that the applicant is entitled to an opportunity to demonstrate his rehabilitation and to lead an honest and useful life.

The Board, therefore, recommends that the minimum sentence of 2 years imposed on Bill No. 55 be commuted to a new minimum term of 1 day, expiring on December 11, 1941; on Bill No. 56 from a minimum term of 2 years to a minimum term of 1 day, expiring on December 12, 1941; and on Bill No. 99 from a minimum term of 2 years to a minimum term of 1 day, expiring on December 13, 1941, and that the applicant remain on parole until December 12, 1946.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:
ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of August Dannenberg, No. 3022, November Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that August Dannenberg, convicted of burglary in the Court of Oyer and Terminer of Philadelphia County on January 19, 1934, on Bills Nos. 419 and 420, be pardoned on Bill No. 419.

Our reasons for making this recommendation are as follows:

The applicant for a full and absolute pardon entered his plea of guilty in the Court of Oyer and Terminer of Philadelphia County on the 19th day of January, 1934, to Indictments Nos. 419 and 420 December Term, 1933, charging burglary, and was sentenced by the Honorable Eugene V. Alessandroni, Judge, to not less than five nor more than ten years in the Philadelphia County Prison in each case.

The applicant remained in prison until January 5, 1939, when he was released on parole following the commutation of the sentence imposed on Indictment No. 419 December Term, 1933, and the granting of a pardon in Indictment No. 420 December Term, 1933.

Since being released, the applicant has violated no rules incident to his parole, has lived with his mother and has been constantly employed by the E. G. Budd Manufacturing Company. He now wishes to obtain a full pardon, so that he can file application to become a citizen of the United States, in order to be able to volunteer for service with the armed forces of the country or to be eligible to draft under the Selective Service Act.

The applicant was a boy of seventeen years of age when the crimes were committed, for which he is still paying a penalty. Since his release, he has shown by his conduct a deep and sincere desire to lead an honest life.

The Board of Pardons feels that the applicant should have no obstacles in the path of his desire to obtain citizenship in and serve the country in which he has spent all but four years of his life and that his conduct has entitled him to all the leniency that it can offer.

The Board of Pardons, therefore, recommends the granting of a full and absolute pardon to August Dannenberg, the applicant.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General,
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:
ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of Joseph Delcollo, D-3607, No. 5493, November Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the sentences of imprisonment imposed on Joseph Delcollo, convicted of larceny, in the Oyer and Terminer and Quarter Sessions Courts of Philadelphia County, on the 9th day of December, 1938, be commuted on Bill No. 955 November Sessions, 1938, from a minimum term of 1½ years to a minimum term of 1 month, expiring on December 18, 1941; on Bill No. 956 from a minimum term of 1½ years to a minimum term of 1 day, expiring on December 19, 1941; and on Bill No. 957 from a minimum term of 6 months to a minimum term of 1 day, expiring on December 20, 1941. Sentences to be computed from November 18, 1938.

Our reasons for making this recommendation are as follows:

The applicant for commutation of sentence entered his plea of nolle contendere in the Courts of Philadelphia County on the 9th day of December, 1938, to Indictments Nos. 954, 955, 956, and 957 November Sessions, 1938, charging larceny, and was adjudged guilty by the Honorable Eugene V. Alessandroni, Judge, and was sentenced to imprisonment in the Eastern State Penitentiary on Bill No. 954 to a term of not less than one and one-half nor more than three years; on Bill No. 955 to not less than one and one-half nor more than three years; on No. 956 to not less than one and one-half nor more than three years; and on No. 957 to not less than six months nor more than one year, sentences to be served consecutively and to be computed from November 18, 1938.

He has now served three years and the Board of Trustees of the Eastern State Penitentiary reports that his institutional performance has been of an ordinary type.

It is apparent from the report made by the District Attorney's office that his criminal record was due to his drug habit and that his crimes were mostly committed while under the influence of a drug.

Herbert L. Maris, Esquire, of Philadelphia, Pennsylvania, appeared before the Board as counsel for the applicant and has agreed to become sponsor for the applicant, if released, and to undertake his rehabilitation. Mr. Maris has had some experience with this type of parolee and will assume personal charge of the applicant and keep the parole officers advised of his progress.

The Board of Pardons feels that with parole supervision of this kind assured, the release of the applicant is a worthwhile experiment in rehabilitation, and, it would therefore, recommend that the minimum sentence imposed on Bill No. 955 be commuted from a minimum term of 1½ years to a minimum term of 1 month, expiring on December 18, 1941; on Bill No. 956 from a minimum term of 1½ years to a minimum term of 1 day, expiring on December 19, 1941; and on Bill No. 957 from a minimum term of 6 months to a minimum term of 1 day, expiring on December 20, 1941, and that the applicant remain on parole until December 19, 1944. (Has served maximum term on Bill No. 954, expiring on November 18, 1941.)

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:
ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of Alphonso DiSanto, No. 5458, November Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Alphonso DiSanto,, convicted of (1) robbery (2) entering with intent to commit a felony (3) conspiracy (4) making and utter-

ing a false instrument in the Court of Quarter Sessions of Philadelphia County, on January 14, 1936, be pardoned.

Our reasons for making this recommendation are as follows:

The applicant for a full and absolute pardon was convicted in the Court of Quarter Sessions of Philadelphia County on October 31, 1935, on Indictments Nos. 446, 447, and 449 June Sessions, 1935, charging (1) robbery (2) entering with intent to commit a felony (3) conspiracy (4) making and uttering a false instrument, and was sentenced on January 14, 1936, by the Honorable Joseph L. Kun, Judge, to six months in the Philadelphia County Prison. On January 20, 1936, after being confined in jail for six days he was paroled by Judge Kun.

The crime committed by the applicant and the conviction of which now stands as a blot on his record and a handicap to his business and financial advancement consisted in taking part in the removal of the contents of a taproom restaurant and which offense was described by Judge Kun as "somewhat casual."

The applicant, since his release on parole, has been successfully engaged in the cleaning and dyeing business and Judge Kun in a letter to the Board writes: " . . . Inasmuch as he had no previous record excepting two arrests on suspicion, it appears that this may be a meritorious application."

The District Attorney's office has made no objection to the granting of clemency.

The Board of Pardons is of the opinion that, in view of the "somewhat casual" nature of the offense committed and the good record of the applicant since being placed on parole, it would be unfair to compel him longer to continue under the handicap placed upon him by the stigma of this record, and, would, therefore, recommend that a full and absolute pardon be granted to Alphonso DiSanto, the applicant.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of William Donlon, D-3813, No. 4872, November Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of William Donlon, convicted of robbery, being armed with an offensive weapon in the Court of Oyer and Terminer and Quarter Sessions of Delaware County on March 3, 1939, to be computed from February 2, 1939, be commuted from 4 years to 2 years and 10 months, expiring on December 2, 1941.

Our reasons for making this recommendation are as follows:

The applicant for commutation of sentence entered his plea of guilty in the Courts of Oyer and Terminer and Quarter Sessions of Delaware County on the 3rd day of March, 1939, to Indictment No. 205 March Term, 1939, charging robbery, being armed with an offensive weapon, and was sentenced to imprisonment in the Eastern State Penitentiary by the Honorable W. Roger Fronefield, Judge, to a term of not less than four nor more than eight years. Sentence to be computed from February 2, 1939.

The Board of Trustees of the Eastern State Penitentiary reports that the applicant has maintained a good record of prison performance, is employed as a clerk and is considered to be a trusted worker. Definite improvement has been noted in his attitude and habits of stability.

The applicant is promised re-employment by the company with which he was connected before his imprisonment and an adequate parole plan under the supervision of the New Jersey Parole Authorities has been provided.

The District Attorney's office of Delaware County is not opposed to the granting of clemency.

The Board of Pardons is of the opinion that the record of the applicant since his incarceration is convincing evidence of such partial rehabilitation as to entitle him to an opportunity to completely adjust himself and live an honest life with his parents. The Board, therefore, recommends that the minimum sentence of four years be commuted to a new minimum term of 2 years and 10 months, expiring on December 2, 1941, and that the applicant remain on parole until February 2, 1947.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA.
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of George Gartside, C-6497, No. 2010, November Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the sentence of imprisonment imposed on George Gartside, convicted of (1) robbery (2) breaking and entering and (3) aggravated assault and battery, in the Oyer and Terminer and Quarter Sessions Courts of Delaware County, on the 10th day of October, 1930, be commuted on Bill No. 45 (second count) from a minimum term of 5 years to a minimum term of 1 year and 2 months, expiring on December 10, 1941; and on Bill No. 45 (third count) from a minimum term of 1½ years to a minimum term of 1 day, expiring on December 11, 1941. (Granted parole on Bill No. 45) (first count).

Our reasons for making this recommendation are as follows:

The applicant for commutation of sentence entered his plea of guilty on the 10th day of October, 1930, in the Courts of Oyer and Terminer and Quarter Sessions of Delaware County to Indictment No. 45 December Term, 1930, charging (1) robbery (2) breaking and entering and (3) aggravated assault and battery, and was sentenced to imprisonment in the Eastern State Penitentiary by the Honorable A. D. MacDade, Judge, for a term of not less than 10 nor more than 20 years on the count charging robbery; to not less than five nor more than 10 years on the count charging breaking and entering; and to not less than 1½ nor more than 3 years on the count charging aggravated assault and battery, all the sentences to run consecutively.

This was the applicant's first conviction of a major offense and he has served more than eleven years and was granted parole on the sentence imposed on the first count for robbery.

The Board of Trustees of the Eastern State Penitentiary reports that the applicant's institutional record has been satisfactory and that his continued record of constructive prison performance for over a period of eleven years deserves consideration.

Employment has been provided for the applicant and a very satisfactory parole plan has been arranged.

The Board of Pardons feels that this applicant's long imprisonment has amply satisfied the ends of justice, and that his prison record entitles him to the opportunity of demonstrating his rehabilitation.

The Board, therefore, recommends that the minimum sentence of 5 years imposed on Bill No. 45 (second count) be commuted to a new minimum term of 1 year and 2 months, expiring on December 11, 1941; and on Bill No. 45 (third count) be commuted from 1½ years to a minimum term of 1 day, expiring on December 12, 1941, and that the applicant remain on parole until October 10, 1950.

Respectfully submitted,
S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:
ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of Henry Gay, No. 5480, November Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Henry Gay, convicted of larceny and receiving stolen goods in the Courts of Quarter Sessions of Allegheny County on February 17, 1916, and on June 26, 1917, he was convicted of operating an automobile without the owner's consent, be pardoned.

Our reasons for making this recommendation are as follows:

The applicant for a full and absolute pardon entered his plea of guilty in the Courts of Allegheny County on the 17th day of February, 1916, to Indictment No. 200 June Session, 1915, charging larceny and receiving stolen goods, and was placed on probation for one year and on the 26th day of June, 1917, he entered his plea of guilty in the same county to Indictment No. 360 May Session, 1917, charging the operation of an automobile without the owner's consent.

The applicant had a good reputation before the commission of these offenses and since serving the term imposed on the second indictment has led a blameless life and has been gainfully employed.

A letter from the Honorable William H. McNaugher, Judge of the Court of Common Pleas of Allegheny County, in a letter to the Board states: " . . . I understand that on Thursday of this week there is to be presented to you the petition of Henry Gay for pardon in connection with a record for larceny and driving an automobile without the owner's consent which was entered against him many years ago. It is my opinion that since these infractions of the law Mr. Gay has behaved himself as a good citizen and has long ago established himself in the opinion of his neighbors and friends and the people of the community. He has been in responsible positions and is at the present time janitor-watchman under the Pittsburgh Housing Authority, assigned to the Bedford Dwellings, one of the large U. S. Housing Projects in Pennsylvania. The granting of a pardon would make it possible for him to be sworn in as a special officer in connection with his duties."

The Board of Pardon feels that the conduct of the applicant, since his release, and the place of confidence and respect he has won among those who know him, entitles him to spend the remaining years of his life free of the blemish on his record caused by the offenses committed more than a score of years ago. It, therefore, recommends the granting of the applicant a full and absolute pardon.

Respectfully submitted,
S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:
ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of Joseph H. Gould, B-2251, No. 3924, November Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the sentence of imprisonment imposed on Joseph H. Gould, convicted of robbery, in the Oyer and Terminer Court of Allegheny County, on the thirteenth day of October, 1930, be commuted on Bill No. 54 from a minimum term of 2½ years to a minimum term of 1 year and 2 months, expiring on December 14, 1941; and on Bill No. 55 from a minimum term of 5 years to a minimum term of 1 day, expiring on December 15, 1941.

Our reasons for making this recommendation are as follows:

The applicant for commutation of sentence on October 13, 1930 entered his plea of guilty in the Court of Oyer and Terminer of Allegheny County to Indictments Nos. 53, 54 and 55 of October Term, 1930 charging robbery, and was sentenced by the Honorable George W. Moore, Judge, to imprisonment in the Western State Penitentiary for not less than ten nor more than twenty years on Bill No. 53, not less than two and one-half nor more than five years on Bill No. 54, and not less than five nor more than ten years on Bill No. 55, sentences to run consecutively.

The applicant has served over eleven years of his sentence and the Board of Trustees of the Western State Penitentiary reports that he has shown marked improvement in his institutional record and has made progress in self-improvement.

Since his imprisonment he has mastered the trade of barbering and has a Pennsylvania license to practice as a professional barber.

Employment has been provided for the applicant upon his release and an adequate sponsorship is assured.

The Board of Pardons is of the opinion that the applicant, by his prison record, has demonstrated his intent to become a useful citizen and that his long term of imprisonment has sufficiently served the ends of justice. The Board, would therefore, recommend that the minimum sentence of 2½ years imposed on Bill No. 54 be commuted to a new minimum term of 1 year and 2 months, expiring on December 14, 1941, and on Bill No. 55 from a minimum term of 5 years to a minimum term of 1 day, expiring on December 15, 1941, so that the applicant will remain on parole until December 14, 1951. (Was granted parole on Bill No. 53).

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:
ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of Murray Grimes, No. 5479, November Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Murray Grimes, convicted of (1) embezzlement (2) making false entries in the Court of Quarter Sessions of Allegheny County, on February 8, 1937 be pardoned, upon condition that he shall not again engage in the practice of the law or be admitted to practice law in any court.

Our reasons for making this recommendation are as follows:

The applicant for a full and absolute pardon entered his plea of guilty in the Court of Quarter Sessions of Allegheny County on February 8, 1937 to Indictments Nos. 14 and 15 December Sessions, 1936 charging (1) embezzlement (2) making false entries, and was sentenced by the Honorable M. A. Musmanno, Judge, to a term of not less than three and one-half years nor more than seven years in the Allegheny County Jail and was released and placed on parole on April 25, 1939.

Before the commission of the offenses, for which he was sentenced, the applicant was a practicing attorney of Allegheny County and for a number of years was Trust Officer of the Allegheny Trust Company, and it was while working in that capacity that he violated the law and the trust imposed in him by the officers of the bank.

The applicant made restitution by turning over to the Trust Company the title to properties owned by him. The officers of the Trust Company have no objection to the granting of a pardon nor has the District Attorney of Allegheny County made any objection.

His conduct while on parole was above criticism and he has done everything possible to support his wife and children, but the handicap of the record of these convictions has prevented him from obtaining responsible positions that would provide a larger income.

The Board feels that the ends of justice have been fully met and that the conduct of the applicant has been such as to entitle him to be freed of the encumbrance that retards his progress, but it is equally of the opinion, that he should not be permitted to engage in the practice of the profession that brought to him the temptation that resulted in his crime.

The Board, would therefore, recommend that a pardon be granted to the applicant, conditioned however, upon him not again engaging in the practice of the law or being admitted to practice law in any court.

Respectfully submitted,
S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:
ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of Mike Imburgia, C-4872, No. 1923, November Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the life sentence of Mike Imburgia, convicted of murder in the first degree in the Court of Oyer and Terminer and General Jail Delivery Allegheny County on February 21, 1928, be commuted from life imprisonment to 13 years and 10 months, expiring on December 21, 1941.

Our reasons for making this recommendation are as follows:

The applicant for commutation of sentence was convicted in the Court of Oyer and Terminer and General Jail Delivery in Allegheny County on February 21, 1928 under Indictment No. 89 February Sessions, 1927 charging murder of the first degree, and was sentenced by the Honorable Samuel L. Reed, Judge, to undergo imprisonment in the Western State Penitentiary for the period of his natural life.

The applicant's brother, Benjamin, was convicted as an accomplice in the same homicide, and was also sentenced to life imprisonment. His sentence was commuted in December, 1938 and he was released on parole.

The Board of Trustees of the Eastern State Penitentiary reports that the applicant's institutional record has been satisfactory and that it is felt that he has an honest desire to become a constructive citizen. Applicant was transferred to the Eastern State Penitentiary on October 9, 1928.

This is the third application of the applicant and was first heard at the December, 1940 session of the Board and was held for a further investigation and for a statement as to the attitude of the District Attorney's office.

The Honorable Samuel L. Reed, Judge, who presided at the trial of the applicant at the time of the hearing of former applications in 1934 and 1939 stated that he left the matter of granting clemency to the Board of Pardons. Judge Reed has recently died.

At the time of the hearing of former applications the District Attorney's office stated that the application was premature, but at the hearing of this application and since, while the matter was being considered, no objection has been made to the granting of clemency by that office.

An adequate parole plan has been provided for the applicant and employment awaits his release.

The Board of Pardons feels that the applicant by a service of over fourteen years in the penitentiary, has been sufficiently punished for the crime committed, and that in view of his institutional record and the release of his equally guilty accomplice, he is entitled to another chance to become a constructive citizen. The Board, therefore, recommends that the life sentence be commuted to a minimum term of 13 years and 10 months, expiring on December 21, 1941, and that the applicant remain on parole the remainder of his natural life.

Respectfully submitted,
S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:
ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of Joseph Lobasack, No. 5490, November Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Joseph Lobasack, convicted of assault with intent to kill, robbery in the Quarter Sessions Courts of Philadelphia County on June 6, 1934; and for entering with intent to steal, attempted larceny on February 19, 1928; and for the violation of the Vehicle Code of 1929 on September 10, 1935 be pardoned.

Our reasons for making this recommendation are as follows:

The applicant for a full and absolute pardon entered his plea of guilty in the Court of Quarter Sessions of Philadelphia County on the 6th day of June, 1934 to Indictments Nos. 421 and 422 May Term, 1934 charging (1) assault with intent to kill and (2) robbery, and was placed on probation for ten years by the Honorable Otto R. Heiligman, Judge.

On February 19, 1928 the applicant plead guilty to Indictment No. 359 April Term, 1928 charging entering with intent to steal and attempted larceny, and was placed on probation for five years by the Honorable James Barnett, Judge.

On September 10, 1935 the applicant again plead guilty to Indictment No. 270 September Term, 1935 charging a violation of the Vehicle Code of 1929 and sentence was suspended by the Honorable James G. Gordon, Judge.

Most of the applicant's trouble resulted from his association with older men who led him into evil ways, but he is now, and for the past six years has been a civil service employe of the Federal Government and has severed all his former associations. He has devoted his spare time to study and is endeavoring to improve himself and his condition in life, but his efforts are largely frustrated by reason of the record of his former convictions.

James W. Tracey, Jr., Esquire, assistant district attorney of Philadelphia County, stated to the Board that on account of the splendid record of the applicant while on parole, the office did not oppose the granting of clemency.

The applicant appeared before the Board in person and by his enthusiasm in regard to his future and his sureness of success, convinced it of the sincerity of his determination to lead an honest life.

The Board, therefore, recommend that a full and absolute pardon be granted to Joseph Lobasack, the applicant.

Respectfully submitted,
S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:
ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of Charles Nicholson, B-7473, No. 5477, November Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Charles Nicholson, convicted of (1) burglary (2) larceny and (3) receiving stolen goods in the Court of Oyer and Terminer of Fayette County on December 30, 1940 be commuted from 3 years to 11 months, expiring on November 30, 1941.

Our reasons for making this recommendation are as follows:

The applicant for commutation of sentence was convicted by a jury in the Court of Oyer and Terminer of Fayette County on the 30th day of December, 1940 under Indictment No. 5/133 December Term, 1940 charging (1) burglary (2) larceny and (3) receiving stolen goods, and was sentenced to imprisonment in the Western State Penitentiary by the Honorable Horatio S. Dumbauld, Judge, to not less than three nor more than six years.

The applicant is now only nineteen years of age and has served almost eleven months on a sentence imposed for a crime in which he still insists he was not involved. He had one conviction in the Juvenile Court for delinquency before his arrest for the crime for which he is now serving imprisonment.

The Board of Trustees of the Western State Penitentiary reports that he has an excellent institutional record, and that if eligible for parole, it would probably recommend him for parole.

There has been no objection filed to the granting of clemency to the applicant by the convicting authorities of Fayette County.

Employment is promised the applicant and an adequate sponsorship is assured.

The Board of Pardons is of the opinion that in view of the youth of the applicant, and the fact that this is his first major conviction, he has served sufficient time to satisfy the ends of justice. The Board, therefore, recommends that the minimum sentence of three years be commuted to a new minimum term of eleven months, expiring on November 30, 1941, and that the applicant remain on parole until December 30, 1946.

Respectfully submitted,
S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:
ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of Vincent Nicoletti, No. 5262, November Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Vincent Nicoletti, convicted of unlaw. poss. intox. liquor and unlaw. transp. of same; larceny, receiving stolen goods in the Court of Quarter Sessions of Philadelphia County, on December 19, 1932, and March 8, 1935, be pardoned.

Our reasons for making this recommendation are as follows:

The applicant for a full and absolute pardon entered his plea of guilty in the Court of Quarter Sessions of Philadelphia County on December 19, 1932 to Indictment No. 293 March Sessions, 1932 charging unlawful possession and transportation of intoxicating liquor, and sentence was suspended by the Honorable William T. Darr, Judge, and on March 8, 1935 he entered a plea of guilty in the

same court to Indictments Nos. 1686 and 1687 October Sessions, 1934 charging larceny and receiving stolen goods, and was sentenced by the Honorable Raymond MacNeille, Judge, to six months in the Philadelphia County Prison.

The applicant was released from confinement in the Philadelphia County Prison on September 18, 1935 and since that time has lived an exemplary life and has been gainfully employed. He is now employed as secretary, bookkeeper and accountant at the Cigli Packing Corporation in Philadelphia and handles large sums of money.

The applicant desires a pardon in order to qualify himself to file an application for naturalization.

The Honorable Raymond MacNeille, Judge, in a letter to the Board writes: " I have no further information about this prisoner since I wrote to you on April 21st, 1941 as follows: 'I have known nothing about this man since he was sentenced and have no reason to doubt his averments in his petition. If he has a good record since the last offense, I, of course, will offer no objection to his applicatin and I shall be glad to abide by the judgment of the Board.'"

James W Tracey, Jr., Esquire, assistant district attorney, stated to the Board that the District Attorney's office had no objection to the granting of the petitioner's prayer for leniency.

The Board is of the opinion that the applicant has, by his conduct since his release from prison, won the right to a record from which has been removed the blemish of the convictions mentioned. The Board, therefore, recommends that a full and absolute pardon be granted to Vincent Nicoletti, the applicant.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of Frank Nucci, B-4918, No. 4111 November Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Frank Nucci, convicted of robbery in the Court of Oyer and Terminer of Allegheny County on March 14, 1936 be commuted from 6 years to 5 years and 9 months expiring on December 14, 1941.

Our reasons for making this recommendation are as follows:

The applicant for a commutation of sentence was convicted in the Court of Oyer and Terminer of Allegheny County on the 14th day of March, 1936 under Indictment No. 19 April Term, 1936 charging robbery, and was sentenced by the Honorable Jesse C. Long, Judge, to imprisonment in the Western State Penitentiary for a term of not less than six nor more than twelve years.

Prior to the commission of the crime, for which he is still imprisoned, the applicant was convicted on three different occasions for the illegal possession of liquor and one for trespassing on railroad property.

The applicant has now been confined for almost six years and has maintained an excellent institutional record.

Assistant District Attorney Ralph T. Bell, Esquire, of Allegheny County, stated to the Board that the office of he District Attorney had no objection to the granting of clemency to the applicant.

The trial judge, the Honorable Jesse C. Long, in a letter to the Board stated that he was willing to rest content with whatever recommendations were made by the District Attorney's office.

Attractive employment awaits the applicant and an approved parole plan has been provided.

The Board of Pardons in view of the time served by the applicant, the view expressed by the trial judge and the office of the district attorney and the fact that the two accomplices of the applicant have been released, in addition to his excellent institutional record, is of the opinion, that it is justified in granting the leniency requested. The Board, therefore, recommends that the minimum sentence of six years be commuted to a new minimum term of five years and nine months, expiring on December 14, 1941, and that the applicant remain on parole until March 14, 1948.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of Anthony Orlando, D-5610, No. 5463, November Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the sentence of imprisonment imposed on Anthony Orlando, convicted of (1) entering (2) robbery, aggravated assault and battery and (3) carrying and possessing firearms without a license, in the Oyer and Terminer Court of Lehigh County, on the 3rd day of March, 1941, be commuted on Bill No. 97 January Sessions, 1935 from a minimum term of 7½ years to a minimum term of 11 months, expiring on November 25, 1941. (Sentences on Bills Nos. 98 and 99 January Sessions, 1935 to run concurrently with Bill No. 97). Sentenced to be computed from December 25, 1940.

Our reasons for making this recommendation are as follows:

The applicant for commutation of sentence entered his plea of guilty in the Court of Oyer and Terminer of Lehigh County on the 3rd day of March, 1941 to Indictments Nos. 97, 98, and 99 January Term, 1935 charging (1) entering (2) robbery, aggravated assault and battery and (3) carrying and possessing firearms without a license, and was sentenced by the Honorable Richard W. Iobst, Judge, to imprisonment in the Eastern State Penitentiary on Bill No. 97 to not less than seven and one-half nor more than fifteen years, on Bill No. 98 to not less han five nor more than ten years and on Bill No. 99 'o not less than five nor more than ten years, the sentences on Bills Nos. 98 and 99 to run concurrently with the sentence imposed on Bill No. 97. Sentenced to be computed from December 15, 1940.

The applicant has had a long and varied criminal record but the prison authorities report that his physical

condition is such that he would probably be unable to again participate in crime.

The home of the applicant is in the State of Michigan, and his sister residing in that State, has agreed to give him a home and provide the medical treatment required.

The parole authorities of Michigan have consented to his return to and residence in that State.

In view of the physical condition of the applicant and the assurance of his proper treatment after release, the Board of Pardons is of the opinion that it should extend leniency in this case. The Board, therefore, recommends that the minimum sentence imposed on Bill No. 97 January Term, 1935 be commuted to a new minimum term of 11 months, expiring on November 25, 1941, and that the applicant remain on parole until December 25, 1955.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of Bernard Otten, B-3717, No. 2238, November Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the maximum sentence of Bernard J. Otten, convicted of robbery, receiving stolen goods in the Court of Oyer and Terminer of Allegheny County on June 5. 1933 be commuted from 5 years to 6 months, expiring on November 15, 1941.

Our reasons for making this recommendation are as follows:

The applicant for commutation of sentence entered his plea of guilty in the Court of Oyer and Terminer of Allegheny County on June 5, 1933 to Indictments Nos. 25, 26, and 27 May Term, 1933 charging robbery and receiving stolen goods, and was sentenced to imprisonment in the Western State Penitentiary by the Honorable S. H. Gardner. Judge, to not less than two and one-half nor more than five years on Bill No. 25; to not less than two and one-half nor more than five years on Bill No. 26; and to not less than two and one-half nor more than five years on Bill No. 27. All sentences to run consecutively.

On October 31, 1938 the above sentences were commuted and the applicant was released on parole on December 2, 1938. On April 27, 1941 he was arrested for operating a motor vehicle while under the influence of intoxicating liquor and was convicted by a jury and sentence was suspended by the Honorable A. Marshall Thompson, Judge, and the applicant was returned to the pentitentiary on June 17, 1941 as a parole violator, where he has been confined for a period of about six months.

In a letter to the Board the Honorable A. Marshall Thompson, Judge, writes: ". . . It struck me at the time that this was one case where a shocking injustice resulted. The defendant had been living a useful life since his release from the penitentiary and was gainfully employed, and impressed me as being a rather clean cut citizen, and I personally felt very great regret that his conviction on a matter, which did not involve any moral turpitude, should result as disastrously for him. In my judgment, the Board of Pardons would be fully warranted in terminating this sentence."

The Supervisor of Paroles has advised the Board that if the convicting authorities recommend favorable consideration, he will have no objection to the granting of clemency.

The District Attorney's office of Allegheny County has not objected.

An adequate parole plan has been provided for the applicant and attractive employment awaits his release.

The Board of Pardons is convinced that the conduct of this man while in prison and after his release, entitles him to another opportunity to rehabilitate himself and that the injustice complained of by Judge Thompson should be corrected so far as possible.

The Board, therefore, recommends that the maximum sentence of 5 years imposed on Bill No. 27 be commuted to a new minimum term of 6 months, expiring on November 15, 1941, and that the applicant remain on parole until May 14, 1946.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of Patrick J. Quinn. D-5751. No. 5485, November Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the sentences of imprisonment imposed on Patrick J. Quinn, convicted of larceny and receiving stolen goods, in the Quarter Sessions Court of Delaware County, on the 14th day of October, 1940. be commuted on Bill No. 446 from a minimum term of 1 year and 3 months to a minimum term of 7 months, expiring on December 5, 1941; and on Bill No. 474 from a minimum term of 1 year and 3 months to a minimum term of 1 day, expiring on December 6, 1941. Sentences to be computed from May 5, 1941.

Our reasons for making this recommendation are as follows:

The applicant for commutation of sentence was convicted in the Court of Quarter Sessions of Delaware County on the 14th day of October, 1940 under Indictments Nos. 446 and 474 September Term, 1940 charging larceny and receiving stolen goods, and was sentenced by the Honorable Thomas A. Crichton, Judge, to imprisonment in the Eastern State Penitentiary on Bill No. 446 to a term of not less than one year and three months nor more than three years; and on Bill No. 474 to a term of not less than one year and three months nor more than three years, to commence at the expiration of sentence imposed on Bill No. 446. Sentences to be computed from May 5, 1941.

The applicant had no previous convictions and has served over six months of these combined sentences.

The Board of Trustees of the Eastern State Penitentiary reports that the applicant has maintained a good record of prison performance and does not impress the Board as the type who would get in future conflict with the law.

The applicant had a splendid record in the United States Navy during the World War of 1917. He enlisted in 1914 and received his honorable discharge after the war was concluded. While in service he was awarded the Con-

gressional Medal of Honor for saving the life of an officer on a destroyer.

The applicant states that his family is in desperate need of him. His wife is very sick, but compelled to support the family and a daughter is in a critical condition in the hospital.

The trial judge advises the Board of Pardons that if the family affairs are as set forth in his application, he feels as though leniency should be extended. The District Attorney's office of Delaware County was not opposed.

Adequate sponsorship and employment have been provided for the applicant upon his release.

The Board of Pardons feels that this applicant's good prison record, and his naval record entitles him to its leniency, and that even though his term of imprisonment has been short, it has been sufficient to meet the ends of justice and that he should be re-united with his family and have the opportunity to afford it his aid and assistance.

The Board, therefore, recommends that the minimum sentence imposed on Bill No. 446 be commuted from a minimum term of 1 year and 3 months to a minimum term of 7 months, expiring on December 5, 1941; and on Bill No. 474 from a minimum term of 1 year and 3 months to a minimum term of 1 day, expiring on December 6, 1941, and that the applicant remain on parole until December 5, 1944

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:
ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of Howard Daniel Reichenbach, B-7527, D-4517, No. 5277, November Session. 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Howard Daniel Reichenbach, convicted of arson in the Court of Oyer and Terminer and Quarter Sessions of Snyder County on December 16, 1939 to be computed from September 15, 1930, be computed from 3 years to 2 years and 3 months, expiring on December 15, 1941.

Our reasons for making this recommendation are as follows:

The applicant for commutation of sentence was convicted in the Courts of Oyer and Terminer and Quarter Sessions of Snyder County on December 16, 1939 on Indictment No. 18-A October Sessions, 1939 charging arson, and was sentenced by the Honorable Curtis C. Lesher, Judge, to imprisonment in the Eastern State Penitentiary for a term of not less than three years nor more than six years. Sentence to be computed from September 15, 1939.

The applicant had no previous criminal record, he is now 37 years of age and has a wife and five children.

The Board of Trustees of the Eastern State Penitentiary report that he is now confined at Rockview where he is employed as a gardner. His institutional record is good and the Rockview officials state that they would probably recommend him for commutation.

The applicant has now served two years and two months and is badly needed by his family for their support and protection.

The present District Attorney of Snyder County leaves the granting of clemency entirely to the Board of Pardons and the Associate Judge of the County has advised the Board that he recommends the release of the applicant, for the reason that his family is in need of his assistance.

Employment has been promised the applicant and adequate sponsorship is assured.

The Board of Pardons is of the opinion that the applicant has served sufficient time for the offense committed, and that the present need of his family for his help justifies it in granting clemency. The Board, therefore, recommends that the minimum sentence of 3 years be commuted to a new minimum term of 2 years and 3 months, expiring on December 15, 1941, and that the applicant remain on parole until September 15, 1945.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:
ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of Paul Warren Schuler, B-5419, No. 5452, November Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Paul Warren Schuler, convicted of robbery in the Court of Oyer and Terminer of Allegheny County on March 10, 1937 be commuted from 5 years to 4 years and 9 months, expiring on December 10, 1941.

Our reasons for making this recommendation are as follows:

The applicant for commutation of sentence entered his plea of guilty in the Court of Oyer and Terminer of Allegheny County on March 10, 1937 to Indictment No. 71 March Sessions, 1937 charging robbery, and was sentenced by the Honorable Joseph A. Richardson, Judge, to imprisonment in the Western State Penitentiary for a term of not less than five nor more than ten years.

The applicant had no previous criminal record except an arrest for disorderly conduct.

The Board of Trustees of the Western State Penitentiary has advised the Board of Pardons that if eligible for parole, it would probably recommend the applicant for parole by reason of (1) this being his first conviction (2) his excellent institutional record and (3) his co-operative attitude.

Ralph T. Bell, Esquire, assistant district attorney of Allegheny County, stated to the Board that in view of the long service of four years and eight months by the applicant, his application should receive consideration.

The trial judge, the Honorable Joseph A. Richardson, has advised the Board that he has no recommendation to make, leaving that to the judgment of the Board.

Adequate sponsorship has been provided for the applicant upon his release and employment is assured.

The Board of Pardons is of the opinion that the applicant has served sufficient time in prison for the crime committed and is entitled to another opportunity to attain a useful place in society, and it, therefore, recommends that the minimum sentence of 5 years be commuted to a new minimum term of 4 years and 9 months, expiring

on December 10, 1941, and that the applicant remain on parole until March 10, 1947.

Respectfully submitted,
S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:
ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of George Patrick Shannon, B-4570, No. 5429, November Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the sentences of imprisonment imposed on George Patrick Shannon, convicted of robbery and receiving stolen goods, in the Oyer and Terminer Court of Allegheny County, on the 13th day of June, 1935, be commuted on Bill No. 12 be commuted from a minimum term of 2½ to a minimum term of 1 year and 6 months, expiring on December 12, 1941. (Applicant was granted a parole on Bills Nos. 9 and 11 and concurrent Bills.)

Our reasons for making this recommendation are as follows:

The applicant for commutation of sentence entered his plea of guilty in the Court of Oyer and Terminer of Allegheny County on the 13th day of June, 1935 to Indictment Nos. 9, 11, and 12 June Term, 1935 and No. 3 and 5 of February Term, 1935 charging robbery and receiving stolen goods, and was sentenced to imprisonment in the Western State Penitentiary by the Honorable John P. Egan, Judge, on Bill No. 9 to not less than 2½ nor more than 5 years; on Bill No. 11 to not less than 2½ nor more than 5 years; and on Bill No. 12 to not less than 2½ nor more than 5 years, these sentences to run consecutively. Sentences were imposed on No. 3 February Term, 1035 to not less than 2½ nor more than 5 years to run concurrently with No. 9; and on Bill No. 5 to not less than 2½ nor more than 5 years to run concurrently with Bill No. 11. Sentences to be computed from June 11, 1935.

Parole has been granted on Bills Nos. 9 and 11.

The Board of Trustees of the Western State Penitentiary has advised the Board of Pardons that if eligible for parole, they would probably recommend the applicant for parole on account of his excellent institutional record and his service of six and a half years.

The Board has received a letter from Ralph T. Bell, Esquire, of the District Attorney's office of Allegheny County in which he states: ". . . Please be advised that in the above captioned case, we feel that some consideration should be shown the applicant for his cooperation at the time of his arrest. We understand, from investigation, that the applicant was very cooperative and gave evidence which resulted in the break of the cases involved. For that reason, our office will not object to any discretion which the Board wishes to exercise in this case."

In view of the letter from Mr. Bell and the recommendation of the Board of Trustees of the Western State Penitentiary the Board of Pardons feels that the applicant is entitled to its clemency, and, would therefore, recommend that the minimum sentence of 2½ years imposed on Bill No. 12 be commuted to a new minimum term of 1 year and 6 months, expiring on December 12, 1941, and that the applicant remain on parole until June 11, 1945. Applicant has been granted parole on Bills Nos. 9 and 11 and concurrent Bills Nos. 3 and 5.)

Respectfully submitted,
S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:
ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of Dominic Thomasulo, B-3836, No. 2878, November Session. 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Dominic Thomasulo, convicted of (1) assault with intent to rob, being armed with an offensive weapon (2) aggravated assault and battery and (3) assault and battery in the Court of Quarter Sessions of McKean County on October 7, 1933 be commuted from 10 years to 8 yrs. and 2 mos. expiring on December 7, 1941.

Our reasons for making this recommendation are as follows:

The applicant for commutation of sentence was convicted in the Quarter Sessions Court of McKean County on the 7th day of October, 1933 under Indictment No. 92 October Sessions, 1933 charging assault with offensive weapons with intent to rob; aggravated assault and battery; assault and battery, and was sentenced by the Honorable J. W. Bouton, Judge, to imprisonment in the Western State Penitentiary for a term of not less than ten nor more than twenty years and to pay a fine of $1,000.00.

The applicant has a criminal record consisting of nineteen arrests and two convictions but this was his first conviction of a major offense.

Two of the three accomplices convicted at the same time have been released.

The Board of Trustees of the Western State Penitentiary report that his institutional record has been satisfactory and his general attitude has improved.

The Honorable Charles G. Hubbard, President Judge, in a letter to the Board of Pardons writes that if the Board is satisfied that the employment promised the applicant is proper, he has no objection to releasing the applicant, on account of his long service and the fact that others implicated with him, have been released.

The district attorney of McKean County writes that he feels that the applicant has been sufficiently punished.

A letter to the Board from a councilman of the City of Buffalo, New York, promises employment to the applicant and assistance in his efforts at rehabilitation.

In view of all these facts, the Board of Pardons feels that the applicant has been sufficiently punished and that the promised assistance after his release is some guarantee of his successful rehabilitation. The Board. therefore, recommends that the minimum sentence of ten years be commuted to a new minimum term of eight years and two months, expiring on December 7, 1941, and that the applicant remain on parole until October 7, 1953.

Respectfully submitted,
S. S. LEWIS.
Lieutenant Governor.

S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:
ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of Vernon Wilson, C-7734, No. 1669, November Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the sentence of imprisonment imposed on Vernon Wilson, convicted of larceny, in the Oyer and Terminer and Quarter Sessions Courts of Adams County, on the 30th day of January, 1932, be commuted on Bill No. 10 from a maximum term of 3 years to a new maximum term of 2 years and 11 months. expiring on December 16, 1941; and on Bill No. 11 from a minimum term of 1 year to a minimum term of 1 day, expiring on December 17, 1941.

Our reasons for making this recommendation are as follows:

The applicant for commutation of sentence entered his plea of guilty in the Courts of Oyer and Terminer and Quarter Sessions of Adams County on the 30th day of January, 1932 to Indictments Nos. 9, 10, and 11 January Term, 1932, each bill charging larceny. and was sentenced by the Honorable Donald P. McPherson, Judge, to imprisonment in the Eastern State Penitentiary on Bill No. 9 to not less than one and one-half nor more than three years; on Bill No. 10 to not less than one nor more than three years; and on Bill No. 11 not less than one and one-half nor more than three years, all sentences to run consecutively.

On January 30, 1935 the applicant was released on parole following the commutation of his sentence.

On January 16, 1939 the applicant entered a plea of guilty in the Courts of Perry County to an Indictment charging the operation of a motor vehicle while under the influence of intoxicating liquor. He was sentenced to pay the costs and sentence was suspended but he was returned to the Eastern State Penitentiary as a parole violator and has served a period of about three years as a result of this last offense.

His institutional record has been satisfactory and the Board of Trustees of the Eastern State Penitentiary state that it feels that he has been sufficiently punished.

The trial judge and the present district attorney have no objections and the Supervisor of Paroles has advised the Board that if the convicting authorities have no objection he will not oppose the granting of further commutation.

An adequate parole plan has been provided and employment is assured the applicant upon his release.

The Board of Pardons is of the opinion that the applicant has been sufficiently punished for his parole violation and is entitled to his release, so as to complete his rehabilitation.

The Board. therefore, recommends that the maximum sentence imposed on Bill No. 10 be commuted from 3 years to a maximum term of 2 years and 11 months, expiring on December 16, 1941; and on Bill No. 11 from a minimum term of 1 year to a minimum term of 1 day, expiring on December 17, 1941, and that the applicant remain on parole until December 17, 1944.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:
ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of James Atkinson. B-2121. No. 1507, December Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the maximum sentence of James Atkinson, convicted of rape in the Court of Oyer and Terminer of Fayette County on July 8, 1930 be commuted from 12 years to 6 years and 9 months, expiring on January 29, 1942.

Our reasons for making this recommendation are as follows:

The applicant for commutation of sentence was convicted in the Court of Oyer and Terminer of Fayette County on July 8, 1930 under Indictment No. 25/266 March Term, 1930 charging rape, and was sentenced by the Honorable T. H. Hudson, Judge, to a term of imprisonment in the Western State Penitentiary for not less than six nor more than twelve years. The applicant was paroled on the 22d day of December, 1933 after having had his sentence commuted on November 29. 1933. On the 13th day of October, 1938 he was returned to the Western State Penitentiary as a parole violator after having served the minimum sentence of two and one-half years imposed by the Honorable Harry S. McDevitt, Judge, in April 1936 after conviction in the Courts of Oyer and Terminer of Philadelphia County of the charge of robbery. Before his arrest in 1930 the defendant had no previous criminal record and was only nineteen years of age when sentenced.

The Board of Trustees of the Western State Penitentiary in a report to the Board of Pardons states that if eligible for parole, they would probably recommend subject to an adequate parole plan by reason of his excellent record and his service of over three years for his parole violation.

An adequate parole plan has been arranged for the applicant and employment is assured him.

No objection has been made by the office of the district attorney of Fayette County to his application for clemency.

The Board of Pardons is of the opinion that the applicant has served sufficient time for the parole violation and that his institutional record since his return to the Western State Penitentiary is such evidence of his rehabilitation to entitle him to another opportunity to lead an honest and law-abiding life. The Board, therefore, recommends that the maximum sentence be commuted to a minimum term of six years and nine months, expiring on January 29, 1942, and that the applicant remain on parole until April 29. 1947. (Sentence was originally commuted on November 29, 1933, from 6 years to 3 years and 4 months.)

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of John Anthony Baccari, C-9085, No. 5208, December Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the sentence of imprisonment imposed on John Anthony Baccari, convicted of robbery while armed, in the Oyer and Terminer and Quarter Sessions Court of Philadelphia County, on the 18th day of July, 1933, be commuted on Bill No. 507 July Term, 1933 from a minimum term of 5 years to a minimum term of 3 years and 5 months, expiring on January 19, 1942, and on Bill No. 683 from a minimum term of 5 years to a minimum term of 1 day, expiring on January 20, 1942. (Was granted parole on Bill No. 506.)

Our reasons for making this recommendation are as follows:

The applicant for commutation of sentence was convicted in the Courts of Oyer and Terminer and Quarter Sessions of Philadelphia County on the 18th day of July, 1933, under Indictments Nos. 50, 507, and 683 July Term, 1933 charging robbery while armed, and was sentenced by the Honorable Harry S. McDevitt, Judge, to a term of imprisonment in the Eastern State Penitentiary for not less han five nor more than fifteen years on Bills Nos. 506 and 507 and on Bill No. 683 for a term of not less than five nor more than ten years, all sentences to run consecutively.

The Board of Trustees of the Eastern State Penitentiary in its report to the Board of Pardons states: ". . . His prison performance for 8 years indicates that he is making an effort to prepare himself for release and that he has ability to make the proper adjustment. If he continues the same effort after release, he should have very little difficulty."

The Honorable Harry S. McDevitt, Judge, who sentenced the applicant, in a letter to the Board writes: ". . . He was employed in the school for five years and is now a clerk in the parole office. He has made excellent progress in his course in civil engineering, and the eight years behind prison walls have prepared him to at least make a living if he wants to when released. He has the ability to adjust himself to society, and if you think he has served sufficient time, I have no objection to his being paroled."

The representative of the district attorney's office of Philadelphia County, appeared before the Board and stated that the applicant had served a substantial sentence and the office had no further objection, to he granting of a commutation of his sentence.

An adequate parole plan has been provided and employment with a fair salary awaits the applicant.

The Bord of Pardons is of the opinion that the excellent institutional record maintained by the applicant during his long term of service in the penitentiary is convincing evidence of his reform and his inclination to lead a different life upon his release from confinement, and in addition, the recommendation of the Board of Trustees and the convicting authorities of the County of Philadelphia justifies it in granting the commutation of his sentence. The Board, therefore, recommends that the minimum sentence be commuted and that the applicant remain on parole until January 20, 1957. (Applicant was granted parole on Bill No. 506.)

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of Romus Robert Baker, B-3859, No. 3398, December Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Romus Robert Baker, convicted of murder in the second degree in the Court of Oyer and Terminer of Allegheny County on October 18, 1933 be commuted from 9 years to 8 years and 8 months, expiring on January 18, 1942.

Our reasons for making this recommendation are as follows:

The applicant for commutation of sentence entered his plea of guilty in the Court of Oyer and Terminer of Allegheny County on the 18th day of October, 1933 to Indictment No. 53 September Sessions, 1933 charging murder in the second degree, and was sentenced by the Honorable J. Frank Graff, Judge, to imprisonment in the Western State Penitentiary for a term of not less than nine nor more than eighteen years.

The applicant's previous criminal record consists of two previous arrests for malicious mischief and assault and battery.

The Board of Trustees of the Western State Penitentiary advises the Board of Pardons that if eligible for parole, they would recommend for the reason that this was his first imprisonment, that he has been a co-operative inmate, and has had an excellent institutional record.

No objection has been made to the granting of clemency by the office of the District Attorney or the Trial Judge.

Satisfactory employment has been offered to the applicant and an adequate parole plan has been provided for him.

The Board of Pardons is of the opinion that his service in the penitentiary of over eight years has been sufficient punishment for the crime committed and that his institutional record is such evidence of his desire to lead an honest life as to justify the Board to grant clemency. The Board, therefore, recommends that the minimum sentence be commuted and the applicant remain on parole until Octobr 18, 1951.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of George E. Black, B-7455, No. 5517, cember Session, 1941.

His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due blic notice, in open session, the undersigned members the Board of Pardons recommend that the minimum ntence of George E. Black, convicted of burglary in Court of Quarter Sessions of Armstrong County on cember 16, 1940 to be computed from December 5, 40 be commuted from 1 year and 8 months to 1 year d 1 month, expiring on January 5, 1942.

Our reasons for making this recommendation are as lows:

The applicant for commutation of sentence entered his a of guilty in the Court of Quarter Sessions of Armong County on the 16th day of December, 1940 to Intment No. 9 March Sessions, 1940 charging burglary, d was sentenced by the Honorable J. Frank Graff, dge, to a term of imprisonment in the Western State nitentiary for not less than one year and eight months more than three years and four months. Sentence to computed from December 5, 1940.

The applicant had never been convicted of any crimes fore imposition of this sentence. On January 31, 1941, applicant was transferred to Rockview.

The Board of Trustees of the Western State Penitentiary a report to the Board of Pardons states that if eligible parole, they would probably recommend for the reason first imprisonment (2) excellent institutional record d (3) cooperative inmate.

The Honorable J. Frank Graff, Judge, who imposed sentence in this case, in a letter to the Board writes: . . After due consideration of this case, I would recomnd that the Board take favorable action upon this plication." The district attorney of Armstrong County a letter to the Board states that he feels justified in commending clemency.

Employment and adequate sponsorship has been proed for the applicant in case he is released.

The Board of Pardons, in view of the recommendation de by the Board of Trustees of the Western State Penitiary and the convicting authorities of Armstrong unty, has no hesitancy in approving the application, in er that the applicant might have another opportunity regain his place in society, and it would, therefore, commend that the minimum sentence of 1 year and 8 nths be commuted to a new minimum term of 1 year d 1 month, expiring on January 5, 1942, and that the plicant remain on parole until April 5, 1944.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA.
Secretary of the Commonwealth.
CLAUDE T. RENO.
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of David Brown, B-5389, No. 3999, ember Session, 1941.

His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due blic notice, in open session, the undersigned members the Board of Pardons recommend that the sentence of imprisonment imposed on David Brown, convicted of (1) robbery and (2) larceny, in the Oyer and Terminer and Quarter Sessions Court of Allegheny County, on the 10th day of February, 1937, be commuted on Bill No. 6 June Term, 1936 from a minimum term of 5 years to a minimum term of 4 years, 10 months, and 29 days, expiring on January 9, 1942; and on Bill No. 991 from a minimum term of 1 year to a minimum term of 1 day, expiring on January 10, 1942 (sentences on Bills Nos. 992. 993, and 994 to run concurrently with above sentences, are also commuted).

Our reasons for making this recommendation are as follows:

The applicant for commutation of sentence on the 10th day of February, 1937 was convicted in the Court of Oyer and Terminer of Allegheny County under Indictment No. 6 June Term, 1936 charging robbery, and was sentenced by the Honorable A. A. Nelson, Judge, to a term of imprisonment in the Western Penitentiary for not less than five nor more than ten years and on the same day he entered his plea of guilty to Indictments Nos. 991, 992, 993, and 994 September Term, 1936 charging larceny, and was sentenced by the Honorable J. A. Richardson, Judge, to a term of imprisonment in the Western State Penitentiary for not less than one nor more than three years to begin at the expiration of the sentence imposed on Bill of Indictment No. 6 June Term, 1936. Sentence imposed on Bill No. 991 to run consecutively with Bill No. 6, and Bills Nos. 992, 993, and 994 to run concurrently.

The applicant has now served over four years and eleven months of his combined sentences.

The Board of Trustees of the Western State Penitentiary report to the Board of Pardons that if eligible for parole, they would probably recommend subject to adequate parole plan, on account of his excellent record, and to the further reason that this was his first major conviction.

The Honorable A. A. Nelson, one of the trial judges, in a letter to the Board writes: ". . . If I am correct this is the fourth application made by this man, and at the time of the last application in May of this year, I wrote the Board to the effect that I felt that the applicant was sufficiently punished and should be placed on parole. I have not changed my mind in this respect, and, because of several communications from the wife of the applicant in her efforts to have her husband placed on parole, I know a little more about the conditions at home, and consequently recommend, in the strongest terms, that the applicant be placed on parole."

Joseph A Richardson, the other trial judge, in a letter to the Board writes: ". . . On May 23rd, 1941, I wrote you, saying that I was of the opinion that this man had been adequately punishedfi and I believe Judge Nelson wrote a similar letter. I am of the same opinion at this time, and believe that he should be paroled for the unexpired maximum of both sentences, subject, of course, to the discretion of the Board of Pardons in the matter of the prognosis for future rehabilitation."

The representative of the district attorney's office of Allegheny County stated to the Board of Pardons that his office had no objection to the granting of clemency.

An adequate parole plan has been arranged for the applicant and satisfactory employment awaits his release.

The Board of Pardons is of the opinion that the applicant has been sufficiently punished for the crimes committed and that his institutional record entitles him to another opportunity to live a useful life and that the recommendation of the judges who imposed the sentence further justifies it in recommending the minimum sentence on Bill No. 6 June Term, 1936 be commuted to a new minimum term of 4 years, 10 months, and 29 days, expiring on January 9, 1942, and on Bill No. 991 from a minimum term of 1 year to a minimum term of 1 day, expiring on January 10, 1942 (sentences on Bills Nos. 992, 993, and 994 to run concurrently with above sentences,

are also commuted), and that the applicant remain on parole until February 10, 1947.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of Thomas John Brown, B-7414, No. 5548. December Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Thomas John Brown, convicted of robbery, being armed with an offensive weapon in the Court of Oyer and Terminer of Allegheny County on November 6, 1940 to be computed from October 11, 1940, be commuted from 2 years to 1 year and 3 months. expiring on January 11, 1942.

Our reasons for making this recommendation are as follows:

The applicant for commutation of sentence was convicted by a jury in the Court of Oyer and Terminer of Allegheny County on the 6th day of November, 1940, under Indictment No. 2 November Sessions, 1940, charging robbery being armed with an offensive weapon, and was sentenced by the Honorable Harry C. James, Judge, to imprisonment in the Western State Penitentiary for a term of not less than two nor more than four years. Sentence to be computed from October 11, 1940.

The applicant's offenses before this conviction consisted of pitching pennies and illegally dumping rubbish. He has now served over one year and two months in the Western State Penitentiary for a crime which he still denies he committed.

The trial judge has recommended favorable consideration of the applicant's petition and Ralph T. Bell, Esquire, representing the District Attorney's office of Allegheny County, stated that it was a doubtful conviction and that the office had no objection.

An adequate parole plan has been provided and employment awaits his release.

The Board of Pardons is of the opinion that, in view of the doubt of the justness of the conviction raised by the District Attorney's representative and the recommendation of the trial judge. it is its duty to exercise clemency.

The Board, therefore, recommends that the minimum sentence of 2 years be commuted to a new minimum term of 1 year and 3 months, expiring on January 11. 1942, and that the applicant remain on parole until October 11, 1944.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of Samuel Alphonso Brusco, No. 55(December Session, 1941.

To His Excellency, the Governor of the Commonwealth Pennsylvania:

Sir: The above application having been heard, upon d public notice, in open session, the undersigned membe of the Board of Pardons recommend that Samuel Alphon Brusco, convicted of assault and battery, assault and ba tery with intent to rob, attempted robbery in the Cou of Quarter Sessions of Philadelphia County, on April 1935 be pardoned.

Our reasons for making this recommendation are follows:

The applicant for a full and absolute pardon was co victed in the Court of Quarter Sessions of Philadelph County on the 26th day of April, 1935 charging assa and battery, assault and battery with intent to rob, a attempted robbery, and was sentenced by the Honorab Otto R. Heiligman, Judge, to a term of not less than t and one-half nor more than five years in the Philadelph County Prison. After serving eleven months he w paroled, and since that time, he in no way has been conflict with the law. He is living happily with a supporting his wife and three children in the City of Phi delphia.

No objection has been made to the granting of clemen by the convicting authorities.

The Board of Pardons is of the opinion that the co duct of the applicant since his release on parole from t sentence imposed by Judge Heiligman, evidence a co plete rehabilitation and an honest desire to live an hon and law-abiding life. The Board, therefore, recommen that a full and absolute pardon be granted to the app cant, Samuel Alphonso Brusco.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealt
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of Patrick P. Conway, C-6995, No. 26 December Session. 1941.

To His Excellency, the Governor of the Commonwealth Pennsylvania:

Sir: The above application having been heard, upon public notice, in open session, the undersigned memb of the Board of Pardons recommend that the sentence imprisonment imposed on Patrick P. Conway, convic of fraudulent making of a written instrument, in Quarter Sessions Court of Philadelphia County, on 16th day of April, 1931, be commuted on Bill No. 1 February Sessions, 1931, from a minimum term of 5 ye to a minimum term of 9 months, expiring on January 1942; on Bill No. 1673 from a minimum term of 5 ye to a minimum term of 1 day, expiring on January 1942; on Bill No. 1690 from a minimum term of 5 ye to a minimum term of 1 day, expiring on January 1942; and on Bill No. 1724 from a minimum term o

years to a minimum term of 1 day, expiring on January 18, 1942. (Has been granted parole on Bills Nos. 1233 and 1614.)

Our reasons for making this recommendation are as follows:

The applicant for commutation of sentence entered his plea of guilty in the Quarter Sessions Court of Philadelphia County on the 16th day of April, 1931 to Indictments Nos. 1233, 1614, 1664, 1673, 1690, and 1724 February Term, 1931, charging the fraudulent making of a written instrument, and was sentenced by the Honorable Otto R. Heiligman, Judge, to imprisonment in the Eastern State Penitentiary for a term of not less than five nor more than ten years in each cause, the sentences to run consecutively.

The applicant had no previous criminal record and has now served more than ten and a half years.

The Board of Trustees of the Eastern State Penitentiary in its report to the Board of Pardons states: ". . . Applicant is not criminally inclined and it is doubtful if he would ever again become involved with the law. He and his brother have now served a greater period of time than any person who has been committed to the institution for the same crime. He is now approximately 66 years of age and it is our thought that he is entitled to an opportunity to attempt to re-establish himself in society."

In a letter to the Board of Pardons dated November 25, 1940, the Honorable Harry S. McDevitt, Judge of Common Pleas Court No. 1 of Philadelphia, discussed the case of this applicant and his brother who plead guilty at the same time and to the same indictments and stated: ". . . They were arrested late in the fall of 1930, so that they have now served more than ten years, a greater length of time than any inmate of the Penitentiary has served for a similar offense in the recollection of those now in charge. I am not criticizing the sentence imposed by the trial Judge, even though I do think it was out of all proportion to the crime involved. Most of those who commit murder are convicted in the second degree and serve a nominal ten years. Most of the prisoners sentenced to life imprisonment serve approximately 13 years, and in my humble judgment, crimes of violence are far more serious than crimes involving finances. I don't want your Board to think that I look upon myself as an Amicus Curiae, but I did think that I owed it both to you and the Conways to write this letter even at the expense of being misunderstood rather than to remain silent when I think from a humanitarian viewpoint they have been sufficiently punished. Judge McDevitt on September 12, 1941 again wrote to the Board of Pardons and stated: ". . . I can only repeat what I read in my communication on the occasion of their last appearance before your Honorable Board and that they have now served almost an additional year." Judge Heiligman wrote in September, 1941 that he felt the matter was solely for the decision of the Board.

The district attorney's office of Philadelphia County has made no objection to the granting of clemency to the applicant.

The applicant has satisfactory employment awaiting him and an adequate parole plan has been arranged.

In view of the long time served by the applicant the Board of Pardons is of the opinion that sufficient punishment has been administered and his record in the penitentiary is convincing evidence of sufficient rehabilitation to justify his residence. The Board, therefore, recommends that the minimum sentences of imprisonment be commuted and that the applicant remain on parole until January 17, 1952.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.

S. M. R. O'HARA,
Secretary of the Commonwealth.

CLAUDE T. RENO,
Attorney General.

WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of Peter P. Conway, C-6996, No. 2680, December Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the sentence of imprisonment imposed on Peter P. Conway, convicted of fraudulently making a written instrument, in the Quarter Sessions Court of Philadelphia County, on the 16th day of April, 1931, be commuted on Bill No. 1664 February Sessions, 1941, from a minimum term of 5 years to a minimum term of 9 months, expiring on January 15, 1942; on Bill No. 1673 from a minimum term of 5 years to a minimum term of 1 day, expiring on January 18, 1942; on Bill No. 1690 from a minimum term of 5 years to a minimum term of 1 day, expiring on January 17, 1942; and on Bill No. 1724 from a minimum term of 5 years to a minimum term of 1 day, expiring on January 18, 1942. (Has been granted parole on Bills Nos. 1233 and 1614.)

Our reasons for making this recommendation are as follows:

The applicant for commutation of sentence entered his plea of guilty in the Quarter Sessions Court of Philadelphia County on the 16th day of April, 1931 to Indictments Nos. 1233, 1614, 1664, 1673, 1690, and 1724 February Term, 1931 charging the fraudulent making of a written instrument, and was sentenced by the Honorable Otto R. Heiligman, Judge, to imprisonment in the Eastern State Penitentiary for a term of not less than five nor more than ten years in each case, the sentences to run consecutively.

The applicant had no previous criminal record and has now served more than ten and a half years.

The Board of Trustees of the Eastern State Penitentiary in its report to the Board of Pardons states: ". . . Applicant is not criminally inclined and it is doubtful if he would ever again become involved with the law. He and his brother have now served a greater period of time than any person who has been committed to the institution for the same crime. He is now approximately 65 years of age and it is our thought that he is entitled to an opportunity to attempt to re-establish himself in society."

In a letter to the Board of Pardons dated November 25, 1940, the Honorable Harry S. McDevitt, Judge of Common Pleas Court No. 1 of Philadelphia, discussed the case of this applicant and his brother who plead guilty at the same time and to the same indictments and stated: ". . . They were arrested late in the fall of 1930, so that they have now served more than ten years, a greater length of time than any inmate of the Penitentiary has served for a similar offense in the recollection of those now in charge. I am not criticizing the sentence imposed by the trial Judge, even though I do think it was out of all proportion to the crime involved. Most of those who commit murder are convicted in the second degree and serve a nominal ten years. Most of the prisoners sentenced to life imprisonment serve approximately 13 years, and in my humble judgment, crimes of violence are far more serious than crimes involving finances. I don't want your Board to think that I look upon myself as an Amicus Curiae, but I did think that I owed it both to you and the Conways to write this letter even at the expense of being misunderstood rather than to remain silent when I think from a humanitarian viewpoint they have been sufficiently punished. Judge McDevitt on September 12, 1941 again wrote to

the Board of Pardons and stated: ". . . I can only repeat what I said in my communication on the occasion of their last appearance before your Honorable Board and add that they have now served almost an additional year."

Judge Heiligman wrote in September, 1941 that he felt the matter was solely for the decision of the Board.

The district attorney's office of Philadelphia County has made no objection to the granting of clemency to the applicant.

The applicant has satisfactory employment awaiting him and an adequate parole plan has been arranged.

In view of the long time served by the applicant the Board of Pardons is of the opinion that sufficient punishment has been administered and his record in the penitentiary is convincing evidence of sufficient rehabilitation to justify his release. The Board, therefore, recommends that the minimum sentences of imprisonment be commuted and that the applicant remain on parole until January 17, 1952.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:
ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of Bernhardt Benjamin Cook, B-5653, No. 4766, December Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the sentences of imprisonment imposed on Bernhardt Benjamin Cook, convicted of (1) breaking and entering and (2) larceny, in the Oyer and Terminer Court of Somerset County, on the 21st day of July, 1937, be commuted on Bill No. 10 September Term, 1937 from a minimum term of 5 years to a minimum term of 4 years, 5 months, and 24 days, expiring on January 13, 1942; on Bill No. 11 from a minimum term of 5 years to a minimum term of 1 day, expiring on January 14, 1942; on Bill No. 12 from a minimum term of 5 years to a minimum term of 1 day, expiring on January 15, 1942; on Bill No. 13 from a minimum term of 5 years to a minimum term of 1 day, expiring on January 16. 1942; on Bill No. 14 from a minimum term of 5 years to a minimum term of 1 day, expiring on January 17, 1942; on Bill No. 15 from a minimum term of 5 years to a minimum term of 1 day, expiring on January 18, 1942; and on Bill No. 16 from a minimum term of 5 years to a minimum term of 1 day, expiring on January 19, 1942; and that the minimum sentence of Bernhardt Benjamin Cook, convicted of burglary, in the Oyer and Terminer Court of Allegheny County, on the 19th day of October, 1937, be commuted on Bill No. 168 September Term, 1937, from a minimum term of 5 years to a minimum term of 4 years, 5 months, and 22 days, expiring on January 13, 1942; and that the minimum sentence of Bernhardt Benjamin Cook, convicted of (1) breaking and entering and (2) larceny, in the Quarter Sessions Court of Westmoreland County, on the 29th day of December, 1939, be commuted on Bill No. 195 August Term, 1939 from a minimum term of 3 years to a minimum term of 2 years and 14 days, expiring on January 13, 1942.

Our reasons for making this recommendation are as follows:

The applicant for commutation of sentence entered a plea of guilty on the 21st day of July, 1937 in the Court of Oyer and Terminer of Somerset County to Indictments Nos. 10, 11, 12, 13, 14, 15, and 16 September Term, 1937 charging (1) breaking and entering, and (2) larceny, and was sentenced by the Honorable Norman T. Boose, Judge, to a term of imprisonment in the Western State Penitentiary for not less than five nor more than ten years on each Indictment. Sentences to run consecutively and to be computed from July 19, 1937.

On the 19th day of September, 1937 he entered a plea of Nolle Contendere in the Court of Oyer and Terminer of Allegheny County to Indictment No. 168 September Term, 1937 charging burglary, and was adjudged guilty by the Honorable H. H. Rowand, Judge, and was sentenced to a term of imprisonment in the Western State Penitentiary for not less than five nor more than ten years, sentence to run concurrently with any other sentence the defendant was then serving and to be computed from October 19, 1937.

On December 29, 1939 the applicant entered a plea of guilty in the Quarter Sessions Court of Westmoreland County to Indictment No. 195 August Term, 1937 charging breaking and entering, larceny, and was sentenced by the Honorable J. H. Keenan, Judge, to a term of imprisonment in the Western State Penitentiary of not less than three nor more than six years, sentence to run concurrently with the original sentence imposed on July 21, 1937.

The Board of Trustees of the Western State Penitentiary reports to the Board of Pardons that the applicant has an excellent institutional record and a very good conduct record at the penitentiary.

Ralph T. Bell, Esquire, assistant district attorney of Allegheny County, stated to the Board that their office was satisfied to have the sentence commuted if the applicant left the country.

Investigation made by the Parole Officers of the Board of Pardons revealed that the applicant is illegally in the United States and that upon his release he will be deported to Canada, the country from which he illegally entered the United States.

In view of this fact it appears to the Board that if a commutation of sentence results in his deportation, the ends of jusice will have been well served and the country will be rid of an undesirable citizen. The Board, therefore, recommends that the minimum sentences of imprisonment be commuted for deportation to Canada and the applicant remain on parole until January 18, 1952.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:
ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of John Dowling, B-1853, No. 1956, December Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the sentence of imprisonment imposed on John Dowling, convicted of (1) robbery (2) larceny, in the Oyer and Terminer and Quarter Sessions Court of Allegheny County, on the 12th

day of February, 1930, be commuted on Bill No. 15 Feb. Sess. 1930 from a max. term of 6 yrs. to a max. term of 5 yrs. 11 mos. 27 days, exp. on Feb. 9, 1942; on Bill No. 23 from a min. term of 3 yrs. to a min. term of 1 day, exp. on Feb. 10, 1942; on Bill No. 34 from a min. term of 1 yr. to a min. term of 1 day, exp. on Feb. 11, 1942; and on Bill No. 114 from a min. term of 1 yr., to a min. term of 1 day, exp. on Feb. 12, 1942.

Our reasons for making this recommendation are as follows:

The applicant is one of many prisoners whose release on parole has been affected by the opinion of the Supreme Court in the case of Commonwealth of Pennsylvania ex rel. Thomas Lynch v. Stanley P. Ashe, Warden of the Western State Penitentiary, 320 Pa. 341. In this opinion it was held that unless a prisoner, who was serving sentences imposed to run consecutively, was recommended and approved for parole at the expiration of the first minimum sentence, he would be serving the maximum of that sentence, and if no recommendation for parole was made at the expiration of the second and subsequent minimum of sentences imposed to run consecutively, the prisoner would be serving the maximum of the second and subsequent sentences. In other words, a prisoner serving an indeterminate sentence is not automatically paroled at the expiration of the minimum term but is merely eligible for parole at that time, and if not favorably considered by the Prison Board at any time thereafter, the prisoner is required to serve the full sentence.

It was the custom for a long period of time for the officials of both the Eastern and Western State Penitentiaries to lump consecutive sentences and the Boards of Trustees would only make recommendations for release on parole at the expiration of the period of time equal to the total of the minimum sentences.

Since the Supreme Court held this procedure improper, the applicant and others, whose cases were not considered for parole at the expiration of their minimum sentences, through no fault of their own, will have to serve a much longer period of time than contemplated by the sentencing judge and the prison officials.

The failure of the Board of Trustees to make the necessary recommendations for parole at the expiration of the minimum sentences was an honest mistake, as most, if not all, sentencing judges shared the same view as the prison officials in deeming it to be unnecessary to make recommendations for parole at the expiration of the minimum of every consecutive sentence. Sentencing judges throughout the state have uniformly believed and taken into consideration in passing sentences the Prison Board practice that consecutive sentences would be lumped making a total minimum and a total maximum.

We believe that a great injustice would be done and that it would be most unfair to keep the applicant incarcerated for a longer period of time than recommended by the Board of Trustees of the institution in which the applicant is confined.

Respectfully submitted,

S. S. LEWIS,
Lieutenant-Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.,
Secretary of Internal Affairs.

The above recommendation is approved:
ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of Leroy Nelson Filmore, B-4036, No. 1514, December Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the sentences of imprisonment imposed on Leroy Nelson Filmore, convicted of robbery, in the Oyer and Terminer Court of Allegheny County on the 7th day of February, 1929, be commuted on Bill No. 31 February Term, 1929 from a maximum term of 10 years to a maximum term of 2 years, 7 months, and 28 days, expiring on January 11, 1942; on Bill No. 32 from a maximum term of 10 years to a maximum term of 1 day, expiring on January 12, 1942; and on Bill No. 33 from a minimum term of 5 years to a minimum term of 1 day, expiring on January 13, 1942; And that the sentence of Leroy Nelson Filmore, convicted of escaping prison, in the Quarter Sessions Court of Allegheny County, on the 12th day of April, 1934 is also commuted—sentence was to run concurrently with original sentence.

Our reasons for making this recommendation are as follows:

The applicant for commutation of sentence entered his plea of guilty in the Court of Oyer and Terminer of Allegheny County on the 7th day of February, 1929 under Indictments Nos. 30, 31, 32, and 33 February Sessions, 1929 charging robbery; and was sentenced by the Honorable James B. Drew, Judge, to a term of imprisonment in the Western State Penitentiary for not less than five nor more than ten years on each Indictment, sentences to run consecutively. On the 12th day of April, 1934 the applicant entered his plea of guilty in the Court of Quarter Sessions of Allegheny County to Indictment No. 411 April Sessions, 1934 charging escape, and was sentenced by the Honorable W. Heber Dithrich, Judge, to a term of imprisonment in the Western State Penitentiary of not less than one nor more than two years. Sentence to run concurrently with the sentence imposed on February 7, 1929.

The applicant has now served over twelve years and eight months in the Western State Penitentiary. He is now thirty-three years of age and has been confined in prison since he was twenty-one years of age.

The Board of Trustees of the Western State Penitentiary in its report to the Board of Pardons states that if eligible for parole, they would probably recommend applicant for parole on account of his satisfactory institutional record and the fact that he has now served over twelve and one-half years.

Adequate employment and an approved parole plan has been provided for the applicant upon his release on parole.

The Board of Pardons is of the opinion that the long time served by the applicant for a crime committed when he was only twenty-one years of age is sufficient punishment and that the ends of justice have been satisfied. The Board, therefore, recommends that the maximum sentence of ten years on Bill No. 31 February, Term, 1929 be commuted to a maximum term of two years, seven months, and twenty-eight days, expiring on January 11, 1942; on Bill No. 32 from a maximum term of ten years to a maximum term of one day, expiring on January 12, 1942; and on Bill No. 33 from a minimum term of five years to a minimum term of one day, expiring on January 13, 1942 (sentence imposed on Bill No. 411 April Term, 1934 to run concurrently with above sentence, is also commuted), and the applicant to remain on parole until January 12, 1952.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:
ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of Edward John Gellesky, C-8055, No. 5311, December Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentences of imprisonment imposed on Edward John Gellesky, convicted of robbery, in the Oyer and Terminer and Quarter Sessions Courts of Lackawanna County, on the 28th day of May, 1932, be commuted on Bill No. 21 from a minimum term of 10 years to a minimum term of 9 years, 7 months. and 17 days, expiring on January 15, 1942; on Bill No. 21-A from a minimum term of 10 years to a minimum term of 1 day, expiring on January 16, 1942; and on Bill No. 19 from a minimum term of 10 years to a minimum term of 1 day, expiring on January 17, 1942; And that the minimum sentence of Edward John Gellesky, convicted of larceny of auto, in the Oyer and Terminer and Quarter Sessions Court of Delaware County. on the 3d day of January, 1938, be commuted on Bill No. 287 June Term, 1931, from a minimum term of 5 years to a minimum term of 4 years, 4 months, and 10 days, expiring on January 15, 1942. (Sentence on Bill No. 255 September Term, 1930 has already expired—sentence was to run concurrently with Lackawanna County sentence imposed on May 28, 1932.)

Our reasons for making this recommendation are as follows:

The applicant for commutation of sentence was convicted in the Oyer and Terminer and Quarter Sessions Courts of Lackawanna County on May 28, 1932 under Indictments Nos. 21, 21-A, and 19 May Term, 1932 charging robbery, and was sentenced by the Honorable William R. Lewis, Judge, to a term of imprisonment of not less than ten nor more than twenty years in the Eastern State Penitentiary on each bill, the sentences to run consecutively. On September 5, 1930 the applicant had been sentenced in the Courts of Delaware County to a term of not less than five nor more than ten years and escaped therefrom on November 25, 1930. On the 3d day of January, 1938 he entered his plea of guilty to Indictment No. 255 September Term, 1930 charging larceny of auto, and was sentenced by the Honorable A. D. MacDade, Judge, to the Eastern State Penitentiary for a term of not less than five nor more than ten years, sentence to begin September 5, 1932 and on the same day he entered his plea of guilty in the Delaware County Courts to Indictment No. 287 June Term, 1931 charging breaking and escaping penitentiary and was sentenced by the Honorable Arthur MacDade Judge, to not less than five nor more than ten years, the sentence to begin at the expiration of sentence imposed on Bill No. 255 September Term, 1930 and all to run concurrently with sentence imposed in Lackawanna County on May 28, 1932.

The applicant has now served over nine years and six months and the Board of Trustees of the Eastern State Penitentiary reports to the Board of Pardons that: ". . . This man has maintained a good record of prison performance. He has demonstrated definite habits of industry while working in the garage for a period of approximately 6½ years and he spends most of his time at his work. He is considered to be a trusted worker and has learned to take care of automobiles."

Adequate employment and sponsorship has been provided for the applicant in case he is released on parole.

A representative of the district attorney's office of Lackawanna County appeared before the Board and reported that on account of the long length of time served by the applicant in the penitentiary the office would leave the matter of clemency to the Board.

In view of the opinion expressed by the representative of the district attorney's office, the Board of Pardons is of the opinion that the applicant has served sufficient time to satisfy the ends of justice and that his prison record as reported by the Board of Trustees is such proof of his rehabilitation as to justify the Board in giving him another opportunity to live a useful life.

The Board, therefore, recommends that the minimum sentence imposed on Bill No. 21 May Term, 1932 be commuted to a minimum term of 9 years, 7 months, and 17 days, expiring on January 15, 1942; on Bill No. 21-A from a minimum term of 10 years to a minimum term of 1 day, expiring on January 16, 1942; and on Bill No. 19 from a minimum term of 10 years to a minimum term of 1 day, expiring on January 17, 1942; and on Bill No. 287 June Term, 1931 from a minimum term of 5 years to a minimum term of 4 years, 4 months, and 10 days, expiring on January 15, 1942. Applicant to remain on parole until January 16, 1962 on Lackawanna County sentence and until September 5, 1952 on Delaware County sentence.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of Leo Greenfield, B-3375, No. 4905, December Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the sentence of imprisonment imposed on Leo Greenfield, convicted of (1) robbery with aggravating circumstances, (2) robbery, (3) breaking and entering, (4) larceny, and (5) receiving stolen goods, in the Oyer and Terminer Court of Beaver County, on the 24th day of September, 1932, be commuted on Bill No. 16 from a maximum term of ten years to a maximum term of nine years, three months, and twenty-nine days, expiring on January 23, 1942, and on Bill No. 14 from a minimum term of 5 years to a minimum term of one day, expiring on January 24, 1942.

Our reasons for making this recommendation are as follows:

The applicant for commutation of sentence entered his plea of guilty in the Court of Oyer and Terminer of Beaver County on the 24th day of September, 1932 to Indictments Nos. 16 and 14 September Term, 1932 charging robbery with aggravated circumstances, robbery, breaking and entering, larceny, receiving stolen goods, and was sentenced by the Honorable Frank E. Reader, Judge, to imprisonment in the Western State Penitentiary for a period of not less than five nor more than ten years on each Indictment, the sentences to run consecutively.

The applicant has now served over nine years and three months of the combined sentence. The applicant was confined in the Beaver County jail for a period of three months before the imposition of the above sentence, and if allowed time for that period, would now have served within six months of his minimum sentence.

The report of the Board of Trustees of the Western State Penitentiary to the Board of Pardons shows that the applicant is now afflicted with tuberculosis. The Board is in receipt of a letter from Maurice W. Lipscher, a Senator from Ohio, and from Chief of Police John W. Turnbull, of the same City recommending commutation of the applicant's sentence and his release on parole.

Adequate employment has been provided and the parole

authorities of Ohio have agreed to accept the applicant for supervision.

The Board of Pardons is of the opinion that the long term served by the applicant's imprisonment, his present physical condition, and the recommendation received from his home State justifies it in granting the clemency requested, and, therefore, recommends that the maximum sentence on Bill No. 16 be commuted to a maximum term of 9 years, 3 months, and 29 days, expiring on January 23, 1942, and on Bill No. 14 from a minimum term of 5 years to a minimum term of 1 day expiring on January 24, 1942, and that the applicant remain on parole until January 23, 1952.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of Huston C. Hernanskey, B-4189, No. 1388, December Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the sentence of imprisonment imposed on Huston C. Hernanskey, convicted of (1) breaking and entering (2) larceny, and (3) receiving stolen goods, in the Oyer and Terminer Court of Fayette County, on the 26th day of June, 1934, be commuted on Bill No. 18/140 June Term, 1934, from a minimum term of 2½ years to a minimum term of 2 years, 3 months, and 23 days, expiring on January 19, 1942 (sentence on Bill No. 2/16 September Term, 1934 having been imposed to run concurrently with Bill No. 18/140 June Term, 1934 is likewise commuted).

Our reasons for making this recommendation are as follows:

The applicant for commutation of sentence entered his plea of guilty in the Oyer and Terminer Court of Fayette County on June 26, 1934 to Indictments Nos. 22/164; 18/140 June Term, 1934 and 2/16 September Term, 1934 charging breaking and entering with intent to commit a felony, larceny and receiving stolen goods, and was sentenced by the Honorable S. John Morrow, Judge, on Bill No. 22/164 to a term of imprisonment in the Western State Penitentiary of not less than five nor more than ten years; on Bill No. 18/140 to a term of not less than two and one-half nor more than five years, the said sentence to run consecutively and on Bill No. 2/16 September Term, 1934 to a term of not less than two and one-half nor more than five years to run concurrently with the sentence on Bill No. 18/140.

The applicant was confined in the Fayette County Jail on April 19, 1934 and remained there until he was removed to the Western State Penitentiary on June 26, 1934.

The applicant has served a term of imprisonment of more than seven and one-half years and his accomplice was released on parole on December 2, 1940.

The Board of Trustees of the Western State Penitentiary advises the Board of Pardons that if eligible for parole, they would probably recommend the applicant for parole on account of improvement in his conduct and general attitude, and his excellent institutional record for the past two years.

During his confinement at Rockview he was reprimanded for fighting another inmate and was returned to the Western State Penitentiary which affected his parole on the minimum sentence on Bill No. 22/164 which would have been effective on September 26, 1939, but was held over for an additional three months. With this extension, the minimum term on Bill No. 18/140 expires on March 26, 1942 and under the Act of 1937 the defendant would have been entitled to time spent in jail, had such sentence been imposed prior to the effective date of that Act.

Adequate employment and sponsorship has been provided for the applicant in case he is released on parole.

The Board feels that the applicant by reason of his long term of imprisonment and his conduct during the past two years, he is entitled to the time spent in the county jail awaiting trial, and therefore, recommends that the minimum term on Bill No. 18/140 be commuted from 2½ years to a new minimum term of 2 years, 3 months and 23 days, expiring on January 19, 1942 (sentence on Bill No. 2/16 September Term, 1934 having been imposed to run concurrently with Bill No. 18/140 June Term, 1934 is likewise commuted, and that the applicant remain on parole until September 26, 1944.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of Elmer Clyde Johnston, A-13338, No. 2016, December Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the life imprisonment sentence of Elmer Clyde Johnston, convicted of murder in the first degree in the Court of Oyer and Terminer and General Jail Delivery of Allegheny County on March 23, 1923, to be computed from April 24, 1924, be commuted from life imprisonment to 17 years and 9 months, expiring on January 25, 1942.

Our reasons for making this recommendation are as follows:

The applicant for commutation of sentence was convicted in the Court of Oyer and Terminer and General Jail Delivery of Allegheny County on March 23, 1923 under Indictment No. 64 April Term, 1922 charging murder in the first degree, and was sentenced to be electrocuted by the Honorable James Carpenter, Judge. This sentence was commuted to life imprisonment in the Western State Penitentiary by the Governor of the Commonwealth on April 25, 1924.

The applicant has now served almost twenty years for the commission of the crime of which he was convicted. Two accomplices of the applicant who were involved with him in the commission of the offense, have been paroled.

The Board of Trustees of the Western State Penitentiary in its report to the Board of Pardons stated that if eligible for parole, they would probably recommend the applicant on account of his excellent institutional record, the long term of confinement, the co-operative attitude,

and the further fact that both accomplices have been released.

The representative of the district attorney's office of Allegheny County, stated to the Board that their office had not objected to the granting of leniency at former hearings of applications of this applicant and they did not object now.

An adequate parole plan has been provided for the applicant and employment has been assured in case the applicant is able to pass a physical examination.

In view of the fact that the accomplices of the applicant have been paroled and that he has been sufficiently punished for the crime committed by the long term of imprisonment, the Board of Pardons is of the opinion that the ends of justice have been satisfied, and that the applicant by his institutional record and progress has shown such evidences of rehabilitation as to entitle him to take his place in society. The Board, therefore, recommends that the life sentence be commuted to a minimum term of 17 years and 9 months, expiring on January 25, 1942, and that the applicant remain on parole the balance of his natural life.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:
ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of Isaac Kaplan, D-4416, No. 1770, December Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Isaac Kaplan, convicted of setting fire to public building in the Court of Oyer and Terminer and Quarter Sessions of Montgomery County on October 1, 1934 to be computed from November 13, 1939 be commuted from 2½ years to 2 years and 2 months, expiring on January 13, 1942.

Our reasons for making this recommendation are as follows:

The applicant for commutation of sentence entered his plea of guilty in the Court of Oyer and Terminer of Montgomery County on the 1st day of October, 1934 to Indictment No. 204-3 June Term, 1934 charging setting fire to public building, and was sentenced to imprisonment in the Eastern State Penitentiary by the Honorable George C. Corson, Judge, for a term of not less than 2½ nor more than 5 years and to begin November 13, 1939 at the expiration of a sentence imposed November 13, 1931 of not less than four nor more than eight years for robbery and felonious entry.

The Board of Trustees of the Eastern State Penitentiary in a report to the Board of Pardons states: "* * * Applicant's institutional performance subsequent to the riot has been excellent. He has been employed for over 7 years in the plumbing gang and is a capable worker. He is not a member of any clique or gang in the institution. He receives visits and correspondence from his family. It is felt that this man has served sufficient additional time for the acts which he committed at the Graterford institution."

In a letter to the Board of Pardons the Honorable George C. Corson stated that he had no objection.

The District Attorney's office of Montgomery Count has made no objection to the granting of clemency to th applicant.

Very attractive employment awaits the applicant an an adequate parole plan has been arranged.

The Board of Pardons feels that the applicant has bee sufficiently punished and that his prison record holds strong promise of sufficient rehabilitation to justify it i permitting him to try again to live an honest life amon his fellow men. The Board, therefore, recommends tha the minimum sentence imposed on Bill No. 204-3 Jun Term, 1934 be commuted to a new minimum term of years and 2 months, expiring on January 13, 1942, and tha the applicant remain on parole until November 13, 1944

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:
ARTHUR H. JAMES.
Governor.

BOARD OF PARDONS

In re application of Albert Knapp, B-5993, No. 496 December Session, 1941.

To His Excellency, the Governor of the Commonwealth Pennsylvania:

Sir: The above application having been heard, upon du public notice, in open session, the undersigned membe of the Board of Pardons recommend that the sentence imprisonment imposed on Albert Knapp, convicted of (accessory before the fact to robbery with an offensive we pon (2) accessory after the fact after robbery with offensive weapon, in the Quarter Sessions Court of Ve ango County, on the 8th day of March, 1938, be commute on Bill No. 29 April Term, 1938, from a minimum term 8½ years to a minimum term of 3 years and 10 months, e piring on January 4, 1942. (Sentence was to be compute from March 4, 1938).

Our reasons for making this recommendation are follows:

The applicant for commutation of sentence entered h plea of guilty in the Quarter Sessions of Venango Coun on March 8, 1938 to Indictment No. 29 April Term, 19 charging (1) accessory before the fact to robbery with offensive weapon (2) accessory after the fact after ro bery with an offensive weapon, and was sentenced by t Honorable Lee A. McCracken, Judge, to a term of impr sonment in the Western State Penitentiary for not le than seven and one-half nor more than fifteen years one count and not less than one nor more than two yea on another count, sentences to be served consecutively a to be computed from March 4, 1938.

The Board of Trustees of the Western State Penitentia in its report to the Board of Pardons advises that if eli ible for parole, they would probably recommend t parole of the applicant for the reason that it is his fir actual imprisonment and that his institutional record h been excellent.

The Honorable Lee A. McCracken, the trial judge, in letter to the Board writes: "* * * I am in receipt of letter from Mr. Cyrus Proper of Union City, Penna., offe ing to give the applicant employment and some supe vision. I am quite a believer in placing on parole tho who have gone astray. If the home offered by Mr. Prop meets with the approval of the Board I would favor gran ing the prayer of this petition."

The Board has been furnished with an affidavit made

Robert Miller an accomplice of the applicant, which relieves the applicant of guilty knowledge of the crime committed.

The district attorney of Venango County has not objected to the granting of leniency to the applicant.

Adequate employment and favorable parole plan has been provided for the applicant in case he is released.

In view of the term of imprisonment already served by the applicant and the doubt raised by reason of the affidavit of the accomplice, the Board of Pardons is of the opinion that sufficient time has been served by the applicant for a crime of which he might not have had knowledge and for which he should not have been convicted. His excellent record achieved in spite of the feeling he must have entertained as to the justice of his conviction, convinces the Board of sufficient rehabilitation to justify his release in order that he might have an opportunity to become a useful citizen. The Board, therefore, recommends that the mininum sentence of 8½ years be commuted to a new minimum term of 3 years and 10 months, expiring on January 4, 1942, and that the applicant remain on parole until March 4, 1955.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:
ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of Harry Winfield Luke, D-1181, No. 4086, December Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the maximum sentence of imprisonment imposed on Harry Winfield Luke, convicted of armed to rob, in the Oyer and Terminer and Quarter Sessions Court of Philadelphia County, on the 13th day of March, 1936, be commuted from ten years to a minimum term of 3 years, 10 months, and 8 days, expiring on January 12, 1942.

Our reasons for making this recommendation are as follows:

The applicant for commutation of sentence was convicted in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County on March 13, 1936 charging being armed to rob, and was sentenced by the Honorable Harry S. McDevitt, Judge, to a term of imprisonment in the Eastern State Penitentiary of not less than two nor more than ten years.

He was released on parole on the 9th day of April, 1938.

On September 20, 1939 he was arrested for operating a motor vehicle while intoxicated and was sentenced to three months in the Philadelphia County Prison. He was returned to the Eastern State Penitentiary as a parole violator on April 30, 1940 and has been confined therein since that time, or for a period of one year and nine months.

The Board of Trustees of the Eastern State Penitentiary reports to the Board of Pardons that: "(1) * * * Applicant has maintained a very good prison record and has shown considerable interest in self-improvement, by his study of automobile mechanics, and that (2) * * * The total time served so far is probably sufficient punishment as it represents more time than is generally imposed for operating an automobile while intoxicated."

The Honorable Harry S. McDevitt, Judge, in a letter to the Board of Pardons writes: "* * * His prison record is good and he has shown considerable interest in self improvement. He has now served approximately two years as a result of his conviction for drunken driving, but I don't think that he should be required to serve his eight years back time because of this offense. I would feel inclined to give him another chance."

The district attorney's office also makes no objection to a commutation.

The Supervisor of Paroles in a report to the Board states: "* * * If a satisfactory parole plan is arranged in this case, and if the application meets with the approval of the convicting authorities, the Supervisor of Paroles will have no objection to the granting of clemency."

A field agent of the Board, in a report states that the employment provided for the applicant is satisfactory and that sponsorship has been provided.

The Board of Pardons is of the opinion that the applicant has been sufficiently punished for his parole violation and in view of his institutional conduct and the recommendation made by Judge McDevitt, it is convinced that if released he will endeavor to lead an honest life. The Board, therefore, recommends that the maximum sentence of 10 years be commuted to a new minimum term of 3 years, 10 months, and 8 days, expiring on January 12, 1942, and that the applicant remain on parole until March 7, 1948.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:
ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of Joseph Michael Madden, D-2135, No. 5528, December Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the sentence of imprisonment imposed on Joseph Michael Madden, convicted of robbery, in the Oyer and Terminer Court of Wyoming County, on the 15th day of April, 1937, be commuted on Bill No. 25 April Term, 1937, from a minimum term of 6 years to a minimum term of 4 years and 9 months, expiring on January 15, 1942; and on Bill No. 26 from a minimum term of 4 years to a minimum term of 1 day, expiring on January 16, 1942.

Our reasons for making this recommendation are as follows:

The applicant for commutation of sentence was convicted in the Court of Oyer and Terminer of Wyoming County on the 15th day of April, 1937 on Indictment No. 25 April Term, 1937 charging robbery, and on the same day he entered his plea of guilty to Indictment No. 26 April Term, 1937 charging robbery, and was sentenced by the Honorable Edward B. Farr, Judge, on Bill No. 25 to a term of imprisonment in the Eastern State Penitentiary for not less than six nor more than twenty years and on Bill No. 26 for not less than four nor more than twenty years, sentences to run consecutively.

The applicant has now served over four years and eight months.

The Board of Trustees of the Eastern State Penitentiary reports to the Board of Pardons that: "* * * Judging on the basis of this man's performance and the presence of an exceptional parole plan, it is felt that he would have a good opportunity of succeeding if released."

The Honorable Edward B. Farr, Judge, in a letter to the Board writes: "* * * With reference to your form letter of November 21st accompanied by a copy of the application for parole, I have no objections to the young man being placed upon parole or probation for the balance of his term. It seems to me that with a long maximum sentence that he has he will guard his conduct until he gets to the point in life where he will see that crime does not pay."

No objection has been made by the office of the district attorney of Wyoming County to the granting of leniency in this case.

An approved parole plan has been arranged and employment awaits the release of the applicant.

The Board of Pardons in view of the favorable report of the Board of Trustees of the Eastern State Penitentiary on the probability of his success if released, and the letter of the sentencing court, is of the opinion that sufficient time has been served and that the applicant is sufficiently rehibilitated to again take his place in society. The Board, therefore, recommends that the minimum sentence be commuted and that the applicant remain on parole until January 16, 1962.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of John Manion, B-3517, No. 3099, December Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of John Manion, convicted of murder in the second degree in the Court of Oyer and Terminer of Allegheny County on December 21, 1932, be commuted from 9 years, 8 months, and 25 days to 9 years and 1 month, expiring on January 21, 1942.

Our reasons for making this recommendation are as follows:

The applicant for commutation of sentence entered his plea of guilty in the Court of Oyer and Terminer of Allegheny County on the 21st day of December, 1932 to Indictment No. 137 September Sessions, 1932 charging murder in the second degree, and was sentenced by the Honorable J. N. Langham, Judge, to imprisonment in the Western State Penitentiary for a term of not less than ten nor more than twenty years.

The applicant had no previous criminal history.

The Board of Trustees of the Western State Penitentiary reports that if eligible for parole, it would probably recommend for parole (1) first conviction (2) excellent institutional record (3) co-operative inmate (4) has served 13½ years.

The crime was the result of a drunken brawl and was committed in the heat of passion occasioned by a beating administered to him by his subsequent victim.

Employment is promised the applicant upon his release and his prospective employer has agreed to become his sponsor.

The Board of Pardons after a re-hearing of the application and upon a reconsideration, therefore, recommends that the minimum term of 9 years, 8 months, and 25 days, expiring on September 16, 1942, as recommended on October 31, 1941, be commuted to a new minimum term of 9 years and 1 month, expiring on January 21, 1942, and that the applicant remain on parole until December 21, 1952.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of George Mazey, B-6690, No. 5520, December Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of George Mazey, convicted of robbery in the Court of Oyer and Terminer of Allegheny County on April 20, 1939 to be computed from March 16, 1939 be commuted from 5 years to 2 years and 10 months, expiring on January 16, 1942.

Our reasons for making this recommendation are as follows:

The applicant for commutation of sentence entered his plea of guilty on the 20th day of April, 1939 in the Court of Oyer and Terminer of Allegheny County to Indictment No. 57 April Term, 1939 charging robbery, and was sentenced by the Honorable W. H. Dithrich, Judge, to a term of imprisonment in the Western State Penitentiary of not less than five nor more than ten years and sentence to be computed from March 16, 1939.

The applicant had no previous criminal record and he has now served over two years and 10 months of his sentence.

The Board of Trustees of the Western State Penitentiary reports to the Board of Pardons that his prison and conduct record has been excellent and if eligible for parole, it would probably recommend on account of such record and the fact that it is his first conviction.

One of the accomplices of the applicant in the crime for which he is now serving time, was paroled on July 30, 1941.

The representative of the district attorney's office of Allegheny County advises the Board that at this time they are not opposed to the granting of clemency.

An adequate parole plan has been arranged for the applicant and employment has been provided in case he is released.

The Board of Pardons is of the opinion that the applicant in view of his excellent institutional record and that this is his first conviction, should be given another opportunity to lead an honest and law-abiding life and become a useful citizen in his community.

The Board, therefore, recommends that the minimum sentence of five years be commuted to a new minimum term of two years and ten months, expiring on January 16,

1942, and that the applicant remain on parole until March 16, 1949

Respectfully submitted.

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of James J. McAllister, No. 5296, December Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that James J. McAllister, convicted of operating an automobile while intoxicated, in the Court of Quarter Sessions and Municipal Court of Philadelphia County, on October 30, 1939, be pardoned.

Our reasons for making this recommendation are as follows:

The applicant for a full and absolute pardon was convicted in the Quarter Sessions and Municipal Courts of Philadelphia County on October 30, 1939 under Indictment No. 966 January Sessions, 1939 charging operating an automobile while intoxicated, and was sentenced by the Honorable Thomas D. Finletter, Judge, to pay a fine of $50 and make restitution to the private prosecutor in the amount of $33. There was no prison sentence and the applicant has been in no trouble since the commission of this offense.

The applicant lives with his wife and child in Philadelphia and is desirous that the stigma of this conviction be removed from his record in order that he might be able to secure more remunerative employment which has been offered him in the event that his record is cleared.

No objection has been made to the granting of clemency by the Board, by either the District Attorney's office or the Trial Judge.

The Board feels that the applicant has been sufficiently punished for the crime committed, which was such a nature as to show no criminal tendencies on the part of the applicant, and that the opportunity to better his position which will be made possible by the removal of the record of this conviction, is due him. The Board, therefore, recommends that a full and absolute pardon be granted to the applicant, James J. McAllister.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of William N. McLaughlin, B-4561, No. 3238, December Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of William N. McLaughlin, convicted of murder in the second degree in the Court of Oyer and Terminer of Allegheny County on May 17, 1935 be commuted from 7 years to 6 years, 9 months and 9 days, expiring on February 26, 1942.

Our reasons for making this recommendation are as follows:

The applicant for commutation of sentence entered his plea of guilty in the Oyer and Terminer Court of Allegheny County on May 17, 1935 to Indictment No. 31 April Term, 1935 charging murder, and was adjudged guilty by the Honorable M. Ward Fleming, Judge, of murder in the second degree and was sentenced to a term of imprisonment in the Western State Penitentiary for not less than seven nor more than fourteen years.

The applicant had no previous criminal record and has now served over six and one-half years of his sentence.

The Board of Trustees of the Western State Penitentiary in a report to the Board of Pardons advises that if eligible for parole, they would probably recommend the applicant by reason of the fact that this was his first conviction and that he has had an excellent record and has been a cooperative inmate.

The Honorable M. Ward Fleming, Judge, who imposed the sentence advises the Board that he is satisfied with the determination of the Board.

The applicant was arrested and imprisoned in the Allegheny County Jail on the 27th day of February, 1935, and was not sentenced until May 17, 1935 and would be entitled to credit for the time served before sentenced, amounting to two months and twenty-two days.

The representatives of the district attorney's office of Allegheny County advises the Board that his office had no objection to the allowance of the time served awaiting trial.

The Board of Pardons is of the opinion that the applicant is entitled to this credit, in view of the fact, that persons convicted since the Act of 1937 are allowed such time, and it would, therefore, recommend that the minimum sentence of seven years be commuted to a new minimum term of six years, nine months, and nine days, expiring on February 26, 1942, and that the applicant remain on parole until May 17, 1949.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of Franklin Melvin, C-9208, No. 4840, December Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members

of the Board of Pardons recommend that the sentence of imprisonment imposed on Franklin Melvin, convicted of burglary, in the Oyer and Terminer and Quarter Sessions Courts of Philadelphia County, on the 11th day of March, 1937, be commuted on Bill No. 449 from a minimum term of one year to a new minimum term of ten months, expiring on January 5, 1942. (Has been granted parole on Bills Nos. 445, 446, 447, and 448).

Our reasons for making this recommendation are as follows:

The applicant for commutation of sentence entered his plea of guilty in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County on March 11, 1937 to Indictments Nos. 445, 446, 447, 448, and 449 March Term, 1937 charging burglary, and was sentenced by the Honorable Harry S. McDevitt, Judge, to imprisonment in the Eastern State Penitentiary for a term of not less than one nor more than five years on each bill, the sentences to run consecutively and to be computed from March 5, 1937.

The applicant was twenty-one years old when he entered his plea of guilty before Judge McDevitt and has now served over four years and nine months of his minimum sentence.

The applicant's institutional record has been satisfactory.

James W. Tracey, Jr., Esquire, representing the office of the District Attorney of Philadelphia County stated to the Board of Pardons that the applicant had served a substantial part of his minimum sentence, that the crime did not involve the use of a deadly weapon and the office was not opposed if he has shown signs of rehabilitation.

Adequate employment and a satisfactory parole plan have been provided.

The Board of Pardons is of the opinion that sufficient time has been served by the applicant to satisfy the ends of justice and that his satisfactory prison record is evidence of the rehabilitation desired by the District Attorney's office. The Board, therefore, recommends that the minimum sentence imposed on Bill No. 449 be commuted to a new minimum term of ten months, expiring on January 5, 1942, and that the applicant remain on parole until January 5, 1946.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA.
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of Joe Mihalcin, B-2119, No. 4293, December Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the life imprisonment sentence of Joe Mihalcin, convicted of murder in the first degree in the Court of Oyer and Terminer of Mercer County on July 7, 1930 be commuted from Life Imprisonment to 11 years and 7 months, expiring on January 7, 1942.

Our reasons for making this recommendation are as follows:

The applicant for commutation of sentence entered his plea of guilty in the Oyer and Terminer Court of Mercer County on July 7, 1930 to Bill of Indictment No. 73 April Sessions, 1930 charging murder in the first degree, and was sentenced by the Honorable J. A. McLaughry, Judge, to imprisonment for life in the Western State Penitentiary.

The applicant was seventeen years of age when the crime for which he is now confined was committed and there seems to be some question as to whether he was actually present when the murder was committed. He has now served over eleven and one-half years in the Western State Penitentiary.

The Board of Trustees of the Western State Penitentiary advises the Board of Pardons that if eligible for parole, they would probably recommend by reason of (1) youth at time of conviction (2) has served almost eleven and one-half years and (3) excellent institutional adjustment.

Leo H. McKay, Esquire, who was district attorney at the time of the sentence of the applicant in a letter to the Board of Pardons states: "* * * On account of his extreme youth when the crime was committed, it seems to me that the ends of justice would be best met by giving him an opportunity to go out into society and lead a useful life." The present district attorney of Mercer County advises the Board that his office has no objection to the Board granting clemency to the applicant. Judge George H. Rowley, President Judge of Mercer County in a letter to the chairman of the Board states: "* * * We feel warranted in saying that we know of no reason why his application should not have your favorable consideration."

Adequate employment and sponsorship has been provided for the applicant in case he is released on parole.

The Board is of the opinion that in view of the extreme youth of the applicant at the time of his conviction, the time served, and the excellent institutional record added to the opinion expressed by the convicting authorities of Mercer County, it is justified in extending to the applicant another opportunity to lead an honest and law-abiding life in the outside world. The Board, therefore, recommends that the life sentence be commuted to a minimum term of 11 years and 7 months, expiring on January 7, 1942, and that the applicant remain on parole the balance of his natural life.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of Nicholas Monko, No. 5543, December Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Nicholas Monko, convicted of burglary in the Court of Quarter Sessions of Chester County, on May 17, 1920, be pardoned.

Our reasons for making this recommendation are as follows:

The applicant for a full and absolute pardon entered his plea of guilty in the Court of Quarter Sessions of Chester County on May 17, 1920 to Indictment No. —— August Sessions, 1920 charging burglary, and was sentenced by the Honorable W. Butler Windle, Judge, to the Hunting-

don Reformatory. During the month of February, 1918 the applicant had also broken into a cigar and candy store in Lancaster County and stole cash, candy, and other merchandise amounting in all to less than ten dollars, and was sentenced to Glen Mills School.

At the time of the commission of the latter offense he was thirteen years of age and was only fifteen when the second offense was committed

Applicant is now over thirty-six years of age and has not been in conflict with the law since his release from the Huntingdon Reformatory. He is married, the father of two children, and is gainfully employed at Astoria, Long Island, in the State of New York.

The applicant is desirous of becoming a citizen of the United States and in order to achieve that end, it is necessary for him to obtain a pardon.

The convicting authorities of Chester County have advised the Board of Pardons that they have no objection to the granting of clemency.

The Board of Pardons is of the opinion that the conduct of applicant since the commission of the offense for which he was sentenced so many years ago, is convincing evidence of his complete rehabilitation and qualifies him to become an American citizen. The Board, therefore, recommends that a full and complete pardon be granted to Nicholas Monko, the applicant.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of James Mowad, D-4273, No. 5247, December Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of James Mowad, convicted of arson in the Court of Oyer and Terminer of Lackawanna County on March 2, 1939, be commuted from 5 years to 2 years and 10 months, expiring on January 2, 1942.

Our reasons for making this recommendation are as follows:

The applicant for commutation of sentence was convicted in the Court of Oyer and Terminer of Lackawanna County on March 2, 1939 under Indictment No. 23 May Sessions, 1938 charging arson, and was sentenced by the Honorable Samuel E. Shull, Judge, to imprisonment in the Eastern State Penitentiary for a term of not less than five nor more than ten years.

An appeal was taken from the decision of the Court in refusing to grant a new trial, to the Superior Court and that Court sustained the decision of the lower court. Honorable Chester H. Rhodes, a judge of the Superior Court, however, filed a dissenting opinion in which he stated: ". . . My analysis of the evidence convinces me that it is insufficient in volume and quality to overcome the presumption of defendant's innocence. . . . This defendant's conviction should not be sustained on proof that does not measure up to the legal requirements, although the facts and circumstances may create a suspicion of guilt. I would therefore reverse the judgment and discharge defendant."

The applicant has now served almost three years of a sentence imposed for the commission of a crime of which, in the opinion of a Judge of the Superior Court, there is doubt as to his guilt.

The Board of Trustees of the Eastern State Penitentiary in its report to the Board of Pardons states: ". . . He was transferred to the Lackawanna County Prison on August 9, 1940. The Warden of that institution reports that his record there has been good. He is employed in the laundry and is considered to be a good worker. While at the Graterford institution he attempted to improve himself by attending school for 9½ months and made good progress in academic work. According to the last report received, the Lackawanna County Prison authorities state, 'Our Staff would recommend him for parole.'"

The Honorable Samuel E. Shull, Judge, in a letter to the Board of Pardons stated that the record disclosed all he knew concerning the applicant.

The district attorney's office of Lackawanna County has not objected to the granting of clemency to the applicant.

Satisfactory employment is assured the applicant and an adequate parole plan has been arranged.

The Board of Pardons is of the opinion that the defendant has already been sufficiently punished for any part he had in the crime of which he was convicted and that his prison record and attitude entitles him to the clemency he craves. The Board, therefore, recommends that the minimum sentence of 5 years be commuted to a new minimum term of 2 years and 10 months, expiring on January 2, 1942, and that the applicant remain on parole until March 2, 1949.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of Hugh J. Murtagh, No. 4928, December Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Hugh J. Murtagh, convicted of (1) embezzlement by attorney (2) assault with intent to kill (3) fraudulent conversion (4) playfully and wantonly pointing a firearm and (5) carrying concealed deadly weapons, in the Court of Quarter Sessions of Philadelphia County, on July 29, 1938, be pardoned.

Our reasons for making this recommendation are as follows:

The applicant for a full and absolute pardon entered his plea of Nolle Contendere in the Courts of Quarter Sessions of Philadelphia County on the 29th day of July, 1938 to Indictment No. 977 June Term, 1938 charging embezzlement by attorney, and was adjudged guilty and sentenced by the Honorable James C. Crumlish, Judge, to a term of not less than two and one-half nor more than five years in the Philadelphia County Prison. Sentence to be computed from July 21, 1938. On the same day the applicant also entered a plea of Nolle Contendere on Indictment No. 663 charging assault with intent to kill; on Bill No. 664 charging assault with intent to kill; on Bill No. 665 charging fraudulent conversion; on Bill No. 666 charging

fraudulent conversion; and on Bills Nos. 667, 669, 670, and 671 each charging playfully and wantonly pointing a firearm; and on Bill No. 672 charging carrying concealed deadly weapons. In each case he was adjudged guilty by Judge Crumlish and sentence suspended.

The applicant was released on parole in September, 1939 and since that time, he has not been in any conflict with the law.

At the time of his conviction the applicant was a practicing member of the Philadelphia County Bar and had never been convicted or charged with any crime. Following his conviction in this case, he was disbarred from further practice in the County of Philadelphia. The applicant was charged with misappropriation of certain securities belonging to clients.

The charge involving assault and battery and carrying concealed deadly weapons grew out of an incident following the frustration of his plans of restitution. All of the prosecutors in the cases set forth have expressed their unwillingness to have any sentence imposed. Frederick V. Hebard, Esquire, a member of the Philadelphia County Bar, who was the principal witness against the applicant, in a letter writes: "* * * I feel very strongly that this pardon should be granted."

The prosecution authorities of Philadelphia County are content to leave the granting of clemency entirely to the Board of Pardons and have made no objection.

The applicant has been unable to secure such type of employment for which he is fitted by education and training by reason of the record of these convictions, and since his release on parole, he has been unable to obtain lucrative employment.

The Board of Pardons feels that the humiliation and disgrace, as well as the actual imprisonment served has more than sufficiently punished the applicant for the crime committed, that he is entitled to an opportunity to secure the kind of employment for which he is best fitted, and that it is justified in extending its clemency in order to make it possible for him to better provide for himself and family. The Board, therefore, reccommends that a full and absolute pardon be granted to the applicant, Hugh J. Murtagh.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of John Joseph Musick, C-9734, No. 5391, December Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the life imprisonment sentence of John Joseph Musick, convicted of murder in the first degree in the Court of Oyer and Terminer and Quarter Sessions of Lackawanna County on May 31, 1934 be commuted from life imprisonment to 7 years and 9 months, expiring on January 31, 1942.

Our reasons for making this recommendation are as follows:

The applicant for commutation of sentence, when less than nineteen years of age, was convicted in the Court of Oyer and Terminer and Quarter Sessions of Lackawanna County on the 31st day of May, 1934 of murder of the first degree under Indictment No. 1 of May Term, 1934 and was sentenced by the Honorable William R. Lewis, Judge, to life imprisonment in the Eastern State Penitentiary.

The applicant at that time had no criminal record and had lived with his father whose sudden killing led to his arrest and conviction.

The Board of Trustees of the Eastern State Penitentiary in its report to the Board of Pardons states: "* * * When this man was received in the institution, he was greatly confused and demonstrated definite evidence of fear. He is quiet and excessively self-conscious. He has been employed as a mess attendant in the officer's mess for over 6 years and is considered to be a conscientious worker. He has made some attempt to improve himself by studying an argiculture course in dairying and livestock. He has always maintained a constructive attitude and does not associate with any of the inmates. He corresponds and receives visits from his sister and friend. A number of prominent people of Scranton have taken an interest in this man's case and they feel that his confession resulted from fear. If these facts are true, he is undoubtedly eligible for favorable consideration."

The Honorable William R. Lewis, Judge, who presided at the trial of the applicant in a letter to the Board writes: ". . . During the trial I was decidedly impressed by the story as told by the young man and related in his application for clemency, and by his conduct and appearance while on the stand. I had some doubt as to his guilt at the conclusion of the trial and that doubt still persists. The applicant is a young man and may yet become a valuable member of society. In my judgment he has been sufficiently punished, and I am of the opinion that he is entitled to favorable consideration if his conduct as a prisoner warrants such consideration."

The representative of the district attorney's office of Lackawanna County stated to the Board that they did not agree with the theory of innocence but believed that the boy should be given an opportunity.

The Board of Pardons after a very thorough and careful study of all the facts in connection with the commission of the crime of which the applicant was convicted, is of the opinion that grave doubt exists as to the guilt of the applicant and even more doubt as to the degree of his guilt if he was actually responsible for the killing.

The more than seven and a half years spent by the young man behind locked doors has been sufficient punishment for a lesser degree of murder than that for which he was sentenced and his splendid prison record is a convincing argument for his release.

A very satisfactory parole arrangement has been provided and employment is promised.

The Board, therefore, recommends that the life sentence of imprisonment be commuted to a minimum term of 7 years and 9 months, expiring on January 31, 1942, and that the applicant remain on parole the balance of his natural life.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of George Nesbitt, D-4433, No. 5544, December Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of George Nesbitt, convicted of larceny in the Court of Quarter Sessions of Luzerne County on October 5, 1939 to be computed from October 1, 1939 be commuted from 3 years to 2 years and 3 months, expiring on January 5, 1942.

Our reasons for making this recommendation are as follows:

The applicant for commutation of sentence entered his plea of guilty in the Quarter Sessions Court of Luzerne County on October 5, 1939 to Bill of Indictment No. 679 September Sessions, 1939 charging larceny, and was sentenced by the Honorable Thomas F. Farrell, Judge, to a term of imprisonment in the Eastern State Penitentiary of not less than three nor more than six years.

The crime committed by the applicant consisted of a series of petty thefts from store of a man for whom he worked in return for permissions to sleep in his place of business and the value of the merchandise taken amounted to approximately $18.98.

The applicant was transferred to the Luzerne County Prison on March 8, 1940 and the Warden of that institution reports that his institutional record has been excellent and that they recommend favorable consideration of his application.

A representative of the district attorney's office of Luzerne County appeared before the Board and stated that the office felt very sympathetic to the applicant and recommended a commutation.

Adequate employment and sponsorship has been provided for the applicant in case he is released on parole.

The applicant has already served over two years and two months of his sentence and the Board feels that he has been sufficiently punished for the crime committed. and it, therefore, recommends that the minimum sentence be commuted to a new minimum term of two years and three months, expiring on January 5, 1942, and that the applicant remain on parole until October 5, 1945.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of Thomas O'Dowd, B-3804, No. 151-A, December Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the sentences of imprisonment imposed on Thomas O'Dowd, convicted of felonious entry, in the Oyer and Terminer Court of Mifflin Counnty, on February 4, 1928; and of breaking and escaping penitentiary, in the Quarter Sessions Court of Centre County, on September 13, 1933, be commuted on Bill No. 4 May Session 1928, from a maximum term of 2 years to a minimum term of 1 year six months, 28 days, expiring Dec. 19, 1941; on Bill No. 5 from a minimum term of 2 years to a minimum term of 1 day, expiring on Dec. 20, 1941; and on Bill No. 22 from a minimum term of 2 years to a minimum term of 1 day, expiring on December 21, 1941.

The applicant is one of many prisoners whose release on parole has been affected by the opinion of the Supreme Court in the case of Commonwealth of Pennsylvania ex rel. Thomas Lynch v. Stanley P. Ashe, Warden of the Western State Penitentiary, 320 Pa. 341. In this opinion it was held that unless a prisoner, who was serving sentences imposed to run consecutively, was recommended and approved for parole at the expiration of the first minimum sentence, he would be serving the maximum of that sentence, and if no recommendation for parole was made at the expiration of the second and subsequent minimum of sentences imposed to run consecutively, the prisoner would be serving the maximum of the second and subsequent sentences. In other words, a prisoner serving an indeterminate sentence is not automatically paroled at the expiration of the minimum term but is merely eligible for parole at that time, and if not favorably considered by the Prison Board at any time thereafter, the prisoner is required to serve the full sentence. (And also in the opinion of the Superior Court in the case of Anthony Marcise, Appellant v. The Board of Trustees of the Eastern State Penitentiary).

It was the custom for a long period of time for the officials of both the Eastern and Western State Penitentiaries to lump consecutive sentences and the Boards of Trustees would only make recommendations for release on parole at the expiration of the period of time equal to the total of the minimum sentences.

Since the Supreme Court held this procedure improper, the applicant and others, whose cases were not considered for parole at the expiration of their minimum sentences, through no fault of their own, will have to serve a much longer period of time than contemplated by the sentencing judge and the prison officials.

The failure of the Board of Trustees to make the necessary recommendations for parole at the expiration of the minimum sentences was an honest mistake, as most, if not all, sentencing judges shared the same view as the prison officials in deeming it to be unnecessary to make recommendations for parole at the expiration of the minimum of every consecutive sentence. Sentencing judges throughout the state have uniformly believed and taken into consideration in passing sentences the Prison Board practice that consecutive sentences would be lumped making a total minimum and a total maximum.

We believe that a great injustice would be done and that it would be most unfair to keep the applicant incarcerated for a longer period of time than recommended by the Board of Trustees of the institution in which the applicant is confined.

Respectfully submitted,

S. S. LEWIS,
Lieutenant-Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.,
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of George Plies, B-6639, No. 5288, December Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the sentence of imprisonment imposed on George Plies, convicted of rob-

bery, in the Oyer and Terminer Court of Allegheny County, on the 16th day of March, 1939, be commuted on Bill No. 58 March Sessions, 1939, from a maximum term of 5 years to a minimum term of 2 years, 9 months, and 10 days, expiring on December 17, 1941; and on Bill No. 60 from a minimum term of 2½ years to a minimum term of 1 day, expiring on December 18, 1941. (Sentence to begin March 7, 1939).

Our reasons for making this recommendation are as follows:

The applicant for a commutation of sentence entered his plea of guilty in the Court of Oyer and Terminer of Allegheny County on the 16th day of March, 1939 to Indictments Nos. 58 and 60 March Sessions, 1939 charging robbery, and was sentenced by the Honorable W. Heber Dithrich, Judge, to imprisonment in the Western State Penitentiary for a term of not less than two and one-half nor more than five years on each indictment, the sentences to run consecutively. Sentence to be computed from March 7, 1939.

The applicant has now served more than two years and nine months and the Board of Pardons has been advised by J. G. Weixel, M. D., Resident Physician that: ". . . We are still of the opinion that he is suffering from Pituitary Cachexia. His condition has progressed until he has lost 115 pounds and is now so weak that he has had several fainting attacks. It is necessary for him to remain in bed almost constantly. We have tried various therapeutic procedures, which have all been without beneficial results and the condition is progressing in spite of any treatment. His present weight is 96½ pounds. I now feel that the prognosis in this case is hopeless and if any steps are to be taken for his release from this institution before he dies, they should be started without delay."

The Board of Pardons is of the opinion that the physical condition of the applicant compels its leniency, and, would therefore, recommend that the maximum sentence on Bill No. 58 be commuted to a minimum term of 2 years, 9 months, and 10 days, expiring on December 17, 1941; and on Bill No. 60 from a minimum term of 2½ years to a minimum term of 1 day, expiring on December 18, 1941, and that the applicant remain on parole until December 17, 1946.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of Joseph Rabena, D-1544, No. 3215, December Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the sentence of imprisonment imposed on Joseph Rabena, convicted of robbery, being armed with an offensive weapon, in the Quarter Sessions Court of Philadelphia County, on the 25th day of August, 1936, be commuted on Bill No. 574 August Term, 1936 from a minimum term of 5½ years to a minimum term of 5 years and 5 months, expiring on January 25, 1942; and on Bill No. 847 August Term, 1935, from a minimum term of 1 year to a minimum term of 1 day, expiring on January 26, 1942.

Our reasons for making this recommendation are as follows:

The applicant for commutation of sentence entered his plea of guilty in the Court of Quarter Sessions of Philadelphia County on August 25, 1936 to Indictment No. 574 August Term, 1936 charging robbery, being armed with an offensive weapon, and was sentenced by the Honorable Raymond MacNeille, Judge, to imprisonment in the Eastern State Penitentiary for a term of not less than 5½ nor more than 20 years. On September 28, 1936 the sentence was reconsidered, he was transferred to the Philadelphia County Prison to await a new trial but on the same day he again entered a plea of guilty to the same indictment and was re-sentenced to the Eastern State Penitentiary for the same term to be computed from August 25, 1936.

A detainer has been lodged against him for the violation of probation granted on Indictment No. 845 August Term, 1935.

The applicant has been confined for a period of over five years and four months and the minimum term of the sentence imposed on Bill No. 574 would expire on February 25, 1942.

The Board of Trustees of the Eastern State Penitentiary reports to the Board of Pardons that: ". . . This man is one of the well-behaved prisoners who has demonstrated consistently a constructive interest in his family. He has been recommended by the Board of Trustees of this institution for parole at the expiration of his minimum sentence on February 25, 1942, subject to detainer."

The Honorable Raymond MacNeille, Judge, who sentenced the applicant, has left the matter of clemency to the Board.

James W. Tracey, Jr., Esquire, representing the office of the district attorney of Philadelphia County, advised the Board of Pardons that the conviction under Indictment No. 574 was not a parole violation, as the crime which was the basis of that conviction was committed before the sentence imposed February 27, 1936 on Indictment No. 847 August Term, 1935. He further stated that the district attorney's office had no objection to the granting of leniency.

Adequate employment awaits the release of the applicant and a satisfactory parole plan has been provided.

The Board of Pardons is of the opinion that sufficient time has been served by the applicant for the crime committed and that the applicant has by his constructive prison conduct fully demonstrated his fitness to take his place in society. The Board, therefore, recommends that the minimum sentence be commuted and the applicant remain on parole until January 26, 1962.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of Charles Rice, C-8427, No. 5519, December Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Charles Rice, convicted of robbery, being armed with an offensive weapon in the Court of Oyer &

Terminer and Quarter Sessions of Philadelphia County on November 23, 1932 be commuted from 10 years to 9 years and 2 months, expiring on January 23, 1942.

Our reasons for making this recommendation are as follows:

The applicant for commutation of sentence entered his plea of guilty in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County on the 23rd day of November, 1932 to Indictment No. 755 November Sessions, 1932 charging robbery, being armed with an offensive weapon, and was sentenced by the Honorable Howard A. Davis, Judge, to a term of imprisonment in the Eastern State Penitentiary of not less than ten nor more than twenty years.

The applicant was but twenty years old when he began the serving of the sentence and has now been confined for over nine years.

The Board of Trustees of the Eastern State Penitentiary in its report to the Board of Pardons states: "He is employed as a night operator at the disposal plant and is considered to be a trusted and industrious worker. He spends his leisure time practicing on musical instruments. He corresponds and receives visits from his family and relatives. This inmate's marked improvement in institutional performance merits some consideration."

Adequate sponsorship has been provided for the applicant and temporary employment to last until he has secured definite employment has been arranged.

The conduct of the applicant during the years he has spent in confinement is definite evidence of a desire to live an honest life when finally liberated and the Board of Pardons is of the opinion that his long term of imprisonment has fully satisfied the ends of justice. The Board, therefore, recommends that the minimum sentence of ten years be commuted to a new minimum term of nine years and two months, expiring on January 23, 1942, and that the applicant remain on parole until November 23, 1952.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES.
Governor.

BOARD OF PARDONS

In re application of Charles Rosenbaum, C-9776, No. 3950, December Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the sentence of imprisonment imposed on Charles Rosenbaum, convicted of burglary, in the Oyer and Terminer and Quarter Sessions Court of Philadelphia County, on the 26th day of June, 1934, be commuted on Bill No. 623 June Term, 1934 from a minimum term of 5 years to a minimum term of 2 years, 6 months, and 19 days, expiring on January 15, 1942.

Our reasons for making this recommendation are as follows:

The applicant for commutation of sentence entered his plea of guilty in the Court of Oyer and Terminer of Philadelphia County on the 26th day of June, 1934, to Indictments Nos. 622 and 623 June Term, 1934, charging burglary, and was sentenced by the Honorable Otto R. Heiligman, Judge, to a term of imprisonment in the Eastern State Penitentiary for a term of not less than five nor more than ten years on each indictment, the sentences to run consecutively.

The applicant had no previous conviction and has now served over seven and one-half years of the sentence imposed.

The Board of Trustees of the Eastern State Penitentiary in its report to the Board of Pardons states: ". . . His good institutional record and efforts to improve himself are deserving, but whether or not he has served sufficient time for the numerous burglaries committed, is a question we leave to the judgment of the convicting authorities."

The Honorable Clare Gerald Fenerty, who was the assistant district attorney who prosecuted the case against the applicant, in a letter to the Board of Pardons states: " . . . It seems to me that the defendant has been sufficiently punished." In a letter to the Board the Honorable Harry S. McDevitt, Judge, writes: " . . . What little money he earns he contributes to the support of his illegitimate child and insists that he will marry the mother of the child upon his release. From inside the prison gate his conduct and attitude are satisfactory. Whether he has served sufficient time can only be determined by you."

Satisfactory employment awaits the release of the applicant and an approved parole plan has been provided.

The Board of Pardons is of the opinion that the applicant has been sufficiently punished and his prison record is such evidence of his desire to improve himself that it can safely permit him to make another attempt to live within the law and become an honest citizen. The Board, therefore, recommends that the minimum sentence imposed on Bill No. 623 be commuted to a minimum term of 2 years and 6 months and 19 days, expiring on January 15, 1942, and that the applicant remain on parole until June 26, 1949. (Applicant was granted parole on Bill No. 622.)

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES.
Governor.

BOARD OF PARDONS

In re application of Andy Rudy, B-3102, No. 152A, December Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the sentence of imprisonment imposed on Andy Rudy, convicted of breaking and entering, larceny, in the Quarter Sessions Court of Westmoreland County, on the 6th day of February, 1932, be commuted on Bill No. 228 Feb. Sess. 1932, from a maximum term of 6 years to a maximum term of 3 yrs. 11 mos. and 28 days, exp. on Feb. 4, 1942; on Bill No. 208 from a min. term of 3 yrs. to a min. term of 1 day, exp. on Feb. 5, 1942; on bill No. 225 Feb. Sess. from a min. term of 1 yr. to a min. term of 1 day, exp. on Feb. 6, 1942 (Bills Nos. 202, 203, 205, 206, 222, 223, 226, 227, 229, 230, and 233, Feb. Sess. 1932 concurrent).

Our reasons for making this recommendation are as follows:

The applicant is one of many prisoners whose release on parole has been affected by the opinion of the Supreme Court in the case of Commonwealth of Pennsylvania ex rel. Thomas Lynch v. Stanley P. Ashe, Warden of the Western State Penitentiary, 320 Pa. 341. In this opinion it was held that unless a prisoner, who was serving sentences imposed to run consecutively, was recommended and approved for parole at the expiration of the first minimum sentence, he would be serving the maximum of that sentence, and if no recommendation for parole was made at the expiration of the second and subsequent minimum of sentences imposed to run consecutively, the prisoner would be serving the maximum of the second and subsequent sentences. In other words, a prisoner serving an indeterminate sentence is not automatically paroled at the expiration of the minimum term but is merely eligible for parole at that time, and if not favorably considered by the Prison Board at any time thereafter, the prisoner is required to serve the full sentence.

It was the custom for a long period of time for the officials of both the Eastern and Western State Penitentiaries to lump consecutive sentences and the Boards of Trustees would only make recommendations for release on parole at the expiration of the period of time equal to the total of the minimum sentences.

Since the Supreme Court held this procedure improper, the applicant and others, whose cases were not considered for parole at the expiration of their minimum sentences, through no fault of their own, will have to serve a much longer period of time than contemplated by the sentencing judge and the prison officials.

The failure of the Board of Trustees to make the necessary recommendations for parole at the expiration of the minimum sentences was an honest mistake, as most, if not all, sentencing judges shared the same view as the prison officials in deeming it to be unnecessary to make recommendations for parole at the expiration of the minimum of every consecutive sentence. Sentencing judges throughout the state have uniformly believed and taken into consideration in passing sentences the Prison Board practice that consecutive sentences would be lumped making a total minimum and a total maximum.

We believe that a great injustice would be done and that it would be most unfair to keep the applicant incarcerated for a longer period of time than recommended by the Board of Trustees of the institution in which the applicant is confined.

Respectfully submitted,

S. S. LEWIS,
Lieutenant-Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.,
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of Edward Schindel, No. 965, December Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Edward Schindel, convicted of conspiracy to violate the election laws in the Court of Quarter Sessions of Allegheny County, on July 25, 1929 be pardoned.

Our reasons for making this recommendation are as follows:

The applicant for a full and absolute pardon was convicted by a jury in the Court of Quarter Sessions of Allegheny County of a charge of conspiracy to violate the election laws under Indictment No. 704 June Sessions, 1928 and was sentenced by the Honorable Ambrose B. Reid, Judge, to imprisonment in the Allegheny County Jail for a term of two months, to pay a fine of $50.00 and costs of prosecution.

The applicant had no prior criminal record and has always had a good reputation.

Investigators of the Board have reported that the conduct of the applicant, since serving the sentence imposed for his one violation of the law, has been above reproach.

Ralph T. Bell, Esquire, assistant district attorney of Allegheny County, advised the Board that there are no indictments or charges of any kind pending against the applicant, and that they had no objection to the granting of a pardon.

The Board of Pardons is of the opinion that the applicant by his conduct since paying in full the penalty imposed for his illegal act is convincing evidence of his intention to avoid further trouble and entitles him to the removal of the record of this one conviction. The Board, therefore, recommends the granting of a full and absolute pardon to the applicant, Edward Schindel.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of George Frederick Smith, D-305, No. 5531, December Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentences of imprisonment imposed on George Frederick Smith, convicted of robbery, in the Oyer and Terminer and Quarter Sessions of Delaware County, on the 18th day of January, 1935, be commuted on Bill No. 86 from a minimum term of 10 years to a minimum term of 6 years, 11 months, and 27 days, expiring on January 15, 1942; and that the minimum sentence of George Frederick Smith, convicted of robbery while armed, in the Oyer and Terminer and Quarter Sessions court of Montgomery County on the 8th day of May, 1936, be commuted on Bill No. 27-2 and 27-3 September Term, 1934, to run concurrently with Delaware County sentence, from a minimum term of 10 years to a minimum term of 6 years, 11 months, and 27 days, expiring on January 15, 1942; and that the minimum sentence of George Frederick Smith, convicted of robbery, in the Oyer and Terminer and Quarter Sessions Court of Susquehanna County, on the 5th day of October, 1936, be commuted on Bill No. 9 January Term, 1936, to run concurrently with Delaware County sentence, from a minimum term of 9 years to a minimum term of 5 years 11 months, and 27 days, expiring on January 15, 1942.

Our reasons for making this recommendation are as follows:

The applicant for commutation of sentence entered his plea of Nolle Contendere in the Court of Quarter Sessions and Oyer and Terminer of Delaware County on the 18th day of January, 1935, to Indictment No. 86 De-

cember Term, 1934, charging robbery, and was adjudged guilty by the Honorable John M. Broomal, Judge, and was sentenced to a term of imprisonment in the Eastern State Penitentiary of not less than ten nor more than twenty years. On the 8th day of May, 1936, the applicant entered his plea of guilty to Indictment No. 27-2-27-3 September Term, 1934, in the Court of Oyer and Terminer and Quarter Sessions of Montgomery County charging robbery while armed, and was sentenced by the Honorable George C. Corson, Judge, to a term of imprisonment in the Eastern State Penitentiary of not less than ten nor more than twenty years in each case, sentence to be computed from January 18, 1935. Sentences to run concurrently with sentence now being served on Indictment No. 86 December Term, 1934, from Delaware County. On the 5th day of October, 1936, the applicant entered his plea of guilty in the Courts of Oyer and Terminer and Quarter Sessions of Susquehanna County on Indictment No. 9 January Term, 1936, charging robbery, and was sentenced to a term of imprisonment in the Eastern State Penitentiary of not less than nine nor more than eighteen years. Sentence to be computed from January 18, 1936, and to run concurrently with sentence imposed on Bill No. 86 December Term, 1934, in Delaware County.

The applicant had no previous convictions and he has now served almost seven years.

The Board of Trustees of the Eastern State Penitentiary in its report to the Board of Pardons states: " . . . He is employed as a clerk and he is considered to be a willing worker. He demonstrated an interest in self-improvement by completing the International Correspondence School course in salesmanship and also by studying part of the course in Good English. He has maintained a constructive attitude and he associates with the better type of inmate."

An adequate parole plan has been arranged for the applicant in the event of his release and he is assured employment if released.

The district attorney's office of Delaware County, through its representative, advises the Board that the office felt this applicant should be given an opportunity.

The applicant's institutional record shows that he has been industrious and he has qualified himself for self-support, the Board is of the opinion that the applicant has been sufficiently punished for the crimes committed, and since there has been no objection to the commutation of his sentence on the part of the convicting authorities of the counties interested, it is justified in affording the applicant an opportunity to demonstrate his rehabilitation and assume his place in society. The Board, therefore, recommends that the minimum sentence imposed on Bill No. 86 December Term, 1934, be commuted from a minimum term of 10 years to a minimum term of 6 years, 11 months and 27 days, expiring on January 15, 1942, and the sentences imposed on Bills No. 27-2, 27-3 September Term, 1934, from Montgomery County to run concurrently with Delaware County, is also commuted; and sentence imposed on Bill No. 9 January Term, 1936, from Susquehanna County be commuted from a minimum term of 9 years to a minimum term of 5 years, 11 months and 27 days, expiring on January 15, 1942, and that the applicant remain on parole until January 18, 1955, on Bill No. 86 December Term, 1934, and on parole until January 18, 1954, on Bill No. 9 January Term, 1936.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of George Leon Sojourner, D-4747, No. 5129, December Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of George Leon Sojourner, convicted of statutory rape in the Court of Quarter Sessions of Philadelphia County on March 14, 1940 to be computed from March 9, 1940 be commuted from 5 years to 1 year and 10 months, expiring on January 9, 1942.

Our reasons for making this recommendation are as follows:

The applicant for commutation of sentence entered his plea of guilty in the Court of Oyer and Terminer of Philadelphia County on the 14th day of March, 1940, to Indictment No. 506 March Term, 1940, charging statutory rape, and was sentenced by the Honorable Otto R. Heiligman, Judge, to a term of imprisonment of not less than five nor more than fifteen years in the Eastern State Penitentiary, sentence to be computed from March 9, 1940.

Before his arrest for this crime, the applicant had no criminal record.

The victim of the crime for which the applicant was convicted had the appearance of a girl of more than sixteen years of age and the applicant alleges that she had told him that she was over that age. Thy had agreed to get married before he was arrested and they have now planned to get married as soon as he is released from custody.

In a letter to the Board, Honorable Harry S. McDevitt, writes: "He is a high chool graduate and has a good prison record. He is industrious, tries to improve himself and admits his guilt of the charge of rape perferred against him. He stills maintains that he thought the girl was over sixteen years of age and that he felt confident that her mother knew of the relationship that existed between them. Whether he has served sufficient time is a matter for your Honorable Board."

The Board of Trustees of the Eastern State Penitentiary in its report to the Board of Pardons states: ". . . Subject has maintained a good record of prison performance. He attended school for a period of 9½ months, made good progress in a vocational course in carpentry. This man continued the same type of behaviour in prison that he demonstrated prior to incarceration and no criminal tendencies have been observed."

The applicant will be taken care of upon his release until employment is secured for him and an adequate parole plan has been provided.

The Board of Pardons is of the opinion that the applicant has been sufficiently punished for the crime committed in view of his error as to the age of the girl involved and that his prison record and attitude entitles him to another opportunity to lead a useful anl law-abiding life. The Board, therefore, recommends that the minimum sentence imposed be commuted to a minimum term of 1 year and 10 months, expiring on January 9, 1942, and that the applicant remain on parole until March 9, 1955.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of Barney Treece, B-7084, 551, No. 5542, December Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Barney Treece, convicted of (1) burglary (2) armed robbery in the Court of Oyer and Terminer of Fayette County on February 6, 1940 to be computed from January 1, 1940 be commuted from 3 years to 2 years expiring on January 1, 1942.

Our reasons for making this recommendation are as follows:

The applicant for commutation of sentence entered his plea of guilty on the 6th day of February, 1940 in the Oyer and Terminer Court of Fayette County to Indictment No. 4/44 March Term, 1940 containing two counts charging (1) burglary and (2) armed robbery, and was sentenced by the Honorable W. Russell Carr, Judge, to imprisonment in the Western State Penitentiary to not less than three nor more than ten years on each count, sentence to run concurrently and to be computed from January 1, 1940.

The applicant was transferred to the Pennsylvania Industrial School at Huntingdon and later to the Pennsylvania Industrial School at White Hill, where he now is an inmate.

At the time of his conviction for the above offenses, the applicant was twenty years old, had no previous criminal record and has been confined for more than two years.

The Board of Trustees of the Western State Penitentiary advises the Board of Pardons that if eligible for parole, they would probably recommend for the reason that it is his first conviction and that the Pennsylvania Industrial School at White Hill reports favorable progress at that institution.

A letter from H. C. Hill, Superintendent of the School at White Hill, in a leter to the chairman of the Board of Pardons states that: ". . . In commenting generally on Treece, the Officer states this is one of the best workmen on this detail and he has earned his good time."

In veiw of the age of the applicant when he was imprisoned and the excellent record he has maintained at the various institutions, the Board feels his rehabilitation has well began and justifies it in affording him another opportunity to lead an honest and law-abiding life. The Board, therefore, recommends that the minimum sentence imposed be commuted to a new minimum term of two years, expiring on January 1, 1942, and that the applicant remain on parole until January 1, 1950.

Respectfully submitted,
S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:
ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of John Edward Warner, D-4976, No. 5514, December Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of John Edward Warner, convicted of assault and battery with intent to kill in the Court of Quarter Sessions of Bucks County on June 4, 1940, to be computed from November 13, 1939, be commuted from 3½ years to 2 years and 2 months, expiring on January 13, 1942.

Our reasons for making this recommendation are as follows:

The applicant for commutation of sentence entered his plea of guilty in the Oyer and Terminer Court of Bucks County on the 4th day of June, 1940, to Indictment No. 43 May Term, 1940, charging assault and battery with intent to kill and on the same day was sentenced by the Honorable Calvin S. Boyer, Judge, to a term of imprisonment of not less than 3½ nor more than 7 years in the Eastern State Penitentiary, sentence to be computed from November 13, 1939.

The applicant had no previous criminal record and he has now served over two years of his minimum sentence.

The Board of Trustees of the Eastern State Penitentiary advises the Board of Pardons that he has maintained a good attitude and has made excellent progress in typing and operation of a linotype machine and that: " . . . Judging on the basis of this man's institutional performance, it is felt that he would have a good possibility of adjusting successfully if released."

Both the trial judge and the district attorney of Bucks County advised the Board of Pardons that the disposition of the application is left entirely to the Board.

Adequate sponsorship and employment have been provided.

The Board of Pardons is of the opinion that in view of the previous good record of the applicant and his service in the penitentiary under the sentence imposed by Judge Boyer, he has been sufficiently punished and is entitled to his liberty in order to demonstrate his willingness to become a useful and law-abiding citizen. The Board, therefore, recommends that the minimum sentence of 3½ years be commuted to a new minimum term of 2 years and 2 months, expiring on January 13, 1942, and that the applicant remain on parole until November 13, 1946.

Respectfully submitted,
S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:
ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of Kenneth C. Williams, D-2902, No. 5380, December Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Kenneth C. Williams, convicted of robbery in the Court of Oyer and Terminer and Quarter Sessions of Delaware County on February 17, 1938 to be computed from January 15, 1938 be commuted from 5 years to 4 years, expiring on January 15, 1942.

Our reasons for making this recommendation are as follows:

The applicant for commutation of sentence entered his plea of guilty in the Court of Oyer and Terminer of Delaware County on the 17th day of February, 1938 to Indict-

ment No. 138 March Term, 1938 charging robbery, and was sentenced by the Honorable W. Roger Fronefield, Judge, to imprisonment in the Eastern State Penitentiary for a term of not less than five nor more than ten years, sentence to be computed from January 15, 1938.

This was the first time the applicant was convicted of any crime. He was but eighteen years old when sentenced and has now served almost four years in the penitentiary.

The Board of Trustees of the Eastern State Penitentiary in its report to the Board of Pardons states: ". . . When received in the institution, he was 18 years of age and appeared to be in a confused state. Definite improvement has been observed in his habits and at the present time he is more stable. He has attempted to secure the maximum amount of benefits from his incarceration. He has been employed as a clerk in the Superintendent's office and is considered to be a trusted worker. He associates with the better type of inmates with whom he works. He has attempted to improve himself by taking a correspondence course in electrical apprenticeship and is making good progress. Subject's more mature judgment should assist him in refraining from illegal activity when released."

The district attorney of Delaware County has advised the Board of Pardons that he does not oppose the application and feels that further punishment would not be beneficial.

A very satisfactory parole plan has been provided and lucrative employment awaits his release.

The applicant has now reached an age which has brought with it more mature judgment and his prison record seems to indicate that he has started on the way to complete rehabilitation. The Board of Pardons is of the opinion that the sentence already served has fully satisfied the ends of Justice and that the applicant is ready to take his place in society. The Board, therefore, recommends that the minimum sentence of 5 years be commuted to a new minimum term of 4 years, expiring on January 15, 1942, and that the applicant remain on parole until January 15. 1948.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of Henry Zadilka, D-32, No. 2889, December Session, 1941.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the sentences of imprisonment imposed on Henry Zadilka, convicted of statutory rape, in the Oyer and Terminer Court of Luzerne County, on the 9th day of October, 1934, be commuted on Bill No. 838 from a minimum term of 7½ years to a minimum term of 2 years and 3 months, expiring on January 9, 1942; on Bill No. 841 from a minimum term of 2½ years to a minimum term of 1 day, expiring on January 10, 1942; and on Bill No. 842 from a minimum term of 2½ years to a minimum term of 1 day, expiring on January 11, 1942. (Has served maximum sentence on Bill No. 837.)

Our reasons for making this recommendation are as follows:

The applicant for commutation of sentence entered his plea of guilty in the Courts of Oyer and Terminer of Luzerne County on the 9th day of October, 1934, to Bills of Indictments Nos. 837, 838, 839, 840, 841, and 842 September Sessions, 1934, charging statutory rape, and was sentenced by the Honorable John S. Fine Judge, on Bill No. 837 to imprisonment in the Eastern State Penitentiary to a term not less than two and one-half nor more than five years; on Bill No. 838 to a term of not less than seven and one-half nor more than fifteen years; and on Bills Nos. 841 and 842 to a term of not less than two and one-half nor more than five years on each bill, and sentences to run consecutively. The Court at the same time refused to impose sentence on Bills Nos. 839 and 840 by reason of insufficient evidence.

The applicant was seventeen years old when the crimes for which he is now imprisoned were committed and he has served over seven years and two months in the Eastern State Penitentiary.

The Board of Trustees of the Eastern State Penitentiary advises the Board of Pardons that: " . . . This man's institutional performance merits consideration and it is felt that there is a good possibility that this man will refrain from future delinquency."

The Honorable John S. Fine, Judge, in a letter to the Board states; " . . . In reply to your inquiry concerning the application of Henry Zadilka for commutation of sentence, advise that the Court entertains no objection at this time to favorable action. My attitude in this matter is of course based upon a favorable response by those who have supervised his custody since imprisonment."

A representative of the District Attorney's office of Luzerne County appeared before the Board and stated that the office believed that the applicant had served sufficient time.

Adequate employment and sponsorship has been provided for the applicant in case he is released on parole.

The Board of Pardons is of the opinion that the long term of imprisonment already served by him, and his conduct in the Eastern State Penitentiary during his term of confinement, together with the position taken by the convicting authorities in Luzerne County justifies it in commuting the sentence and giving him another opportunity to lead an honest life as a citizen of the Commonwealth. The Board, therefore, recommends that the minimum sentence imposed on Bill No. 838 be commuted from a minimum term of 7½ years to a minimum term of 2 years and 3 months, expiring on January 9, 1942; on Bill No. 841 from a minimum term of 2½ years to a minimum term of 1 day, expiring on January 10, 1942; and on Bill No. 842 from a minimum term of 2½ years to a minimum term of 1 day, expiring on January 11, 1942, and that the applicant remain on parole until January 11, 1957. (Has served maximum sentence on Bill No. 837.)

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of Anthony Alexander, C-4195, No. 1880, January Session. 1942.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Anthony Alex-

ander convicted of or pleaded guilty to the following offenses: (1) burglary in the Court of Oyer and Terminer and Quarter Sessions of Lackawanna County on October 8, 1927; (2) malicious mischief, in the Juvenile Court on July 26, 1919; (3) highway robbery in the Juvenile Court on March 16, 1920; (4) attempted burglary in the Juvenile Court on May 7, 1921; and (5) burglary in the Oyer and Terminer on December 21, 1924, be pardoned.

Our reasons for making this recommendation are as follows:

The applicant for a full and absolute pardon entered his plea of guilty in the Court of Oyer and Terminer of Lackawanna County on October 8, 1927 to Indictment No. 63 October Sessions, 1927 charging burglary, and was sentenced by the Honorable George W. Maxey, Judge, to imprisonment in the Eastern State Penitentiary for a term of not less than fifteen nor more than thirty years.

The applicant was placed on parole on the 22nd day of December, 1934 after the commutation of his minimum term.

The applicant had a prior record consisting of the following: (1) Pleaded guilty in Juvenile Court to the charge of malicious mischief, No. 1846 Juvenile Court, Year 1919, and on July 26, 1919 was placed on probation; (2) Pleaded guilty in Juvenile Court to charges of highway robbery, No. 1963 Juvenile Court, Year 1920, and was sentenced by Judge Maxey to the Philadelphia Protectory for Boys in Phoenixville, until further Order of the Court; (3) Pleaded guilty in Juvenile Court to attempted burglary, No. 2236 Juvenile Court on May 7, 1921, and was placed on probation; (4) Pleaded guilty in the Court of Oyer and Terminer to the charge of burglary, No. 13 November Sessions, 1924 and was sentenced to imprisonment in the Eastern State Penitentiary for not less than three nor more than ten years. This sentence was later changed to imprisonment in the Lackawanna County Jail for a period of three months from December 1, 1924.

The Supervisor of Paroles advised the Board of Pardons that the applicant has faithfully complied with the rules and obligations imposed upon him by the parole order of December 22, 1934, has worked constantly during his parole period, and that he had no objection to the granting of a pardon if such action met with the approval of the convicting authorities.

The District Attorney's office of Lackawanna County advised the Board of Pardons that it had no objection to the granting of a pardon.

The Board of Pardons is of the opinion that the applicant by his observation of the rules of his parole and his application to his work has demonstrated his thorough rehabilitation and his desire to lead an honest and useful life. The Board, therefore, recommends that a full and absolute pardon be granted to Anthony Alexander, the applicant.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of James Arrigo, B-2472, No. 1197, January Session, 1942.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the maximum sentence of James Arrigo, convicted of breaking and entering a place of business with intent to commit a felony in the Court of Quarter Sessions of Erie County on February 9, 1931, be commuted from 9 years to 6 years, expiring on February 15, 1942.

Our reasons for making this recommendation are as follows:

Applicant for commutation of sentence entered his plea of guilty in the Court of Quarter Sessions of Erie County on February 9, 1931, to Indictment No. 109 February Term, 1931, charging breaking and entering a place of business with intent to commit a felony, and was sentenced by the Honorable William E. Hirt, Judge, to imprisonment in the Western State Penitentiary for a term of not less than four and one-half nor more than nine years.

Applicant was paroled on August 9, 1935, at the expiration of his minimum sentence and on August 21, 1940, he was returned to the Western State Penitentiary as a parole violator after serving a term of ten months in the House of Correction at Chicago, Illinois, and has served over a year and a half for the parole violation.

The Board of Trustees of the Western State Penitentiary in a report to the Board of Pardons states that the applicant has maintained a splendid institutional record since his return, and that if eligible for parole, they would probably recommend.

The Supervisor of Paroles has advised the Board of Pardons that the applicant desires to return to the State of Illinois, if released, and that he has no objection to the granting of the petition, if such action meets with the approval of the convicting authorities. The convicting authorities have made no objection.

The Board of Pardons, in view of the institutional record maintained by the applicant and the confidence manifested on the part of the Parole Supervisor is of the opinion that sufficient rehabilitation has been attained to justify his release on parole, and the Board, therefore, recommends that the maximum sentence of 9 years imposed on February 9, 1931, be commuted to a minimum term of 6 years, expiring on February 15, 1942, and a maximum term of 9 years, and that the applicant remain on parole until February 15, 1945.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of Angello Aujlli alias Arcangelo Augelli, B-8750, No. 5255, January Session, 1942.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Angello Aujlli alias Arcangelo Augelli, convicted of felonious assault and battery in the Court of Quarter Sessions of Lawrence County, on June 22, 1915, be pardoned.

Our reasons for making this recommendation are as follows:

The applicant for a full and absolute pardon entered

his plea of nolle contendere in the Court of Quarter Sessions of Lawrence County on June 22, 1915, to Indictment No. 10 June Sessions, 1915, charging felonious assault and battery, and on the 22nd day of June, 1915, was adjudged guilty by the Honorable William E. Porter, Judge, and sentenced to imprisonment in the Western State Penitentiary for a term of two years and to pay a fine of $5.00.

The applicant was released on January 22, 1917, and since that time he has not been in conflict with the law. His record prior to the commission of the offense for which he was imprisoned was excellent.

The applicant now resides in Chicago, Illinois, and the report of investigators there states that he has been consistently employed by the same firm in that city since 1918, and has maintained a good record of behavior.

He now awaits only a pardon in order to complete and accomplish his naturalization as an American citizen.

The Board of Pardons is of the opinion that the crime for which the applicant was convicted was not such as to constitute him a dangerous criminal, and that his conduct since his release has been such as to entitle him to have his record cleared of this one blemish. It, therefore, recommends that a full and absolute pardon be granted to the applicant, Angello Aujlli alias Arcangelo Augelli.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of Benjamin Barone, No. 4692, January Session, 1942.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Benjamin Barone, convicted of operating an automobile without the consent of owner, robbery in the Court of Quarter Sessions of Philadelphia County, on July 16, 1931, be pardoned.

Our reasons for making this recommendation are as follows:

The applicant for a full and absolute pardon entered his plea of guilty in the Court of Quarter Sessions of Philadelphia County on the 16th day of July, 1931, when only nineteen years of age, to Indictments Nos. 278 and 280 July Term, 1931, charging operating an automobile without consent of owner and robbery. He was sentenced by the Honorable James Gay Gordon, Jr., Judge, to imprisonment in the Philadelphia County Prison for a term of not less than three nor more than fifteen years.

The applicant was twice arrested before the commission of the crime for which he now seeks a pardon, but in one case he was discharged and in the other the Grand Jury refused to indict.

On December 21, 1931, he was placed on parole by Judge Gordon and has been steadily employed since that time.

He now asks for a pardon in order to make application for a position in the classified service of the federal government and to remove from his record the blemish of these crimes.

The office of the District Attorney of Philadelphia County has no opposition to the granting of a pardon and reports that they have no record of any other charges pending against the applicant.

The Board of Pardons is of the opinion that ten years of blameless conduct demonstrate such complete rehabilitation as to justify it in extending to the applicant the clemency he desires. The Board of Pardons, therefore, recommends that a full and absolute pardon be granted to Benjamin Barone, the applicant.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of George Bogenshutz, B-1539, No. 4214, January Session, 1942.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the sentence of imprisonment imposed on George Bogenshutz, convicted of (1) robbery, in the Oyer and Terminer Court of Allegheny County, on the 3rd day of December, 1926; and (2) breaking and escaping penitentiary, robbery, felonious assault, in the Quarter Sessions Court of Centre County, on the 8th day of August, 1939, be commuted on Bill No. 126 September Term, 1929, from a maximum term of 6 years to a maximum term of 3 years and 2 months, expiring on February 4, 1942, and on Bill No. 127 from a minimum term of 10 years to a minimum term of 1 day, expiring on February 5, 1942.

Our reasons for making this recommendation are as follows:

The applicant for commutation of sentence entered his plea of guilty in the Court of Oyer and Terminer of Allegheny County on the 3rd day of December, 1926 to Indictments Nos. 155 and 156 November Term, 1926 charging robbery, and was sentenced by the Honorable John A. Evans, Judge, to imprisonment in the Western State Penitentiary for a term of not less than three nor more than six years in each case, the sentences to run consecutively. On the 8th day of August, 1929 the applicant entered his plea of guilty in the Court of Quarter Sessions of Centre County to Indicements Nos. 126 and 127 September Sessions, 1929 charging breaking and escaping penitentiary, robbery, felonious assault, and was sentenced by the Honorable M. Ward Fleming, Judge, to imprisonment in the Western State Penitentiary on Indictment No. 126 to not less than three nor more than six years and on Bill No. 127 to not less than ten nor more than twenty years, sentences to run consecutively and to begin at the expiration of sentence imposed on December 3, 1926.

The applicant's prior record consisted of but one conviction and he has now served over fifteen years in prison.

The accomplices who escaped with him have been paroled. Judge Fleming, who sentenced the applicant on the escape charge has made no objection to the granting of clemency nor has the district attorney of Centre County.

The Board of Trustees of the Western State Penitentiary has advised the Board of Pardons that they would recommend this man for parole, if eligible on account of his long service and his excellent institutional record.

The applicant is now thirty-eight years of age, and if he is to be of any value as a citizen he should begin now to take his place in society. His long punishment should have well satisfied the ends of justice and his record is evidence of sufficient rehabilitation to justify the Board in affording him an opportunity to demonstrate his fitness to live honestly among his fellow men. The Board of Pardons, therefore, recommends that the term of imprisonment be commuted and that the applicant remain on parole until February 4, 1962.

Respectfully submitted,
S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:
ARTHUR H. JAMES.
Governor.

BOARD OF PARDONS

In re application of Angelo Bommarito, D-421, No. 2848, January Session, 1942.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the sentence of imprisonment imposed on Angelo Bommarito, convicted of (1) robbery (2) breaking and entering (3) larceny, (4) aggravated assault and battery and (5) demanding and possessing firearms without license, in the Oyer and Terminer Court of Lehigh County, on the 15th day of March, 1935, be commuted on Bill No. 97 January Term, 1935, from a minimum term of 7½ years to a minimum term of 6 years and 11 months, expiring on February 15, 1942, and on Bill No. 98 from a minimum term of 5 years to a minimum term of 1 day, expiring on February 16, 1942.

Our reasons for making this recommendation are as follows:

The applicant for commutation of sentence entered his plea of guilty in the Court of Oyer and Terminer of Lehigh County on the 15th day of March, 1935, to Indictments Nos. 97 and 98 January Term, 1935, charging (1) robbery, (2) breaking and entering, (3) larceny, (4) aggravated assault and battery, and (5) demanding and possessing firearms without license, and was sentenced by the Honorable Richard W. Iobst, Judge, on Indictment No. 97 to a term of imprisonment in the Eastern State Penitentiary of not less than seven and one-half nor more than fifteen years and on Indictment No. 98 to not less than five nor more than ten years, the sentences to run consecutively.

The applicant has had no prior convictions and has now served almost seven years.

The Board of Trustees of the Eastern State Penitentiary in its report to the Board of Pardons states: " . . . He has completed the International Correspondence School course in automobile mechanics. He has a promise of employment in the auto factories in Detroit and it is felt that steady employment and close contact with his stepfather would greatly aid in his successful adjustment. This man's prison performance merits consideration. He has recently purchased $300 worth of Defense Bonds."

Judge Iobst has informed the Board of Pardons that he is not opposed to the granting of clemency.

Employment at Detroit, Michigan, is waiting for the applicant and the parole authorities of that State have consented to supervise his parole.

The Board of Pardons is of the opinion that the applicant has been sufficiently punished for the offense committed and that his record and conduct in the penitentiary show such rehabilitation as to justify the Board in allowing him an opportunity to renew his life with his family and friends in Detroit. The Board, therefore, recommends that the minimum sentence of 7½ years imposed on Bill No. 97 be commuted to a new minimum term of 6 years and 11 months, expiring on February 15, 1942. and on Bill No. 98 from a minimum term of 5 years to a minimum term of 1 day, expiring on February 16, 1942, and that the applicant remain on parole until February 15, 1952. To go to Detroit, Michigan.

Respectfully submitted,
S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:
ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of Willard Parker Bradford, D-133, No. 5589, January Session, 1942.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the sentence of imprisonment imposed on Willard Parker Bradford, convicted of robbery, being armed with an offensive weapon, in the Oyer and Terminer and Quarter Sessions Court of Philadelphia County, on the 19th day of November, 1934, be commuted on Bill No. 419 November Term, 1934 from a minimum term of 5 years to a minimum term of 2 years and 2 months, expiring on January 20, 1942.

Our reasons for making this recommendation are as follows:

The applicant for commutation of sentence entered his plea of nolle contendere in the Courth of Oyer and Terminer and Quarter Sessions of Philadelphia County on the 19th day of November, 1934 to Indictments Nos. 418 and 419 November Term, 1934 charging robbery, being armed with an offensive weapon, and was adjudged guilty and sentenced by the Honorable Horace Stern, Judge, to imprisonment in the Eastern State Penitentiary on Indictment No. 418 to a term of not less than five nor more than fifteen years and on Indictment No. 419 to a term of not less than five nor more than ten years to commence at the expiration of the sentence in Indictment No. 418.

The applicant's prior criminal history contained only one conviction and he has now served more than seven years imprisonment.

The Board of Trustees of the Eastern State Penitentiary in its report to the Board of Pardons states: ". . . This man has maintained a good record of prison performance. He demonstrated an interest in self-improvement by attending school for 6 months where he made good progress in academic work. He was released for placement in the weave shop. He has been employed there for over 6 years and he is considered to be a willing and conscientious worker. He is clean about his person and cell and he associates with the average type of inmate. He has maintained a good attitude. He has also taken by correspondence a course in stenographic and secretarial work while employed and is making good progress. This man's institutional performance offers some hope he will attempt to make a successfull adjustment."

Assistant District Attorney James W. Tracey, Jr., Esquire of Philadelphia County, entered no objection to the application and stated that the matter of clemency was left to the Board.

The Board of Pardons is of the opinion that the applicant has been sufficiently punished and that his long record of excellent conduct in the penitentiary is deserving of some regard. The Board, therefore, recommends that the minimum sentence of 5 years imposed on Bill No. 419 November Term, 1934 be commuted to a new minimum term of 2 years and 2 months, expiring on January 20, 1942, and that the applicant remain on parole until November 19, 1949. (Applicant was granted parole on Bill No. 418).

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:
ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of Louis Campanaro, D-1302, No. 3322, January Session, 1942.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the maximum sentence of Louis Campanaro, convicted of (1) statutory rape and (2) enticing a minor in the Court of Quarter Sessions of Philadelphia County on May 12, 1936, be commuted from 8 years, 10 months and 9 days to 3 months, expiring on February 19, 1942.

Our reasons for making this recommendation are as follows:

The applicant for commutation of sentence entered his plea of guilty in the Court of Quarter Sessions of Philadelphia County on the 12th day of May, 1936, to Indictment No. 168 May Term, 1936, charging statutory rape, enticing a minor. He was sentenced by the Honorable Albert D. MacDade, Judge, to imprisonment in the Eastern State Penitentiary for a term of not less than three nor more than ten years and to pay a fine of $500.00. On May 27, 1937, his sentence was commuted and he was placed on parole.

On August 20, 1941, he was convicted in West Chester County, New York, of a charge of larceny, and at the expiration of his sentence on November 19, 1941, he was returned to the Eastern State Penitentiary as a parole violator.

The applicant's behavior during the short time that has elapsed since his return has been satisfactory according to the report of the Trustees of the Eastern State Penitentiary.

The applicant has been living in the State of New York since his release on parole in 1937 until his conviction on the larceny charge and has married the girl who was his victim in the crime for which he was originally sentenced by Judge MacDade.

Assistant District Attorney James W. Tracey, Jr., Esquire, representing the office of the District Attorney of Philadelphia County has advised the Board of Pardons that they had no objection to the granting of clemency.

The Board of Pardons is of the opinion that the applicant has served sufficient time for his parole violation and that his return to his home in New York State with his wife will contribute more to his complete rehabilitation than would further confinement. The Board, therefore, recommends that the maximum sentence of 8 years, 10 months and 9 days, be commuted to a new minimum term of 3 months, expiring on February 19, 1942, and that the applicant remain on parole until September 28, 1950.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:
ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of Harry B. Craig, C-7367, No. 5132, January Session, 1942.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the maximum sentence of Harry B. Craig, convicted of robbery, larceny of automobile, carrying concealed deadly weapons, conspiracy in the Court of Oyer and Terminer of Delaware County on September 26, 1931 be commuted from 10 years to 9 yrs. 8 mos. and 23 days, expiring on February 15, 1942.

Our reasons for making this recommendation are as follows:

The applicant for commutation of sentence entered his plea of guilty in the Court of Oyer and Terminer of Delaware County on the 26th day of September, 1931 to Indictment No. 439 September Term, 1931 charging larceny of automobile, carrying concealed deadly weapons, conspiracy, and robbery, and was sentenced by the Honorable W. Roger Fronefield, Judge, to imprisonment in the Eastern State Penitentiary for a term of not less than two and one-half nor more than ten years.

On March 26, 1934 the applicant was released on parole, and within eight months, he and an accomplice stole an automobile and drove into Virginia where they attempted to steal oil and were apprehended and was returned to the Eastern State Penitentiary as a parole violator on December 4, 1934.

The Board of Trustees of the Eastern State Penitentiary in its report to the Board of Pardons states: ". . . This man in our judgment has been more than amply punished for his violation of parole and the new crime which was committed. His complete sentence will expire on May 22, 1942. It is our feeling that the granting of clemency in this case would not only have a constructive influence on the inmate but would also furnish him with supervision for a short time which should assist him in his adjustment after release."

The Supervisor of Paroles in a letter to the Board states: ". . . This applicant has been confined for a period of about 7 years and 2 months because of his parole violation and has but four months to serve to complete his sentence. For this reason the Supervisor of Paroles offers no objection to the granting of the petition."

Employment and an adequate parole plan has been furnished for the applicant in the event of his release.

The Board of Pardons is of the opinion that the applicant has been sufficiently punished, that further incarceration would effect no improvement and that his institu-

tional record entitles him to his liberty at this time. The Board of Pardons, therefore, recommends that the maximum sentence of ten years imposed on Bill No. 439 September Term, 1931 be commuted to a new minimum term of nine years, eight months, and twenty-three days, expiring on Febraury 15, 1942, and that the applicant remain on parole until May 22, 1942.

Respectfully submitted,

S. S. LEWIS.
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of Frank Gorak, No. 5567, January Session, 1942.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Frank Gorak, convicted of operating of a motor vehicle while under the influence of intoxicating liquor in the Court of Oyer and Terminer and Quarter Sessions of Delaware County, on March 28, 1938, be pardoned.

Our reasons for making this recommendation are as follows:

The applicant for a full and absolute pardon entered his plea of guilty in the Court of Oyer and Terminer and Quarter Sessions of Delaware County on the 28th day of March, 1938, to Indictment No. 200 March Term, 1938, charging the operating of a motor vehicle while under the influence of intoxicating liquor, and was sentenced by the Honorable Albert D. MacDade, Judge, to imprisonment in the Delaware County Jail for a term of not less than three months nor more than three years, to pay a fine of $200.00, and make a restitution for damages inflicted.

The applicant was released at the expiration of his minimum sentence and has fully complied with the remainder of the sentence as to the fine and making of restitution.

The applicant's previous record contains only an order made against him for the support of his wife and child and a fine of $14.50 imposed for collecting rubbish illegally.

Since his release from prison, after serving the minimum term of the sentence imposed for operating a motor vehicle while under the influence of intoxicating liquor, he has maintained a record free of violations of the law and has been constantly and gainfully employed.

The applicant is desirous of becoming an American citizen, has filed his declaration of intention and must present a clean record before he can be finally naturalized.

The Board of Pardons is of the opinion that the crime committed is not of such a nature as should prevent the applicant from becoming a citizen, and that his conduct since his release justifies it in extending clemency. The Board, therefore, recommends that a full and absolute pardon be granted to the applicant, Frank Gorak.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of Houston Johnston, B-1838, No. 153-A, January Session, 1942.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the sentence of imprisonment imposed on Houston Johnston, convicted of larceny from the person, in the Quarter Sessions Court of Allegheny County, on the 3rd day of February, 1930, be commuted on Bill No. 476 January Sessions 1930 from a maximum term of 4 years to a maximum term of 3 years, 11 months and 28 days, expiring on January 31, 1942, on Bill No. 477 from a maximum of 4 years to a maximum of 1 day, expiring on February 1, 1942; and on Bill No. 478 from a maximum of 4 years to a maximum of 1 day, expiring on February 2, 1942; and on Bill No. 479 from a minimum of 2 years to a minimum of 1 day, expiring on February 3, 1942.

Our reasons for making this recommendation are as follows:

The applicant is one of many prisoners whose release on parole has been affected by the opinion of the Supreme Court in the case of Commonwealth of Pennsylvania ex rel. Thomas Lynch v. Stanley P. Ashe, Warden of the Western State Penitentiary, 320 Pa. 341. In this opinion it was held that unless a prisoner, who was serving sentences imposed to run consecutively, was recommended and approved for parole at the expiration of the first minimum sentence, he would be serving the maximum of that sentence, and if no recommendation for parole was made at the expiration of the second and subsequent minimum of sentences imposed to run consecutively, the prisoner would be serving the maximum of the second and subsequent sentences. In other words, a prisoner serving an indeterminate sentence is not automatically paroled at the expiration of the minimum term but is merely eligible for parole at that time, and if not favorably considered by the Prison Board at any time thereafter, the prisoner is required to serve the full sentence.

It was the custom for a long period of time for the officials of both the Eastern and Western State Penitentiaries to lump consecutive sentences and the Boards of Trustees would only make recommendations for release on parole at the expiration of the period of time equal to the total of the minimum sentences.

Since the Supreme Court held this procedure improper, the applicant and others, whose cases were not considered for parole at the expiration of their minimum sentences, through no fault of their own, will have to serve a much longer period of time than contemplated by the sentencing judge and the prison officials.

The failure of the Board of Trustees to make the necessary recommendations for parole at the expiration of the minimum sentences was an honest mistake, as most, if not all, sentencing judges shared the same view as the prison officials in deeming it to be unnecessary to make recommendations for parole at the expiration of the minimum of every consecutive sentence. Sentencing judges throughout the state have uniformly believed and taken into consideration in passing sentences the Prison Board practice that consecutive sentences would be lumped making a total minimum and a total maximum.

We believe that a great injustice would be done and that it would be most unfair to keep the applicant incarcerated for a longer period of time than recommended by the Board of Trustees of the institution in which the applicant is confined.

Respectfully submitted,

S. S. LEWIS,
Lieutenant-Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.,
Secretary of Internal Affairs.

The above recommendation is approved:
ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of Harry Leonetti, C-7014, No. 4713, January Session, 1942.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the Life Imprisonment sentence of Harry Leonetti, convicted of Murder in the first degree in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County on April 24, 1931 be commuted from Life Imprisonment to 10 years and 9 months, expiring on January 24, 1942.

Our reasons for making this recommendation are as follows:

The applicant for commutation of sentence entered his plea of guilty in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County on April 24, 1931 to Indictments Nos. 2238 and 2239 September Term, 1930 charging murder, and was sentenced by the Honorable Eugene V. Alessandroni, Judge, to life imprisonment in the Eastern State Penitentiary.

The applicant has no prior criminal record and has now served almost eleven years in prison.

The Board of Trustees of the Eastern State Penitentiary in its report to the Board of Pardons states: ". . . Subject has maintained a very good record in the institution. He has been employed in the cigar shop for 9½ years and is considered to be a trusted worker. He has fulfilled his duties in a conscientious manner. He attempted to improve himself by attending school for over 2½ years where he studied commercial work on a high school level. If this man would maintain the same type of behaviour after his release as he has demonstrated in the institution, he would have a good possibility of successful adjustment."

The trial judge has made no objection to the granting of clemency in this application.

Satisfactory employment awaits the release of the applicant and an adequate parole plan has been provided.

The Board of Pardons is of the opinion that the applicant's institutional record is evidence of sufficient rehabilitation to justify the Board in recommending that another opportunity be given him to live peaceably with his fellow men. The Board, therefore, recommends that the life sentence of imprisonmnt be commuted to a new minimum term of ten years and nine months, expiring on January 24, 1942, and that the applicant remain on parole the balance of his natural life.

Respectfully submitted,
S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:
ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of Willard Malarkey, B-5483, No. 5273, January Session, 1942.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Willard Malarkey, convicted of breaking and escaping penitentiary in the Court of Quarter Sessions of Centre County on May 1, 1937, be commuted from 3 years to 2 years, expiring on February 12, 1942.

Our reasons for making this recommendation are as follows:

The applicant for commutation of sentence entered his plea of guilty in the Court of Quarter Sessions of Washington County on the 10th day of October, 1936, to Indictments Nos. 130, 142, and 148 November Term, 1936, charging felonious breaking and entering, larceny, and was sentenced by the Honorable Carl E. Gibson, Judge, to imprisonment in the Western State Penitentiary for a term of not less than three nor more than six years on each Indictment, the sentences to run concurrently. On May 1, 1937, the applicant entered his plea of guilty in the Quarter Sessions Court of Centre County to Indictment No. 87 May Term, 1937, charging breaking and escaping penitentiary, and was sentenced by the Honorable M. Ward Fleming, Judge, to the Western State Penitentiary for a term of not less than three nor more than six years to begin at the expiration of the sentence imposed in Washington County. He has been granted parole on sentence imposed in Washington County.

The applicant has now been confined to prison for over five years and four months.

Honorable M. Ward Fleming, the judge who sentenced the applicant for breaking prison in Centre County, has advised the Board of Pardons that he has no objections to the granting of clemency if the present district attorney of Centre County does not object and the district attorney has made no objection.

Bona fide employment awaits the applicant and an adequate parole plan has been arranged for him.

The Board of Pardons is of the opinion that the applicant has been sufficiently punished for the offense committed and that the ends of justice have been fully satisfied. The Board, therefore, recommends that the minimum sentence of 3 years imposed on Bill No. 87 May Term, 1937, be commuted to a new minimum term of 2 years, expiring on February 12, 1942, and that the applicant remain on parole until February 12, 1946.

Respectfully submitted,
S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO.
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:
ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of Bonifacio Martinez, A-14300, No. 272, January Session, 1942.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the Life Imprisonment sentence of Bonifacio Martinez, convicted of

murder in the first degree in the Court of Oyer and Terminer of Washington County on August 24, 1925 be commuted from Life Imprisonment to 16 years and 5 months, expiring on January 24, 1942-to be returned to Mexico.

Our reasons for making this recommendation are as follows:

The applicant for commutation of sentence entered his plea of guilty in the Court of Oyer and Terminer of Washington County on the 24th day of August, 1925 to Indictment No. 205 February Term, 1925 charging murder in the first degree, and was sentenced by the Honorable James L. Brownson, Judge, to imprisonment in the Western State Penitentiary for life.

The applicant had no prior criminal record and has now served almost sixteen and a half years.

The Board of Trustees of the Western State Penitentiary in its report to the Board of Pardons states that his institutional record has been excellent.

The district attorney of Washington County, in a letter to the Board of Pardons writes: ". . . In connection with the application of Bonifacio Martinez for commutation we believe that his application should receive every consideration by your Honorable Board, in view of the fact that he will return to Mexico."

The crime committed by the applicant might have been committed in the heat of passion and has been expiated by the long years he has spent in prison.

If released from confinement, the applicant plans to return to Mexico of which country he is a native and the Mexican Consul of Pittsburgh, has agreed to act in the capacity of sponsoring the applicant's release if clemency is granted, and would be personally responsible for securing a passport for petitioner's return to Mexico.

If released, the applicant would be on parole for the rest of his life and his return from Mexico would constitute a parole violation.

The Board of Pardons is of the opinion that his removal to Mexico would be of benefit to the applicant and to the Commonwealth and, it would therefore, recommend, subject to the condition that he returns to Mexico and remains there, that the sentence of imprisonment for the term of his natural life be commuted to a minimum term of 16 years and 5 months, expiring on January 24, 1942, and that the applicant remain on parole the balance of his natural life. (to be returned to Mexico).

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of Paul McCallion, B-5703, No. 4157, January Session, 1942.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Paul McCallion, convicted of assault, being armed with an offensive weapon, robbery in the Court of Oyer and Terminer of McKean County on August 31, 1937, to be computed from August 11, 1937, be commuted from 5 years to 4 years and 6 months, expiring on February 11, 1942.

Our reasons for making this recommendation are as follows:

The applicant for commutation of sentence entered his plea of guilty in the Court of Oyer and Terminer of McKean County on the 31st day of August, 1937, to Indictment No. 2 October Term, 1937, charging assault, being armed with an offensive weapon and robbery, and was sentenced by the Honorable Charles C. Hubbard, Judge, to imprisonment in the Western State Penitentiary for a term of not less than five nor more than ten years. Sentence to be computed from August 11, 1937.

Before this offense was committed the applicant had never been in any trouble with the law. He has now served more than four and one-half years for a crime which he claims was inspired solely by the needs of a sick wife and an infant child.

The Board of Trustees of the Western State Penitentiary in its report to the Board of Pardons states that if eligible for parole, they would recommend the applicant for commutation on account of his satisfactory institutional record and the fact that this was his first offense and first conviction.

C. W. Shattuck, Esquire, District Attorney of McKean County, in a letter to the Board states that without hesitation he recommends that the applicant be extended clemency and released on parole because he has been sufficiently punished.

Employment has been provided for the applicant and an adequate parole plan has been arranged.

The Board of Pardons is of the opinion that this applicant should be afforded an opportunity to live a useful life and undertake the support of his wife and child. His previous record and his institutional conduct give no evidence of criminal tendencies and he should succeed in completely rehabilitating himself. The Board, therefore, recommends that the minimum sentence of 5 years be commuted to a new minimum term of 4 years and 6 months, expiring on February 11, 1942, and that the applicant remain on parole until August 11, 1947.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of Frank Joseph McClain, B-7746, D-3513 No. 5016, January Session, 1942.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Frank Joseph McClain, convicted of entering with intent to steal in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County on October 20, 1938, to be computed from September 21, 1938, be commuted from 5 years to 3 years and 4 months, expiring on January 21, 1942.

Our reasons for making this recommendation are as follows:

The applicant for commutation of sentence entered his plea of guilty in the Courts of Oyer and Terminer and Quarter Sessions of Philadelphia County on October 20, 1938, to Indictment No. 1162 September Term, 1938, charg-

ing entering with intent to steal, and was sentenced by the Honorable Harry S. McDevitt, Judge, to imprisonment in the Eastern State Penitentiary for a term of not less than five nor more than ten years, sentence to be computed from September 21, 1938.

The Board of Trustees of the Eastern State Penitentiary in its report to the Board of Pardons states: " . . . While at the Eastern State Penitentiary, this man maintained a good prison record. He was transferred to Rockview on July 10, 1941, and the authorities of that institution report that his record there has been good. He is employed as a tin and sheet metal worker and he is considered to be a good worker. He has maintained a co-operative attitude and he associates with the better type of inmates. He corresponds with and received visits from his wife. This man seems to be seriously concerned about the welfare of his family and is anxious to return to society so that he can support them. Rockview officials state that they would probably recommend favorable consideration."

The Honorable Harry S. McDevitt, Judge, who sentenced the applicant, in a letter to the Board states: " . . . He managed to stay out of trouble between 1930 and 1938, which was probably due to the fact he married in 1931 and now has a wife and four children. While he sends most of his earnings to his family, they are on relief. He is employed as a tin and sheet metal worker, and is regarded as dependable. He cooperates with the authorities and associates with the better type of inmates. He has at all times been very much concerned about the welfare of his family, and the officials at Rockview where he is now quartered give him a favorable recommendation. This will probably be opposed by the district attorney, but I would be more inclined to take the recommendation of the officials in daily touch with this man as to his reformation, than opinion based on the stenographic record of the case."

The recommendations of the Board of Trustees and the trial judge have considerable weight with the Board of Pardons and is convincing evidence of the desire of the applicant to live a useful and an honest life. His concern for the welfare of his family should keep him safe from any temptation to repeat his wrong doing of the past.

Satisfactory employment and an adequate parole plan have been provided for the applicant.

The Board of Pardons, therefore, recommends that the minimum sentence of 5 years be commuted to a new minimum term of 3 years and 4 months, expiring on January 21, 1942, and that the applicant remain on parole until September 21, 1948.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of William V. McKeon, No. 5591, January Session, 1942.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that William V. McKeon, convicted of setting up and maintaining illegal lottery on the public highway in the Court of Quarter Sessions of Philadelphia County, on March 3, 1931 be pardoned.

Our reasons for making this recommendation are as follows:

The applicant for a full and absolute pardon entered his plea of nolle contendere in the Court of Quarter Sessions of Philadelphia County on the 3rd day of March, 1931 to Indictment No. 923 January Term, 1931 charging the setting up and maintaining illegal lottery on the public highway. He was adjudged guilty by the Honorable Francis Shunk Brown, Jr., Judge. and on the same day sentence was suspended and he was discharged.

The applicant had been arrested twice before but was discharged in each instance.

The action of Judge Brown in suspending sentence is evidence of the small degree of gravity attached to the crime by the Court and the fact that sentence was not subsequently imposed is evidence of the good conduct of the applicant thereafter.

The applicant is a steady worker and bears a very good reputation in the community in which he resides. He is now employed as a fireman by the Pennsylvania Railroad Company but the record of this adjudgment of guilt retards his advancement.

The Board of Pardons is of the opinion that the record of this slight infraction of the law should not be allowed to interfere with one who for ten years has succeeded in living a blameless life, and it would, therefore, recommend that a full and absolute pardon be granted to William V. McKeon, the applicant.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of Thomas Mihalich, B-2457, No. 1400, January Session, 1942.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the Life Imprisonment sentence of Thomas Mihalich, convicted of murder in the first degree in the Court of Oyer and Terminer of Beaver County on January 31, 1931 be commuted from Life Imprisonment to 11 years, expiring on January 31, 1942.

Our reasons for making this recommendation are as follows:

The applicant for commutation of sentence was convicted on the 31st day of January, 1931 in the Court of Oyer and Terminer of Beaver County under Indictment No. 24 June Term, 1930 charging murder and was sentenced by the Honorable William A. McConnell, Judge, to imprisonment for life in the Western State Penitentiary.

The applicant is now over sixty-four years of age, he has been imprisoned for more than eleven years and when convicted had no prior criminal record.

The killing for which the applicant is confined was the result of a fight in which he was badly injured and which easily could have so confused him as to make him irresponsible.

The Board of Trustees of the Western State Penitentiary

reports to the Board of Pardons that the applicant has had a satisfactory institutional record.

The trial judge, the Honorable William A. McConnell, in a letter to the Board of Pardons states: ". . . In my opinion, he ught to be released from any further imprisonment."

A. B. DeCastrique, Esquire, who was the District Attorney when the applicant was convicted in a letter to the Board of Pardons writes: ". . . It is my firm belief that he is not a criminal at heart. Before this crime he bore an excellent reputation for peace and good order and to my knowledge never had committed any offense in the slightest degree. Although the offense for which he is now imprisoned was of a grave nature, I am of the opinion that he never would be heard of in the criminal courts. Much of his downfall was due to the madness of his wife who constantly nagged him to evict his victim from the premises owned by her.

A parole plan has been arranged for the applicant and his income is sufficient to keep him from becoming a public charge.

The Board of Pardons, in view of the recommendations of those in his home county who conducted the trial of the applicant, and his record during the long years of his confinement, is of the opinion that the ends of justice have been well satisfied and that the applicant should be given an opportunity to spend the remaining years of his life in living freely among his fellow men. The Board of Pardons, therefore, recommends that the life sentence of imprisonment be commuted to a minimum term of eleven years, expiring on January 31, 1942, and that the applicant remain on parole the balance of his natural life.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of John Patterson, No. 5565, January Session, 1942.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that John Patterson, convicted of (1) robbery and (2) assault and battery in the Court of Oyer and Terminer of Delaware County, on February 16, 1935, to be computed from January 21, 1935, be pardoned.

Our reasons for making this recommendation are as follows:

The applicant for a full and absolute pardon entered his plea of guilty in the Courts of Oyer and Terminer of Delaware County on the 16th day of February, 1935, to Indictments Nos. 91 and 92 March Sessions, 1935, containing five counts charging robbery and three counts charging assault and battery, and was sentenced by the Honorable Roger Fronefield, Judge, to undergo imprisonment at Broad Meadows Prison Farm for a term of not less than one nor more than five years and pay a fine of $100.00, sentence to be computed from January 21, 1935. He was released on parole on December 20, 1935.

The applicant was nineteen years old when the crimes for which he now seeks a pardon were committed, and before that time, had maintained a good record which he has also done since his release.

He is now employed on an oil tanker and desires a pardon in order to have a better chance to advance himself in his employment.

The district attorney of Delaware County informed the Board of Pardons that there has been no misconduct on the part of the applicant since his release and that he does not oppose the application.

The Board of Pardons is of the opinion that the conduct of the applicant during the past six years is evidence of his rehabilitation and his desire to lead an honest and law-abiding life. He has earned the benefits of a clean record and, the Board, therefore, recommends that a full and absolute pardon be granted to John Patterson, the applicant.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of Vincent Powers, D-361, No. 3434, January Session, 1942.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the sentence of imprisonment imposed on Vincent Powers, convicted of robbery, being armed with an offensive weapon, in the Oyer and Terminer Court of Philadelphia County, on the 15th day of February, 1935, be commuted from a minimum term of 7½ years imposed on Bill No. 347 February Term, 1935 to a minimum term of 7 years, expiring on February 15, 1942, and on Bill No. 348 from a minimum term of 2½ years to a minimum term of 1 day, expiring on February 16, 1942, and that the applicant remain on parole until February 15, 1950.

Our reasons for making this recommendation are as follows:

The applicant for commutation of sentence entered his plea of guilty in the Court of Oyer and Terminer of Philadelphia County on the 15th day of February, 1935 to Indictments Nos. 347 to 355 inclusive February Term, 1935 charging robbery, being armed with an offensive weapon, and was sentenced to imprisonment in the Eastern State Penitentiary by the Honorable Howard A. Davis, Judge, for a term of not less than seven and one-half nor more than fifteen years on Bill No. 347 and on Indictment No. 348, to not less than two and one-half nor more than five years, sentences to run consecutively.

The applicant had no prior criminal record and has now been confined in the penitentiary for almost seven years. At the time of his commitment he was only nineteen years of age.

The Board of Trustees of the Eastern State Penitentiary in its report to the Board of Pardons states: ". . . His institutional record has been satisfactory. He has been employed in the bake shop since 1937 and performs very satisfactorily. His attitude is good and he has demonstrated habits of industry. He has shown considerable improvement since coming to the prison and with proper guidance and steady employment there is a possibility he will make an honest attempt to refrain from further criminal activities."

Honorable Harry S. McDevitt, Judge, in a letter to the

Board writes: ". . . He has a satisfactory institutional record and since 1937 he has been satisfactorily employed in the bake shop. His attitude is good, and he has developed habits of industry. He has shown considerable improvement, and I am inclined to think he is making a conscientious effort to lead an entirely different life. While his application will probably be opposed by the district attorney's office, they have neither talked to him nor inquired about him since his commitment."

Assistant District Attorney James W. Tracey, Jr., Esquire, representing the office of the district attorney, stated that they had no objection to the granting of clemency.

An adequate parole plan has been provided and satisfactory employment will be available about March 15, 1942.

The Board of Pardons in view of the recommendation of Judge McDevitt and the Board of Trustees, feels that the rehabilitation of the applicant has progressed sufficiently to justify it in giving him an opportunity to demonstrate his fitness to resume life outside of prison walls. It would, therefore, recommend that the minimum sentences be commuted, and that the applicant remain on parole until February 15, 1950.

Respectfully submitted,
S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:
ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of Joseph Walter Reed, No. 5566, January Session, 1942.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Joseph Walter Reed, convicted of larceny, receiving stolen goods in the Court of Quarter Sessions of Philadelphia County on October 20, 1939, be pardoned.

Our reasons for making this recommendation are as follows:

The applicant for a full and absolute pardon entered his plea of guilty in the Court of Quarter Sessions of Philadelphia County on the 20th day of October, 1939, to Indictment No. 964 October Term, 1938, charging larceny, receiving stolen goods, and was placed on probation for five years by the Honorable Harry S. McDevitt, Judge, conditioned on restitution along with three accomplices.

Since being placed on probation the record of the applicant has been good. He is now holding a responsible position and is living happily with his wife, mother, brother, and sister-in-law.

The office of the District Attorney advised the Board of Pardons that it had no objection to the granting of clemency and the Judge who placed him on probation in a letter to the Board calls its attention to the lucrative nature of his employment and makes no objection to the granting of a pardon.

The applicant who is a British subject desires to become a citizen of the United States and in order to realize that ambition this one infraction of the law must be stricken from his record.

The Board of Pardons is of the opinion that his conduct since he was placed on parole justifies it in assisting the applicant in the realization of his ambition, and it would, therefore, recommend that a full and absolute pardon be granted to Joseph Walter Reed, the applicant.

Respectfully submitted,
S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA.
Secretary of the Commonwealth.
CLAUDE T. RENO.
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:
ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of Chester Robinson, D-4216, No. 5581, January Session, 1942.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the sentence of imprisonment imposed on Chester Robinson, convicted of breaking and escaping penitentiary and larceny of automobile, in the Oyer and Terminer and Quarter Sessions Court of Centre County, on the 7th day of December, 1935, be commuted on Bill No. 31 February Term, 1936 from a minimum term of 2 years to a minimum term of 5 months and 9 days, expiring on February 15, 1942, sentence to be computed from September 6, 1939. (Bill No. 32 to run concurrently with Bill No. 31 is also commuted).

Our reasons for making this recommendation are as follows:

The applicant for commutation of sentence plead guilty in the Court of Oyer and Terminer and Quarter Sessions of Centre County on December 7, 1935 to Indictments Nos. 28, 31, and 32 February Term, 1936 charging breaking and escaping penitentiary and larceny of automobile, and was sentenced by the Honorable M. Ward Fleming, Judge, to imprisonment in the Eastern State Penitentiary for from two to four years on Indictment No. 28, sentence to begin September 6, 1939 and on Indictment No. 31 for a term of not less than two nor more than four years to begin at the expiration of the sentence imposed on Indictment No. 28. Sentence on Bill No. 32 to run concurrently with Bill No. 31.

The minimum sentence imposed on Indictment No. 28 expired September 6, 1941 but parole was not granted at that time.

The Board of Trustees of the Eastern State Penitentiary in its report to the Board of Pardons states: ". . . This inmate has maintained a good record of prison performance. He is clean about his person and cell and he associates with the average type of inmate. He has been employed in the weave shop since September 9, 1939 and at the present time is working as a loomfixer. He has learned that trade while he has been in the institution. He corresponds and receives visits from his parents and he has sent some money home to his mother. This man served 2 years or the balance of his maximum sentence on his original charge before he started serving the present sentence. At the time his original minmum expired, he was denied the right of parole in accordance with the ruling of the Attorney General. Since he has been continually incarcerated with the exception of one day since September 4, 1935, it is felt that this case deserves some consideration."

The trial judge, the Honorable M. Ward Fleming, in a letter to the Board of Pardons stated that he had no

objection to the granting of clemency if the present District Attorney of Centre County did not object. The District Attorney has filed no objection.

The applicant is offered employment and will in the event of his release be sponsored by Honorable Edwin C. Smith, a former Judge of the Supreme Court of New York.

The Board of Pardons is of the opinion that the applicant has been sufficiently punished and that his prison record for conduct, industry and self-improvement shows such evidence of rehabilitation as to justify his release in order that he might try again to lead an honest life.

The Board of Pardons, therefore, recommends that the minimum sentence imposed on Bill No. 31 February Term, 1936 be commuted to a new minimum term of 5 months and 9 days, expiring on February 15, 1942, and that the applicant remain on parole until September 6, 1945. (Bill No. 32 to run concurrently with Bill No. 31 is also commuted.)

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of Clement Henry Schaffer, D-2232, No. 3985, January Session, 1942.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Clement Henry Schaffer, convicted of statutory rape in the Court of Quarter Sessions of Luzerne County on May 24, 1937 be commuted from 7½ years to 4 years and 8 months, expiring on January 24, 1942.

Our reasons for making this recommendation are as follows:

The applicant for commutation of sentence entered his plea of guilty in the Court of Quarter Sessions of Luzerne County on the 24th day of May, 1937 to Indictment No. 320 June Term, 1937 charging statutory rape, and was sentenced by the Honorable John S. Fine, Judge, to imprisonment in the Eastern State Penitentiary for a term of not less than seven and one-half nor more than fifteen years.

The applicant has now served more than four years and eight months of the sentence and the Board of Trustees of the Eastern State Penitentiary reports to the Board of Pardons: ". . . While at the Penitentiary, this man demonstrated an interest in self-improvement by completing a course and earned his International Correspondence School Diploma in Poultry husbandry. He also studied a course in weaving. He was transferred to the Luzerne County Prison on July 11, 1939. The Warden of that institution reports that he has a very good record of prison performance. He has maintained an excellent attitude and he associates with the better type of inmates. He is employed as a storekeeper and is considered to be a good worker. The authorities of the Luzerne County Jail recommend favorable consideration on this man's case."

The representative of the office of the district attorney of Luzerne County, appeared before the Board at the hearing of this application and stated: ". . . We have investigated the case further and believe it is a proper case for parole"

John Plantarich, the father of the victim, in an affidavit filed with the Board of Pardons stated that he felt that the applicant had been sufficiently punished and should be released for the good of his wife and children.

The Warden of the Luzerne County Prison in a letter to the Board of Pardons states: ". . . I believe the applicant to be worthy for commutation of sentence because he has had a perfect prison record—both here and at New Graterford—and because his wife and children need his support and he is intelligent enough and ambitious enough to obtain an honest job for their support. I believe that society will benefit by his re-entry into its company."

This applicant has been in prison for almost five years and the Board of Trustees of the Eastern State Penitentiary and the prosecuting authorities of the County of Luzerne are convinced that he could safely be paroled.

A wife and six children left behind when he was imprisoned still wait for his help in providing them with the essentials of life.

The Board of Pardons is convinced that the ends of justice have been satisfied, that the applicant has been sufficiently punished, and that he should be released, so that his efforts can be directed toward the proper support of his family. The Board, therefore, recommends that the minimum sentence of 7½ years be commuted to a new minimum term of 4 years and 8 months, expiring on January 24, 1942, and that the applicant remain on parole until May 24, 1952

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of Joseph Scully, B-3840, No. 4632, January Session, 1942.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Joseph Scully, convicted of assault and battery, aggravated assault and battery, being armed with an offensive weapon with intent to rob in the Court of Quarter Sessions of McKean County on October 7, 1933 be commuted from 10 years to 8 years and 4 months, expiring on February 7, 1942.

Our reasons for making this recommendation are as follows:

The applicant for commutation of sentence was convicted in the Court of Quarter Sessions of McKean County on the 7th day of October, 1933 under Indictment No. 92 October Sessions, 1933 charging assault and battery, aggravated assault and battery, being armed with an offensive weapon with intent to rob, and was sentenced by the Honorable J. W. Bouton, Judge, to imprisonment in the Western State Penitentiary for a term of not less than ten nor more than twenty years.

His prior criminal record consisted of one conviction and he has now served almost eight and a half years of the sentence imposed on October 7, 1933, and the sentences

of three accomplices convicted with him have been commuted.

The Board of Trustees of the Western State Penitentiary in its report to the Board of Pardons states that on account of his long term of service and the fact that his accomplices have been released, it would recommend parole.

The district attorney of McKean County in a letter to the Board states that he would recommend clemency for the reason that the applicant has been sufficiently punished.

Employment in the State of New Jersey has been secured for the applicant and an adequate parole plan has been arranged for him subject to the supervision of the parole authorities of that State.

The Board of Pardons is of the opinion that the applicant has been sufficiently punished, that the ends of justice has been satisfied, and that the applicant should be extended an opportunity to demonstrate his rehabilitation. The Board of Pardons, therefore, recommends that the minimum sentence of ten years be commuted to a new minimum term of 8 years and 4 months, expiring on February 7, 1942, and that the applicant remain on parole until October 7, 1953.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of Charles Ryan Stalnaker, C-5863, No. 5265, January Session, 1942.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the maximum sentence of Charles Ryan Stalnaker, convicted of robbery in the Court of Oyer and Terminer and Quarter Sessions of Northumberland County, on January 13, 1930, be commuted from 10 years on Bill No. 1 December Term, 1929, to a new minimum term of 9 years, 2 months, and 13 days, expiring on February 15, 1942. (Bills Nos. 2 December Term, 1929 and Bill No. 109 November Term, 1937 to run concurrently with Bill No. 1, is also commuted.)

Our reasons for making this recommendation are as follows:

The applicant for commutation of sentence entered his pleas of guilty in the Court of Quarter Sessions of Montgomery County on the 2d day of December, 1937 to Indictment No. 109 November Term, 1937 charging larceny, and was sentenced by the Honorable George C. Corson, Judge, to imprisonment in the Eastern State Penitentiary for a term of not less than eighteen months nor more than three years to run concurrently with the back parole time on a sentence imposed by the Honorable Albert Lloyd, Judge, in Northumberland County on Indictments Nos. 1 and 2 of December Term, 1929, charging robbery.

The applicant was paroled on January 13, 1935 at the expiration of the minimum sentence imposed in Northumberland County and upon the entry of the plea of guilty in Montgomery County, he was returned to the Eastern State Penitentiary as a parole violator, to serve the remainder of the sentence of the Northumberland County Court.

The applicant has now served over nine years and two months in prison and it is evident that the maximum term of the Montgomery County sentence has already expired and any commutation of sentence necessary to affect his parole must be of the maximum of the Northumberland County sentence.

The Board of Trustees of the Eastern State Penitentiary in its report to the Board of Pardons states: ". . . This man's institutional performance has been satisfactory. He attended school for a month and a half, made good progress in academic work. He also completed a course in poultry husbandry from International Correspondence School. He is employed as a clerk in the canteen and as radio repairman and is considered to be a willing and industrious worker. He keeps in contact with his wife through visits and correspondence. This inmate's constructive application to the duties assigned him in the institution is a step in the right direction and shows a desire to improve himself."

The Honorable George C. Corson, Judge, in a letter to the Board of Pardons writes: ". . . As to the application of Stalnaker I have no objections to the parole as I feel that he has been amply punished for what he did in connection with the case in Norristown. He was also most helpful in helping to convict the man who was receiving the goods and I feel is entitled to some consideration."

The District Attorney of Montgomery County, in a letter to the Board writes: ". . . The facts set forth in the application are substantially correct as far as the Montgomery County offense is concerned. The sentence has been compiled with since the sentence here was only to serve eighteen months to three years from December of 1937. I presume the defendant is continuing to serve the remainder of his term for violation of his parole. This defendant was very helpful in the prosecution of one Irving Goldenthal, who was also tried here and was an accomplice of the defendant. This office does not oppose the application of this defendant."

Employment and an adequate parole plan have been provided for the applicant in the event of his parole.

The Board of Pardons is of the opinion that the applicant has been sufficiently punished and that his apparent desire to improve himself as reported by the Board of Trustees of the Eastern State Penitentiary should be encouraged by permitting him to continue his improvement in the outside world. The Board of Pardons, therefore, recommends that the maximum sentence imposed on Bill No. 1 December Term, 1929 be commuted, and that the applicant remain on parole until December 2, 1942.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of Stephen Stefanowicz, B-6530, No. 4861, January Session, 1942.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Stephen Stefanowicz, convicted of statutory rape in the Court of Oyer and Terminer of Allegheny County on May 12, 1938, to be commuted from January 13,

1939 be commuted from 4 years to 3 years and 1 month, expiring on February 13, 1942.

Our reasons for making this recommendation are as follows:

The applicant was convicted by a jury in the Court of Oyer and Terminer of Allegheny County on the 12th day of May, 1938 for the second time under Indictment No. 15 February Term, 1934 charging statutory rape, and was sentenced by the Honorable Robert R. Lewis, Judge, to imprisonment in the Western State Penitentiary for a term of not less than four nor more than eight years. After his first conviction under this Indictment, the applicant appealed the decision of the Court refusing a new trial, and the Superior Court in an opinion reported in 118 Super. Ct. 79, set aside the verdict and granted a new trial which again resulted in a verdict of guilty and the imposition of the above sentence, which he started to serve on January 13, 1939.

The applicant has continued in his protestation of innocence since his arrest, and investigation has tended to partially corroborate his version of the occurrence. He bears a good reputation and many of his negihbors believe in his innocence.

The applicant has now served more than three years of his sentence and his institutional record and conduct have been excellent.

The office of the district attorney of Allegheny County has made no objection to the granting of leniency.

Very attractive and lucrative employment has been arranged for the applicant and an adequate parole plan has been provided.

The Board of Pardons is of the opinion that the applicant has served sufficient time to satisfy the ends of justice, even if guilty of the offense, and that his prison conduct is such as to justify it in affording him an opportunity to demonstrate his rehabilitation. The Board of Pardons, therefore, recommends that the minimum sentence of four years be commuted to a new minimum term of three years and one month, expiring on February 13, 1942, and that the applicant remain on parole until January 13, 1947.

Respectfully submitted,
S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:
ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of Roscoe Stouffer, B-6343, No. 5173, January Session, 1942.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the sentences of imprisonment imposed on Roscoe Stouffer, convicted of (1) larceny of automobile; (2) felonious entry, breaking and entering; (3) breaking and escaping jail, in the Oyer and Terminer and Quarter Sessions Courts of Bedford County, on the 22nd day of September, 1938, be commuted from a maximum term of 4 years to a maximum term of 3 years and 10 months (adding 2 days escape time), expiring on January 31, 1942; on Bill No. 17 from a maximum term of 4 years to a maximum term of 1 day, expiring on February 1, 1942; on Bill No. 18 from a minimum term of 2 years to a minimum term of 1 day, expiring on February 2, 1942; and on Bill No. 22 December Term, 1939 from a minimum term of 1 year to a minimum term of 1 day, expiring on February 3, 1942, sentence ta be computed from March 29, 1938 on Bills Nos. 16, 17, and 18 May Term, 1938 and on Bill No. 22 December Term, 1938 from February 3, 1939.

Our reasons for making this recommendation are as follows:

The applicant for commutation of sentence was convicted by a jury in the Court of Oyer and Terminer and Quarter Sessions of Bedford County on the 22nd day of September, 1938 under Indictments Nos. 16, 17, and 18 May Sessions, 1938 charging larceny of automobile, felonious entry, breaking and larceny, and was sentenced by the Honorable Harry C. James, Judge, to imprisonment in the Western State Penitentiary for a term of not less than two nor more than four years in each case, the sentences to run consecutively and to be computed from March 29, 1938.

While in the Bedford County Prison awaiting removal to the Western State Penitentiary, the applicant and his accomplice sawed the bars from a window and escaped. Two days later he was apprehended and returned to jail. On February 3, 1939 the applicant entered a plea of guilty to Indictment No. 22 December Sessions, 1938 and was sentenced by the Honorable Harry C. James, Judge, to imprisonment in the Western State Penitentiary for a term of not less than one nor more than two years to begin at the expiration of the sentence imposed on September 22, 1938.

The Board of Trustees of the Western State Penitentiary reports to the Board of Pardons that the applicant has had an excellent institutional record.

The present District Attorney, the Prothonotary, and the Sheriff of Bedford County, and other prominent citizens of that county have written to the Board expressing their belief in the innocence of the applicant and recommending his release.

A very favorable parole plan has been arranged and employment awaits the return of the applicant.

The argument presented to the Board by counsel for the applicant raises a strong doubt as to the guilt of the applicant, especially in view of the fact, that his conviction was probably caused by the evidence of one who could well have been the defendant in the same case.

The Board of Pardons is of the opinion that this doubt coupled with the institutional record of the applicant and the time served, justified it in giving the applicant another opportunity to take his place in society. The Board, therefore, recommends that the sentences of imprisonment be commuted, and that the applicant remain on parole until February 1, 1946.

Respectfully submitted,
S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:
ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of Adolph Strockbine, C-3417, No. 5064, January Session, 1942.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members

of the Board of Pardons recommend that the life sentence of Adolph Strockbine, convicted of Murder in the First Degree in the Court of Oyer and Terminer and Quarter Sessions of Schuylkill County on May 17, 1926 be commuted from life imprisonment to 15 years 8 months and 10 days, expiring on January 27, 1942.

Our reasons for making this recommendation are as follows:

The applicant for commutation of sentence was convicted by a jury in the Court of Oyer and Terminer and Quarter Sessions of Schuylkill County on the 17th day of May, 1926 under Indictment No. 127 January Term, 1926 charging Murder in the First Degree, and was sentenced by the Honorable Judge Bechtel, to life imprisonment in the Eastern State Penitentiary.

The applicant had no previous criminal record and the killing for which he was sentenced was the result of disillusionment and was committed in a fit of jealous rage. After shooting his wife, the applicant turned the gun on himself and fired again but disfigurement was the only result.

The Board of Trustees of the Eastern State Penitentiary in its report to the Board of Pardons states: ". . . This man has maintained an excellent record of prison performance. He has been employed as a scrubber and runner on the hospital block for approximately 13 years and is considered to be a conscientious worker. He does not associate with any of the inmates. He has maintained a constructive interest in his children and has sent out a large part of his earnings to help in their support and education. He keeps in contact with his brother and children through visits and correspondence. Subject has no known previous criminal record and judging on the basis of his activities prior to incarceration and his behaviour while in the institution, we feel that he would probably attempt to make a successful adjustment."

No objection has been made by the convicting authorities of Schuylkill County to the granting of clemency.

Satisfactory employment has been obtained for the applicant and an adequate parole plan has been provided.

The Board of Pardons feels that the applicant has been sufficiently punished for the crime committed while probably mentally unbalanced and that his prior record and his excellent institutional performance is sufficient to justify it in permitting him to again mingle with his fellow men and lead a useful life. The Board, therefore, recommends that the life sentence of imprisonment be commuted to a minimum term of 15 years, 8 months, and 10 days, expiring on January 27, 1942, and that the applicant remain on parole the balance of his natural life.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA.
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of Albert Troise, D-741, No. 3670, January Session, 1942.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the sentence of imprisonment imposed on Albert Troise, convicted of burglary, in the Oyer and Terminer Court of Philadelphia County, on the 16th day of July, 1935, be commuted on Bill No. 326 July Term, 1935 from a minimum term of 2½ years to a minimum term of 1 year, 6 months and 29 days, expiring on February 15, 1942. (Has been granted parole on Bill No. 196.)

Our reasons for making this recommendation are as follows:

The applicant for commutation of sentence entered his plea of guilty in the Court of Oyer and Terminer of Philadelphia County on the 3rd day of July, 1935 to Indictments Nos. 196 and 326 July Term, 1935 charging burglary, and was sentenced by the Honorable Frank Smith, Judge, to imprisonment in the Eastern State Penitentiary on Indictment No. 196 to not less than five nor more than ten years and on Indictment No. 326 to not less than two and one-half nor more than ten years, the sentences to run consecutively and to be computed from July 16, 1935. On Indictments Nos. 327, 328, 329, and 330 July Term, 1935 he was sentenced to a period of five years probation on each bill or a total of twenty years to begin at the expiration of the sentences imposed on Indictments Nos. 196 and 326.

The applicant had never been previously convicted of any crime and has now served more than six and a half years.

The Board of Trustees of the Eastern State Penitentiary in its report to the Board of Pardons states that the applicant's institutional record has been satisfactory and he is considered to be a willing worker.

The trial judge, the Honorable Frank Smith, has not objected to the granting of leniency.

Assistant District Attorney James W. Tracey, Jr., Esquire, appeared before the Board of Pardons and stated that the applicant had served six years and that it was felt that he had been sufficiently punished.

Employment and an adequate parole plan have been arranged for the applicant.

The Board of Pardons feels that the applicant who was but seventeen years old when sentenced has been sufficiently punished by his six years of servitude and should be given an opportunity to lead an honest life in the outside world.

The Board of Pardons, would therefore, recommend that the minimum sentence on Bill No. 326 July Term, 1936 be commuted to a new minimum term of 1 year, 6 months, and 29 days, expiring on February 15, 1942, and that the applicant remain on parole until July 16, 1950. (Has been granted parole on Bill No. 196.)

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of Louis Vernon, C-5250, No. 2828, January Session, 1942.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Louis Vernon, convicted of robbery in the Court of Oyer and Terminer and Quarter Sessions of Delaware County, on March 19, 1929 be pardoned.

Our reasons for making this recommendation are as follows:

The applicant for a full and absolute pardon, when eighteen years of age, entered his plea of guilty in the Court of Oyer and Terminer and Quarter Sessions of Delaware County on the 19th day of March, 1929 to Indictments Nos. 165, 166, and 167 March Term, 1929 charging robbery, and was sentenced by the Honorable Albert D. MacDade, Judge, to not less than thirty nor more than sixty years in the Eastern State Penitentiary.

The applicant was paroled after commutation of his sentence on April 11, 1936, after serving seven years and two months.

The Supervisor of Paroles in a report to the Board of Pardons states that since his release the applicant has demonstrated to the parole authorities, that he has been rehabilitated. He is now gainfully employed and has been so employed since his release.

By reason of the age of this applicant at the time of the commission of the crimes for which he was sentenced and his now thorough rehabilitation, the Board of Pardons is of the opinion that he deserves the benefits that will result from the purging from his record, of the scar thereon made by the error committed in his youth. The Board of Pardons, therefore, recommends that a full and absolute pardon be granted to Louis Vernon, the applicant.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of George Wentz, B-6556, No. 5174, January Session, 1942.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the sentence of imprisonment imposed on George Wentz, convicted of (1) larceny of automobile; (2) Felonious entry, breaking, and larceny; (3) breaking and escaping jail, in the Quarter Sessions Court of Bedford County, on the 22nd day of September, 1938 and January 30, 1939, be commuted on Bill No. 16 from a maximum term of 4 years to a maximum term of 3 years and 3 days (adding 4 months, 6 days escape time), expiring on January 31, 1942; on Bill No. 17 from a maximum term of 4 years to a maximum term of 1 day, expiring on February 1, 1942; on Bill No. 18 from a minimum term of 2 years to a minimum term of 1 day, expiring on February 2, 1942; and on Bill No. 22 December Term, 1938, from a minimum term of 2 years to a minimum term of 1 day, expiring on February 3, 1942—sentences were to be computed from January 30, 1939.

Our reasons for making this recommendation are as follows:

The applicant for commutation of sentence was convicted by a jury in the Court of Quarter Sessions of Bedford County on the 22d day of September, 1938 under Indictments Nos. 16, 17, and 18 May Sessions, 1938 charging larceny of automobile; felonious entry, breaking, and larceny, and was sentenced by the Honorable Harry C. James, Judge, to imprisonment in the Western State Penitentiary for a term of not less than two nor more than four years in each case, the sentences to run consecutively.

While in the Bedford County Prison awaiting removal to the Western State Penitentiary, the applicant and his accomplice sawed the bars from a window and escaped. Six days later he was apprehended and returned to jail. On January 30, 1939 the applicant entered a plea of guilty to Indictment No. 22 December Sessions, 1938 and was sentenced by the Honorable Harry C. James, Judge, to imprisonment in the Western State Penitentiary for a term of not less than two nor more than four years to begin at the expiration of the sentences imposed on September 22, 1938.

The Board of Trustees of the Western State Penitentiary reports to the Board of Pardons that the applicant has had an excellent institutional record.

Many residents of Blair County, (the home of the applicant) including prominent county officials have written to the Board requesting leniency for the applicant and expressing belief in his innocence.

The argument presented to the Board by counsel for the applicant raises a strong doubt as to the guilt of the applicant, especially in view of the fact, that his conviction was probably caused by the evidence of one who could well have been the defendant in the same case.

The Board of Pardons is of the opinion that this doubt coupled with the institutional record of the applicant and the time served, justifies it in giving the applicant another opportunity to take his place in society. The Board, therefore, recommends that the sentences of imprisonment be commuted and that the applicant remain on parole until February 1, 1946.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of Arthur Whaley, B-2749, No. 1968, January Session, 1942.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the sentence of imprisonment imposed on Arthur Whaley, convicted of robbery, in the Oyer and Terminer Court of Allegheny County, on June 24, 1931, be commuted on Bill No. 8 June Term, 1931, from a minimum of 5 years to a minimum of 6 months, expiring on December 24, 1941.

Our reasons for making this recommendation are as follows:

The applicant is one of many prisoners whose release on parole has been affected by the opinion of the Supreme Court in the case of Commonwealth of Pennsylvania ex rel. Thomas Lynch v. Stanley P. Ashe, Warden of the Western State Penitentiary, 320 Pa. 341. In this opinion it was held that unless a prisoner, who was serving sentences imposed to run consecutively, was recommended and approved for parole at the expiration of the first minimum sentence, he would be serving the maximum of that sentence, and if no recommendation for parole was made at the expiration of the second and subsequent minimum of sentences imposed to run consecutively, the prisoner would be serving the maximum of the second and subsequent sentences. In other words, a prisoner serving an indeterminate sentence is not automatically paroled at the expiration of the minimum term but is

merely eligible for parole at that time, and if not favorably considered by the Prison Board at any time thereafter, the prisoner is required to serve the full sentence.

It was the custom for a long period of time for the officials of both the Eastern and Western State Penitentiaries to lump consecutive sentences and the Boards of Trustees would only make recommendations for release on parole at the expiration of the period of time equal to the total of the minimum sentences.

Since the Supreme Court held this procedure improper, the applicant and others, whose cases were not considered for parole at the expiration of their minimum sentences, through no fault of their own, will have to serve a much longer period of time than contemplated by the sentencing judge and the prison officials.

The failure of the Board of Trustees to make the necessary recommendations for parole at the expiration of the minimum sentences was an honest mistake, as most, if not all, sentencing judges shared the same view as the prison officials in deeming it to be unnecessary to make recommendations for parole at the expiration of the minimum of every consecutive sentence. Sentencing judges throughout the state have uniformly believed and taken into consideration in passing sentences the Prison Board practice that consecutive sentences would be lumped making a total minimum and a total maximum.

We believe that a great injustice would be done and that it would be most unfair to keep the applicant incarcerated for a longer period of time than recommended by the Board of Trustees of the institution in which the applicant is confined.

Respectfully submitted,
S. S. LEWIS,
Lieutenant-Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.,
Secretary of Internal Affairs.

The above recommendation is approved:
ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of Jack Whaumbush, No. 5575, January Session, 1942.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Jack Whaumbush, convicted of breaking and entering in the Court of Quarter Sessions of Allegheny County, on October 16. 1923 be pardoned.

Our reasons for making this recommendation are as follows:

The applicant for a full and absolute pardon was convicted in the Court of Quarter Sessions of Allegheny County on the 16th day of October, 1923, when under seventeen years of age, under Indictment No. 980 September Term, 1923 charging breaking and entering, and was sentenced by the Honorable Joseph M. Swearingen, Judge, to the Pennsylvania Industrial School at Huntingdon.

Applicant was paroled from the Huntingdon School on December 12, 1924.

Since his release, the applicant has been continuously and variously employed and has maintained a splendid record of behavior.

The representative of the office of the district attorney of Allegheny County has advised the Board of Pardons that the applicant has lived a good life since his release, and that the office does not oppose the granting of clemency by the Board of Pardons.

The applicant has persisted in his denial of guilt, and his record since his release, is evidence of the absence of any criminal tendencies.

He asks this Board for a clean record for the sake of his wife and daughter.

The Board of Pardons is of the opinion that by his conduct since his release he has earned that kind of a record, and, it therefore, recommends that a full and absolute pardon be granted to the applicant, Jack Whaumbush.

Respectfully submitted,
S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs

The above recommendation is approved:
ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of Charles Wright, B-3403, No. 3280, January Session, 1942.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Charles Wright, convicted of murder in the second degree in the Court of Oyer and Terminer of Westmoreland County on October 5, 1932 be commuted from 10 years to 9 years, 7 months and 18 days, expiring on May 23, 1942.

Our reasons for making this recommendation are as follows:

The applicant for commutation of sentence was convicted by a jury in the Court of Oyer and Terminer of Westmoreland County on the 5th day of October, 1932 under Indictment No. 22 August Sessions, 1932 charging murder in the second degree. He applied for a new trial, which was denied by the Court, and he was sentenced by the Honorable William T. Dom, Judge, to imprisonment in the Western State Penitentiary for a term of not less than ten nor more than twenty years.

The applicant had never been previously convicted of any crime and has now served more than nine years and four months of his sentence. His institutional record has been excellent and the Board of Trustees of the Western State Penitentiary reports that if eligible it would recommend him for parole.

The district attorney of Westmoreland County, in a letter to the Board of Pardons writes: ". . . In-as-much as this man would receive such benefits under present Pennsylvania Law if sentenced at present time we have no objection to your Honorable Board granting this applicant the 4 months, 12 days, jail time asked for if you feel he should have credit therefore."

The Board of Pardons is of the opinion that credit should be allowed for the time mentioned by the District Attorney and would, therefore, recommend that the minimum sentence of ten years be commuted to a new minimum term of nine years, seven months, and eighteen days, expiring on May 23, 1942, and that the applicant remain on parole until October 5, 1952.

Respectfully submitted,
S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:
ARTHUR H. JAMES,
Governor.

THE LEHIGH COAL AND NAVIGATION COMPANY

Fidelity-Philadelphia Trust Building
Philadelphia, Pa.

December 23, 1941.

To the Senate and House of Representatives of the Commonwealth of Pennsylvania in the General Assembly met:

In compliance with the requirements of the 19th Section of the Act of Assembly, passed March 20, 1818, entitled "An Act to Improve the Navigation of the River Lehigh," I would respectfully report that the tolls received on the Lehigh Navigation during the year 1941 amount to one thousand four hundred thirty-three dollars and sixty-three cents ($1,433.63), according to the returns made to this office.

Very truly yours,
HENRY H. PEASE.
Secretary.

State of Pennsylvania }
County of Philadelphia } ss.

Before me, the subscriber, a Notary Public of the County of Philadelphia and State of Pennsylvania, personally appeared on this twenty-third day of December, A. D. 1941, Henry H. Pease, Secretary of The Lehigh Coal and Navigation Company, who being duly affirmed according to law, did depose and say that the above statement is just and true to the best of his knowledge, information and belief.

HENRY H. PEASE.

Affirmed and subscribed before me the day and year aforesaid.

(Seal) M. H. Edmunds,
Notary Public.
My Commission expires May 6, 1944.

THE WESTERN SAVING FUND SOCIETY OF PHILADELPHIA

NUMBER OF OPEN ACCOUNTS ON NOVEMBER 3, 1941

	Main	Chestnut Street	Kensington	Frankford	North Phila.	21st Street	Phila. Nat'l	52d Street	Total
$0-$1	19,926	4,065	350	461	543	524	32	262	26,163
$1-$10	16,331	14,079	1,924	2,203	2,085	2,390	38	1,538	40,588
$10-$20	7,961	5,092	1,192	839	1,153	784	23	874	17,918
$20-$50	6,203	4,113	1,261	812	1,243	728	21	792	15,173
$50-$100	6,382	4,147	1,463	1,048	826	582	19	598	15,065
$100-$200	4,493	3,320	1,243	934	722	526	21	402	11,661
$200-$300	2,597	2,678	1,181	952	1,011	806	24	672	9,921
$300-$500	3,872	2,843	917	774	942	603	28	569	10,548
$500 up	21,437	9,534	3,424	2,624	2,381	1,572	59	1,504	42,535
Total	89,202	49,871	12,955	10,647	10,906	8,515	265	7,211	189,572

Sworn to and subscribed before me this 6th day of November, 1941.
I am not a director, officer or stockholder in the Bank, Banking Institution or Trust Co. for which I hereby act as Notary Public.

(Signed) B. C. SCHUCHARD
Notary Public

My commission expires March 5, 1945.

P. BLAIR LEE
President

W. S. GRIFFITH
Treasurer

NINETY-FIFTH ANNUAL REPORT OF THE AUDITORS

Par Value	Assets	Book Value
$ 14,562,131.95	Cash	$ 14,562,131.95
36,934,500.00	United States of America Government Bonds	36,933,637.87
202,500.00	Home Owners' Loan Corporation Bonds	202,499.81
300,000.00	Federal Farm Mortgage Corporation Bonds	300,000.00
585,000.00	Reconstruction Finance Corporation Bonds	585,000.00
2,540,000.00	Dominion of Canada Bonds	2,381,581.68
7,153,000.00	State, County & Municipal Bonds	7,085,244.86
16,846,000.00	Railroad Bonds	12,577,631.83
2,613,000.00	Railroad Equipment Trust Certificates	2,490,613.41
20,827,000.00	Public Utility Bonds	20,683,331.11
3,479,000.00	Industrial Bonds	3,435,596.52
2,625,200.00	Miscellaneous Bonds and Lease Trust Certificates	2,035,575.00
1,708,511.20	Mortgages F. H. A.	1,708,511.20
12,612,754.21	Real Estate Mortgages	11,629,340.27
1,977,099.43	Other Real Estate	1,977,099.43
21,230.00	Collateral Loans	21,230.00
1,681,268.16	Bank Buildings	1,681,268.16
1,758.75	Mortgagee in Possession	1,758.75
867,436.12	Accrued Interest Receivable	867,436.12
1,855.84	Prepaid Expenses and Taxes	1,855.84
80,244.89	Death Benefit Fund	80,244.89
$127,539,245.66		$121,241,588.70

LIABILITIES

Deposits	$112,531,838.87
Escheatable Accounts (1,474)	14,693.09
Mortgagor Accumulations	26,481.03
F. H. A. Escrow Accounts	15,954.47
Received on Account Purchase Price of Other Real Estate	8,126.35
Safe Deposit Box Tax	277.89
Accounts Payable	68.03
Social Security Taxes	4,496.26
Employee Deduction Plans	127.75
Accrued Interest Payable	109.56
Accrued Expenses and Taxes	46,450.95
City of Philadelphia Income Tax	482.10
Due to Federal Reserve for sale U. S. Defense Bonds	128,625.00
Reserve for Death Benefit Fund	80,244.89
Reserve for Depreciation on Mortgages	58,537.47
Surplus	8,325,074.99
	$121,241,588.70

The Society also holds for 889 depositors, United States of America Treasury Bonds and Notes, deposited severally by them for safekeeping, of which the par value is $136,350.00.

REPORT OF THE AUDITORS

The undersigned, Auditors appointed by the President Judges of the Court of Common Pleas of Philadelphia, to audit and settle the accounts of THE WESTERN SAVING FUND SOCIETY OF PHILADELPHIA, in conformity with the provisions of Article 1 of the Act of Assembly incorporating the said Society, approved 8th February, 1847, having been duly sworn according to law faithfully so to do:

Certify that the Assets of the said Society, at the close of business on the Tihtry-First day of December, 1941, have been examined and verified by them, and that the value thereof as set forth in the above Schedule agrees with the books and the balance sheet of the Society.

The amount due to depositors, including interest, on the Thirty-First day of December, 1941, and the Surplus are correctly stated and are in agreement with the books and balance sheet.

THOMAS RIDGWAY
CHAS. J. BIDDLE
FRANCIS H. BOHLEN, JR.

NINETY-FIFTH ANNUAL REPORT OF THE AUDITORS

ASSETS

U. S. GOVERNMENT SECURITIES

Par Value		Book Value
$ 850,000.00	United States of America Ninety-Day Bills, 1942	$ 849,347.00
1,750,000.00	United States of America Treasury 2¾'s, 1947-45	1,750,000.00
500,000.00	United States of America Treasury 2's, 1947	500,000.00
250,000.00	United States of America Treasury 3's, 1948-46	250,000.00
500,000.00	United States of America Treasury 2½'s, 1948	500,000.00
2,180,000.00	United States of America Treasury 3⅛'s, 1949-46	2,180,000.00
1,002,000.00	United States of America Treasury 2's, 1950-48	1,002,000.00
4,900,000.00	United States of America Treasury 2¾'s, 1951-48	4,900,000.00
2,299,000.00	United States of America Treasury 4¼'s, 1952-47	2,299,000.00
3,175,000.00	United States of America Treasury 2½'s, 1952-50	3,175,000.00
2,104,000.00	United States of America Treasury 2½'s, 1953-49	2,103,964.30
50,000.00	United States of America Defense Savings Bonds, Ser "G", 2½'s, 1953 (Reg.)	50,000.00
4,333,000.00	United States of America Treasury 2½'s, 1954-52	4,333,000.00
3,100,000.00	United States of America Treasury 2¾'s, 1954-51	3,099,826.57
975,000.00	United States of America Treasury 4's, 1954-44	975,000.00
510,000.00	United States of America Treasury 3's, 1955-51	510,000.00
509,000.00	United States of America Treasury 3¾'s, 1956-46	509,000.00
2,150,000.00	United States of America Treasury 2½'s, 1958-56	2,150,000.00
447,500.00	United States of America Treasury 2¾'s, 1959-56	447,500.00
3,625,000.00	United States of America Treasury 2⅞'s, 1960-55	3,625,000.00
425,000.00	United States of America Treasury 2¾'s, 1963-58	425,000.00
1,300,000.00	United States of America Treasury 2½'s, 1972-67	1,300,000.00
$36,934,500.00		$36,933,637.87
202,500.00	Home Owners Loan Corpn. 3's, Ser "A", 1952-44	202,499.81
300,000.00	Federal Farm Mortgage Corpn. 3's, 1949-44	300,000.00
$37,437,000.00		$37,436,137.68

DOMINION OF CANADA SECURITIES

300,000.00	Government of the Dominion of Canada Seven Yr. 2¼'s, 1944-43	294,937.50
300,000.00	Government of the Dominioon of Canada 2½'s, 1945-43	282,906.25
50,000.00	Government of the Dominion of Canada 5's, 1952-42	50,000.00
300,000.00	Government of the Dominion of Canada 4's, 1960-50	281,096.15
890,000.00	Government of the Dominion of Canada 3¼'s, 1961-56	854,160.00
505,000.00	Government of the Dominion of Canada Thirty Yr. 3's, 1967	438,483.93
195,000.00	Government of the Dominion of Canada Thirty Yr. 3's, 1968	179,997.85
$ 2,540,000.00		$ 2,381,581.68
300,000.00	Reconstruction Finance Corpn. Notes ⅞'s, Ser "U", 1942	300,000.00
285,000.00	Reconstruction Finance Corpn. Notes 1's, Ser "W", 1944	285,000.00
$ 585,000.00		$ 585,000.00

STATE, COUNTY & MUNICIPAL SECURITIES

Par Value		Book Value
$ 158,000.00	Allegheny County, Pa. Miscellaneous 4¼'s, 1942-47	157,210.00
50,000.00	Allegheny County, Pa. Bridge 4¼'s, Ser 20, 1942	49,750.00
50,000.00	Allegheny County, Pa. Road 4¼'s, Ser 34-B3, 1943	49,750.00
100,000.00	City of Baltimore, Md. Gen'l Impvt. 5's, 1942 (Reg)	100,000.00
41,000.00	City of Bethlehem, Pa. Refunding Water 3½'s, 1946	40,180.00
300,000.00	City of Cleveland, Ohio, Elec. Light & Power Plant & System Extn. 1st Mtge. 3½'s, 1950-51	300,000.00
201,000.00	City of Detroit, Mich. Street Rwy. Equip. Trust 2½'s, 1942	201,000.00
25,000.00	City of Detroit, Mich. Refunding 4's, Ser "F" (Non-Callable), 1949	25,000.00
10,000.00	City of Detroit, Mich. Refunding 4's, Ser "F" (Non-Callable), 1950	10,000.00
100,000.00	City of Detroit, Mich. Refunding 4's, Ser "F" (Non-Callable), 1952	100,000.00
50,000.00	City of Detroit, Mich. Refunding 4's, Ser "F" (Non-Callable), 1953	50,000.00
281,000.00	City of Detroit, Mich. Public Utility 4½'s, 1947-48	244,470.00
180,000.00	City of Los Angeles, Cal. Dept. Water & Power, Elec. Plant Refdg. Revenue 2¾'s, Ser "A", 1964-67	179,998.89
100,000.00	City of Los Angeles, Cal. Water Works, Election 1930, Class "L", Ser #1, 3½'s, 1963-65	99,500.00
10,000.00	City of Los Angeles, Cal. Water Works, Election 1930, Class "M", Ser #1, 3½'s, 1964	9,950.00
50,000.00	City of Los Angeles, Cal. Elec. Plant 3¾'s, Class "G", 1953	50,000.00
14,000.00	City of Los Angeles, Cal. Elec. Plant 4½'s, Class "D", 1945	14,000.00
10,000.00	City of Los Angeles, Cal. Elec. Plant 4½'s, Class "C", 1945	10,000.00
169,000.00	State of Louisiana Refunding 3½'s, 1957-60	168,577.50
50,000.00	State of Louisiana Refunding 3½'s, 1950	49,937.50
31,000.00	State of Louisiana Refunding 3½'s, 1953	30,961.25
250,000.00	Metropolitan Water District of Southern California (Colorado River Water Works) Refunding 4's, 1960-61	250,000.00
200,000.00	City of Miami, Fla. Refunding 3½'s, 1953-54	199,992.80
25,000.00	State of Minnesota Trunk Highway 4¼'s, 1943-42	24,916.75
200,000.00	State of Mississippi Highway 3½'s, 3rd Series, 1951	200,000.00
15,000.00	State of Missouri Road 4¼'s, Series "I", 1944	14,950.05
4,000.00	City of Nashville, Tenn. Water Works Impvt. 4¾'s, Ser "B", 1943-45	3,966.67
357,000.00	City of New Orleans, La. Old Public Impvt. 4's, Ser 1900, 1942-50	356,200.00
10,000.00	City of New York, N. Y. Construction of Schools, 4¼'s, 1948 (Reg)	8,848.59
50,000.00	City of New York, N. Y. Construction of Schools 4¼'s, 1942-43	45,793.38
25,000.00	City of New York, N. Y. Construction of Schools 4¼'s, 1942	22,829.20
336,000.00	City of New York, N. Y. Gold Exempt School 4¼'s, Ser 10E, 1944-49	330,067.50
500,000.00	City of New York, N. Y. Var. Munc. Purposes 3¼'s, 1945-49	500,000.00
350,000.00	City of New York, N. Y. 3's, 1948-49	350,000.00
50,000.00	City of New York, N. Y. Rapid Transit Subway 4's 1951	49,500.00
50,000.00	City of New York, N. Y. Tri-Boro Bridge 4's, 1953	49,375.00
200,000.00	City of New York, N. Y. Var. Munc. Purposes 4's, 1953	197,500.00
50,000.00	City of New York, N. Y. Var. Munc. Purposes 2¾'s, 1965	50,000.00
500,000.00	Commonwealth of Pennsylvania, Tax Anticipation Notes 1½'s, Ser "IT", 1943	500,000.00
20,000.00	Commonwealth of Pennsylvania Soldier Bonus 3¼'s, Ser "I", 1945-46	20,000.00
295,000.00	City of Philadelphia, Pa. Refunding 3⅛'s, Ser "K", 1958-66	295,000.00
200,000.00	City of Philadelphia, Pa. Refunding 3⅛'s, Ser "F", 1953-68	200,000.00
50,000.00	City of Philadelphia, Pa. Refunding 3¼'s, Ser "Q", 1958-70	50,000.00

NINETY-FIFTH ANNUAL REPORT OF THE AUDITORS—(Continued)

ASSETS

Par Value		Book Value
200,000.00	City of Philadelphia, Pa. Refunding 3¼'s, Ser "O", 1954-73	200,000.00
300,000.00	City of Philadelphia, Pa. 4's, (Loan of 10/1/20), 1952	300,000.00
100,000.00	City of Philadelphia, Pa. 4's, (Loan of 3/21/28), 1950-80	100,000.00
100,000.00	City of Philadelphia, Pa. 4¼'s (Loan of 6/22/25, 4/10/26), 1948-78	100,000.00
55,000.00	City of Philadelphia, Pa. 4¼'s (Loan of 4/10/26), 1950-80	55,000.00
40,000.00	City of Philadelphia, Pa. 4¼'s, (Loan of 10/5/23), 1951-81	40,000.00
175,000.00	City of Pittsburgh, Penna. Miscellaneous 4¼'s, 1942	174,781.25
50,000.00	City of St. Louis, Mo. Public Bldg. & Impvt. 4½'s, 1943	50,000.00
6,000.00	City of St. Paul, Minn. Public Welfare 4's, 1942	5,992.50
100,000.00	City & County of San Francisco, Cal. Water 4½'s, 1942-50	97,800.00
70,000.00	City & County of San Francisco, Cal. Memorial Halls 4½'s, 1944-46	68,950.00
10,000.00	City & County of San Francisco, Cal. Hospital 4½'s, 1948	9,700.00
50,000.00	County of Westchester, N. Y. Park 4's, 1942	44,696.03
180,000.00	State of West Virginia 4¼'s, Ser 1930, 1945-46	179,100.00
$ 7,153,000.00		$ 7,085,244.86

RAILROAD BONDS

$ 173,000.00	Atchison, Topeka & Santa Fe Rwy. Adjustment 4's, 1995	$ 156,232.50
92,000.00	Atchison, Topeka & Santa Fe Rwy. Gen'l Mtge. 4's, 1995	92,000.00
15,000.00	Atlantic Coast Line RR Gen'l Unified Mtge. 4½'s, Ser "A", 1964	11,400.00
495,000.00	Baltimore & Ohio RR (Pitts., Lake Erie & West Va. Sys.) Refdg. 4's, 1951	291,900.00
373,000.00	Baltimore & Ohio RR (Toledo-Cinn. Div.) 1st Lien & Refdg. Mtge. 4's, Ser "A", 1959	227,500.00
324,000.00	Baltimore & Ohio RR First Mortgage 5's, 1948	208,542.50
75,000.00	Beech Creek Extension RR First Mortgage 3½'s, 1951	67,481.70
249,000.00	Boston & Maine RR First Mortgage 4's, Ser "RR", 1960	181,238.75
213,000.00	Carolina, Clinchfield & Ohio Rwy. 1st Mtge. 4's, Ser "A", 1965	213,000.00
336,000.00	Central Railroad of New Jersey Gen'l Mortgage 5's, 1987	40,320.00
164,000.00	Central Railroad of New Jersey Gen'l Mortgage 5's, 1987 (Reg)	19,680.00
115,000.00	Central Pacific Rwy. First & Refdg. Mortgage 4's, 1949	84,960.35
323,000.00	Central Pacific Rwy. (Thru Short Line) First Mtge. 4's, 1954	222,180.00
123,000.00	Chesapeake & Ohio Rwy. Refdg. & Impvt. 3½'s, Ser "D", 1996	119,037.22
274,000.00	Chesapeake & Ohio Rwy. Refdg. & Impvt. 3½'s, Ser "E", 1996	268,038.51
70,000.00	Chesapeake & Ohio Rwy. Gen'l Mortgage 4½'s, 1992	70,000.00
34,000.00	Chesapeake & Ohio Rwy. (Richmond-Allegheny Div.) 2nd Consol. Mtge. 4's, 1989	34,000.00
169,000.00	Chicago & Northwestern Rwy. Gen'l Mortgage 4¾'s, 1987	25,350.00
11,000.00	Chicago & Northwestern Rwy. Secured 6½'s, 1936	1,760.00
256,000.00	Chicago, Rock Island & Pacific Rwy. Gen'l Mortgage 4's, 1988	32,640.00
188,000.00	Chicago Union Station Co. First Mortgage 3¾'s, Ser "E", 1963	186,159.80
300,000.00	Chicago & Western Indiana RR Consol Mortgage 4's, 1952	269,750.00
200,000.00	Chicago & Western Indiana RR First & Refunding 4¼'s, Ser "D", 1962	190,000.00
100,000.00	Choctaw & Memphis RR First Mortgage 5's, 1949	33,000.00
300,000.00	Choctaw, Oklahoma & Gulf RR Consol Mortgage 5's, 1952	25,500.00
52,000.00	Cincinnati Union Terminal Co. 1st Mortgage 3½'s, Ser "D", 1971	51,351.77
45,000.00	Cleve., Cinn., Chic. & St. Louis Rwy. Gen'l Mtge. 4's, 1993	34,121.25
232,000.00	Cleve., Cinn., Chic. & St. Louis Rwy. Refdg. & Impvt. Mtge 4½'s, Ser "E", 1977	117,920.00
155,000.00	Cleve., Cinn., Chic. & St. Louis Rwy. (St. Louis Div) 1st Coll Trust Mtge. 4's, 1990	126,238.50
70,000.00	Coal River Railway First 4's, 1945	69,962.50
13,000.00	Columbus & Toledo Rwy. 1st Mortgage 4's, 1955	12,790.00
50,000.00	Connecting Railway Co. First Mortgage 5's, 1951	49,875.00
300,000.00	Erie RR (Ohio Div.) First Mortgage 3¾'s, 1971	295,000.00
300,000.00	Erie RR Consol Mortgage Prior Lien 4's, 1996	129,000.00
250,000.00	Great Northern Rwy. Gen'l Mortgage 3¾'s, Ser "I", 1967	182,327.50
100,000.00	Great Northern Rwy. Gen'l Mortgage 4's, Ser "G", 1946	100,000.00
43,000.00	Great Northern Rwy. Gen'l Mortgage 4½'s, Ser "D", 1976	31,721.25
207,000.00	Great Northern Rwy. Gen'l Mortgage 4½'s, Ser "E", 1977	191,287.50
10,000.00	Harrisburg, Portsmouth, Mt. Joy & Lancaster RR 1st Mtge. 4's, 1943 (Reg)	10,000.00
277,000.00	Illinois Central RR Refdg Mortgage 4's, 1955	116,340.00
175,000.00	Kansas City, Ft. Scott & Memphis Rwy. Refdg. Mtge. 4's, 1936	45,500.00
47,000.00	Kansas City Terminal Rwy. First Mortgage 4's, 1960	47,000.00
350,000.00	Lake Erie & Western RR First Extended 3's, 1947	332,500.00
36,000.00	Lehigh Coal & Navigation Co. Consol Mortgage 4½'s, Ser "C", 1954	28,800.00
7,000.00	Louisville & Nashville RR First & Refdg. Mtge. 3¾'s, Ser "E", 2003	6,187.08
187,000.00	Louisville & Nashville RR First & Refdg. Mtge. 4's, Ser "C", 2003	142,038.77
151,000.00	Louisville & Nashville RR 1st Refdg. Mtge. 4½'s, Ser "D", 2003	171,103.12
250,000.00	Michigan Central RR Refdg. & Impvt. Mortgage 4½'s, Ser "C", 1979	168,986.25
300,000.00	Milwaukee, Sparta & Northwestern RR First Mortgage 4's, 1947	42,000.00
70,000.00	Monongahela Rwy. First Mortgage 3¼'s, Ser "B", 1966	70,000.00
346,000.00	Nashville, Chattanooga & St. Louis Rwy. 1st Mtge 4's, Ser "A", 1978	242,200.00
152,000.00	New York Central & Hudson River RR (Lake Shore Coll) 3½'s, 1998	108,237.50
350,000.00	New York Central & Hudson River RR (Michigan Central Coll) 3½'s, 1998	223,000.00
200,000.00	New York, Chicago & St. Louis RR 1st Mortage 3½'s, 1947	192,000.00
4,000.00	New York & Erie RR Second 5's, 1939	3,000.00
100,000.00	New York, New Haven & Hartford RR 6% Convertible Debentures, 1948	17,000.00
100,000.00	Norfolk & Western Rwy. 1st Consol Mortgage 4's, 1996	100,000.00
200,000.00	Ogdensburg & Lake Champlain Rwy. 1st Mortgage 4's, 1948	6,000.00
214,000.00	Oregon Short Line RR Consol 1st Mortgage 5's (Ungtd), 1946	213,890.00
20,000.00	Pennsylvania RR Gen'l Mortgage 3¾'s, Ser "C", 1970	18,250.00
250,000.00	Pennsylvania Company Secured 4's, 1963	250,000.00
651,000.00	Pennsylvania RR Gen'l Mortgage 4¼'s, Ser "D", 1981	627,725.99
513,000.00	Pennsylvania RR Consol Mortgage 4½'s of 1915, 1960	* 511,291.71
215,000.00	Pennsylvania RR Gen'l Mortgage 4½'s, Ser "A", 1965	214,951.93
450,000.00	Pennsylvania, Ohio & Detroit RR 1st & Refdg. Mtge. 4½'s, Ser "A", 1977	444,168.90
237,000.00	Pere Marquette Rwy. First Mortgage 4½'s, Ser "C", 1980	161,492.41
260,000.00	Pere Marquette Rwy. First Mortgage 5's, Series "A", 1956	200,488.42
5,000.00	Pitts., Cinn., Chic. & St. Louis Rwy. Consol Mortgage 4's, Ser "D", 1945	5,000.00
2,000.00	Pitts., Cinn., Chic. & St. Louis Rwy. Consolidated 4's., Ser "G", 1957	2,000.00
167,000.00	Pitts., Cinn., Chic. & St. Louis Rwy. Gen'l Mtge 4½'s, Ser "C", 1977	164,231.87
533,000.00	Pitts., Cinn., Chic. & St. Louis Rwy. Gen'l Mtge. 5's, Ser "B", 1975	527,497.82
112,000.00	Scioto Valley & New England RR 1st Mortgage 4's, 1989	112,000.00
360,000.00	Southern Rwy. 1st Consol Mortgage 5's, 1994	331,581.52
100,000.00	Southern Rwy. (St. Louis Div.) 1st Mortgage 4's, 1951	70,933.75

NINETY-FIFTH ANNUAL REPORT OF THE AUDITORS—(Continued)

Par Value		Book Value
805,000.00	Southern Pacific RR First Refunding 4's, 1955	528,500.00
240,000.00	Southern Pacific Co. (San Fran. Terminal) 1st Mortgage 4's, 1950	218,822.17
84,000.00	Terminal Railroad Assn. of St. Louis 1st Consol Mortgage 5's, 1944	83,895.00
2,000.00	Toledo, Walhonding Valley & Ohio RR 1st Mortgage 4's, Ser "C", 1942	2,000.00
400,000.00	Union Pacific RR Refdg Mortgage 3½'s, Ser "A", 1980	400,000.00
158,000.00	Union Pacific RR 1st Mortgage RR & Land Grant 4's, 1947	157,940.30
25,000.00	Union Pacific RR 1st Mortgage RR & Land Grant 4's, 1947 (Reg)	24,750.00
479,000.00	Virginian Railway First Lien & Refdg Mortgage 3¾'s, Ser "A", 1966	475,136.97
258,000.00	West Shore RR First Mortgage 4's (Gtd), 2361 (Reg)	119,000.00
205,000.00	Western Maryland RR First Mortgage 4's, 1952	176,903.75
$16,846,000.00		$12,577,631.83

RAILROAD EQUIPMENT TRUST CERTIFICATES

$ 100,000.00	Boston & Maine RR 4% Equip. Trust Ctfs., Ser #6 of 1934, 1945-46	$ 100,000.00
100,000.00	Cambria & Indiana RR 2¾% Equip. Trust Ctfs., Ser "H", 1946-47	99,500.00
150,000.00	Chesapeake & Ohio Rwy 4½% Equip. Trust, Ser of 1930, 1942-43	149,250.00
300,000.00	Chicago, Burlington & Quincy RR 2½% Equip. Trust Ctfs., Ser. 1937; 1945-47	297,485.86
311,000.00	Illinois Central RR 3% Equip. Trust, Ser "R", 1945-49	295,922.28
100,000.00	Illinois Central RR 4% Equip. Trust, Ser "Q", 1944	99,000.00
614,000.00	Pennsylvania RR 2¾% Equip. Trust, Ser "G", 1947-50	602,176.05
470,000.00	Pennsylvania RR 2¾% Equip. Trust, Ser "H", 1947-49	456,558.93
150,000.00	Pennsylvania RR 2¾% Equip. Trust, Ser "J", 1948-49	148,740.12
118,000.00	St. Louis-San Francisco Rwy. 4½% Equip. Trust, Ser "DD", 1942-44	47,200.00
200,000.00	Union Pacific RR 1½% Equip. Trust, Ser "G", 1950-51	194,780.17
$ 2,613,000.00		$ 2,490,613.41

PUBLIC UTILITY BONDS

$ 131,000.00	Alabama Power Co. 1st Mtge. Lien & Refunding 5's, 1956	$ 120,520.00
235,000.00	Allentown-Bethlehem Gas Co. 1st Mortage 3¾'s, 1965	234,706.25
4,000.00	American Gas & Electric Co. 3¾% Debentures, 1970	4,000.00
300,000.00	American Telephone & Telegraph Co. 3% Conv. Debentures, 1956	300,000.00
350,000.00	American Telephone & Telegraph Co. 3¼% Debentures, 1961	349,642.87
150,000.00	American Telephone & Telegraph Co. 3¼% Debentures, 1966	149,386.15
300,000.00	Appalachian Electric Power Co. 1st Mortgage 3¼'s 1970	300,000.00
20,000.00	Bell Telephone Co. of Canada 1st Mortgage 5's, Ser "B", 1957	20,000.00
85,000.00	Bell Telephone Co. of Pennsylvania 1st & Refdg. Mtge. 5's, Ser "B", 1948	85,000.00
107,000.00	Bell Telephone Co. of Pennsylvania 1st & Refdg Mtge. 5's, Ser "C", 1960	106,870.78
524,000.00	Brooklyn Edison Co., Inc. Consolidating Mortgage 3¼'s, Ser 1936; 1966	519,069.54
500,000.00	Central Hudson Gas & Electric Corpn. 1st Mortgage 3's, 1971	500,000.00
219,000.00	Central Illinois Light Co. 1st & Consol Mortgage 3½'s, 1966	219,000.00
469,000.00	Cincinnati Gas & Electric Co. 1st Mortgage 3¼'s, 1966	461,587.11
217,000.00	Cleveland Electric Illuminating Co. 1st Mortgage 3's, 1970	217,000.00
360,000.00	Columbus & Southern Ohio Electric Co. 1st Mortgage 3¼'s, 1970	360,000.00
111,000.00	Commonwealth Edison Co. 1st Mortgage 3½'s, Ser "I", 1968	110,445.00
424,000.00	Connecticut Light & Power Co. 1st & Refdg. Mtge 3¼'s, Ser "G", 1966	423,540.26
140,000.00	Connecticut Light & Power Co. 1st & Refdg. Mortgage 3½'s, Ser "F", 1966	138,844.77
81,000.00	Connecticut River Power Co. 1st Mortgage 3¾'s, Ser "A", 1961	80,190.00
170,000.00	Consolidated Gas, Elec. Light & Power Co. of Balto. 1st Refdg Mtge. 3¼'s, Ser "N", 1971	168,011.37
300,000.00	Delaware Power & Light Co. 1st Mortgage 4½'s, 1971	298,500.00
250,000.00	Detroit Edison Co. Gen'l & Refdg. Mortgage 3's, Ser "H", 1970	250,000.00
230,000.00	Dertoit Edison Co. Gen'l & Refdg. Mortgage 4's, Ser "F", 1965	229,712.50
568,000.00	Duquesne Light Co. First Mortgage 3½'s, 1965	565,046.79
207,000.00	Gulf States Utilities Co. 1st Mtge. & Refdg. 3½'s, Ser "D", 1969	207,000.00
51,000.00	Houston Lighting & Power Co. 1st Mortgage 3½'s, 1966	51,000.00
100,000.00	Illinois Bell Telephone Co. 1st Mortgage 2¾'s, Ser "A", 1981	100,000.00
25,000.00	Kansas Power & Light Co. 1st Mortgage 3½'s, 1969	25,000.00
38,000.00	Lancaster County Railway & Light Co. Coll Trust 5's, 1951	38,000.00
450,000.00	Louisville Gas & Electric Co. 1st & Refdg Mortgage 3½'s, 1966	444,019.50
26,000.00	Newark Consolidated Gas Co. Consol Mortgage 5's, 1948	26,000.00
459,000.00	New England Power Co. 1st Mortgage 3¼'s, Ser "A", 1961	451,656.00
50,000.00	New England Telephone & Telegraph Co. 1st Mtge. 5's, Ser "A", 1952	50,000.00
579,000.00	New York Edison Co., Inc. 1st Lien & Refdg. Mortgage 3¼'s, Ser "D", 1965	574,696.36
307,000.00	New York Edison Co., Inc. 1st Lien & Refdg Mortgage 3¼'s, Ser "E", 1966	304,073.21
100,000.00	New York Gas & Elec. Light, Heat & Power Co. 1st Mortgage 5's, 1948	100,000.00
320,000.00	New York & Queens Elec. Light & Power Co. 1st & Consolidating Mortgage 3½'s, Ser 1935, 1965	318,019.63
249,000.00	New York Telephone Co. Refdg. Mortgage 3¼'s, Ser "B", 1967	248,787.18
300,000.00	New York & West Chester Lighting Co. Gen'l Mortgage 4's, 2004	279,000.00
50,000.00	North American Co. 3¾'s, Debentures, 1954	50,000.00
250,000.00	Northern States Power Co. (Wisconsin Corp), 1st Mortgage 3½'s, 1964	250,500.00
600,000.00	Ohio Power Co. First Mortgage 3½'s, 1968	598,500.00
750,000.00	Pacific Gas & Electric Co. 1st & Refdg. Mortgage 3¾'s, Ser "H", 1961	743,716.67
205,000.00	Pacific Gas & Electric Co. 1st & Refdg. Mortgage 4's, Ser "G", 1964	205,000.00
475,000.00	Pacific Telephone & Telegraph Co. Refdg. Mortgage 3¼'s, Ser "B", 1966	471,013.77
405,000.00	Pacific Telephone & Telegraph Co. Refdg. Mortgage 3¼'s, Ser "C", 1966	399,229.01
300,000.00	Panhandle Eastern Pipe Line Co. 1st Mortgage & Lien 3's, Ser "B", 1960	300,000.00
171,000.00	Pennsylvania Water & Power Co. Refdg Mortgage & Coll Trust 3¼'s, 1964	171,000.00
260,000.00	Pennsylvania Water & Power Co. Refdg Mortgage & Trust 3¼'s, 1970	260,000.00
1,250,000.00	Philadelphia Electric Co. 1st & Refdg. Mortgage 3½'s, 1967	1,249,391.63
1,092,000.00	Potomac Electric & Power Co. 1st Mortgage 3¼'s, 1966	1,072,948.87
391,000.00	Providence Gas Co. First Mortgage 4's, Ser "B", 1963	389,897.50
1,000,000.00	Public Service Elec. & Gas Co. 1st & Refdg. Mortgage 3¼'s, 1966	980,000.00
281,000.00	Public Service Co. of Northern Illinois 1st Mortgage 3½'s, 1968	280,711.25
150,000.00	Public Service Co. of Oklahoma 1st Mortgage 3¼'s, Ser "A", 1971	150,000.00
18,000.00	Rochester Gas & Electric Corpn. Gen'l Mortgage 3½'s, Ser "I", 1967	18,000.00
1,000,000.00	Southern California Edison Co., Inc. 1st & Refdg. Mortage 3's, 1965	1,000,000.00
119,000.00	Southern Natural Gas Co. 1st Mortgage (Pipe Line) 3¼'s, 1956	119,000.00
234,000.00	Southwestern Bell Telephone Co. 1st & Refdg. Mortgage 3's, Ser "C", 1968	232,830.00
177,000.00	Southwestern Bell Telephone Co. 1st & Refdg. Mortgage 3½'s, Ser "B", 1964	176,140.23
197,000.00	Southwestern Gas & Electric Co. 1st Mortgage 3¼'s, Ser "A", 1970	197,000.00
600,000.00	Union Electric Co. of Missouri 1st Mortgage & Coll Trust 3⅜'s, 1971	600,000.00
545,000.00	Virginia Electric & Power Co. 1st & Refdg. Mortgage 3½'s, Ser "B", 1968	545,000.00
501,000.00	West Penn Power Co. First Mortgage 3½'s, Ser "I" 1966	495,626.91
300,000.00	Wisconsin Electric Power Co. First Mortgage 3½'s, 1968	300,000.00
$20,827,000.00		$20,683,331.11

NINETY-FIFTH ANNUAL REPORT OF THE AUDITORS—(Continued)

INDUSTRIAL BONDS

Par Value		Book Value
263,000.00	Atlantic Refining Co. 15 Yr. Debentures 3's, 1953	262,000.00
249,000.00	Bethlehem Steel Corpn. Consol Mortgage 3's, Ser "G", 1960	245,327.25
1,000.00	Bethlehem Steel Corpn. Consol Mortgage 3¼'s, Ser "F", 1959	1,000.00
175,000.00	Continental Oil Co. 2¾% Debentures, 1948	175,000.00
95,000.00	Dow Chemical Co. 10 Yr. 2¼% Debentures, 1950	95,000.00
300,000.00	Inland Steel Co. First Mortgage 3's, Ser "F", 1961	300,000.00
600,000.00	National Steel Corpn. 1st (Coll) Mortgage 3's, 1965	597,519.27
50,000.00	New York Dock Co. First Mortgage 4's, 1951	29,000.00
200,000.00	Pennsylvania Glass Sand Corpn. First Mortgage 3½'s, 1960	200,000.00
46,000.00	Scovill Manufacturing Co. 10 Yr. 3¼% Debentures, 1950	46,000.00
325,000.00	Socony-Vacuum Oil Co. 25 Yr. 3% Debentures, 1964	325,000.00
250,000.00	Standard Oil Co. (New Jersey) 15 Yr. 2¾% Debentures, 1953	247,500.00
250,000.00	The Texas Corpn. 3% Debentures, 1965	250,000.00
375,000.00	Union Oil Co. of California 3% Debentures, 1959	375,000.00
300,000.00	Wheeling Steel Corpn. 1st Mortgage 3½'s, Ser "B", 1966	287,250.00
$ 3,479,000.00		$ 3,435,596.52

MISCELLANEOUS BONDS AND LEASE TRUST CERTIFICATES

$ 500,000.00	Bellevue-Stratford Hotel First Mortgage 5¾'s, 1935 (Reg)	$ 70,000.00
200,000.00	Beneficial Industrial Loan Corpn. 2¼% Debentures, 1950	196,375.00
100,000.00	Beneficial Industrial Loan Corpn. 2¾% Debentures, 1956	100,000.00
100,000.00	Benjamin Franklin Hotel First Mortgage 6's, Ser "A", 1933 (Reg)	38,000.00
286,000.00	California Toll Bridge Authority (San Fran.-Oakland Bay) Toll Bridge Serial Revenue 4's, 1950-57	286,000.00
100,000.00	Pennsylvania Building First Mortgage 6's, Ser "A", 1934 (Reg)	6,000.00
330,000.00	Philadelphia Gas Revenue Trust Ctfs. 3½'s, 1957	330,000.00
250,000.00	Port of New York Authority Gen'l & Refdg 3's, 4th Series, 1976	250,000.00
100,000.00	Tri-Borough Bridge Authority Revenue 2¾'s, 1952	100,000.00
100,000.00	Tri-Borough Bridge Authority Revenue 3's, 1953	100,000.00
559,200.00	Woolworth Lease Trust Certificates, Pitts., Pa. 4½'s-5's, 1955	559,200.00
$ 2,625,200.00		$ 2,035,575.00

SAVING FUND SOCIETY OF GERMANTOWN AND ITS VICINITY

Eighty-seventh Annual Statement, January 1, 1942

Chartered 1854

School Lane and Germantown Avenue

East Germantown Office
Chelten Avenue and Wister Street

BANKING HOURS—BOTH OFFICES

Mondays to Thursdays, inclusive, 9 a. m. to 3 p. m.
Fridays, 9 a. m. to 8 p. m.
Saturdays, 9 a. m. to Noon
Closed on Legal Holidays

The Managers serve without compensation, and neither they nor any officer or agent of the Saving Fund can directly or indirectly borrow money from, or become in any way indebted to it.

Member Federal Deposit Insurance Corporation

President
ARTHUR W. JONES

Vice-President
WILLIAM N. PRICE

Treasurer
HOWARD H. HEWETT

Secretary
ROBERT H. BOLLING

Asst. Treasurer
EDWARD M. MOSBROOK

Solicitor
GEORGE WHARTON PEPPER

MANAGERS

MARRIOTT C. MORRIS
Trustee

HARROLD E. GILLINGHAM
Insurance

THOMAS RAEBURN WHITE
Attorney-at-Law

J. SOMERS SMITH

ALFRED G. SCATTERGOOD
Vice-President, Provident Trust Company

WALTER M. SCHWARTZ
President, Proctor and Schwartz, Inc.

C. STEVENSON NEWHALL
Chairman of the Board, Pennsylvania Co. for Ins. on Lives & Granting Annuities

ARTHUR W. JONES
President

CHARLES C. WRIGGINS
Vice-President, B. F. Dewees, Inc.

JOHN T. EMLEN
Trustee

EDWARD STARR, JR.
of Drexel & Co.

RICHARD P. BROWN
Vice-President, Minneapolis-Honeywell Regulator Co.

C. SEWALL CLARK
of E. W. Clark & Company

WILLIAM N. PRICE
Vice-President

WILLIAM ADAMSON

CONDENSED STATEMENT
January 1, 1942

ASSETS

Cash on hand and in banks	$3,620,609.74
United States Government Bonds	8,042,000.00
State and Municipal Bonds	5,318,534.42

Australian and Canadian Bonds	719,345.00
Railroad Bonds	7,039,961.59
Public Utility Bonds	7,987,207.52
Industrial Bonds	1,824,764.31
First Mortgages on Real Estate	10,917,430.01
Loans on Collateral	3,250.00
Main and Branch Office Buildings	300,000.00
Other Real Estate	231,600.00
Real Estate Sold Under Agreement	695,826.76
	$46,700,529.35

LIABILITIES

Due to 51,553 Depositors	$41,534,061.92
Surplus	5,079,005.28
Other Liabilities	87,462.15
	$46,700,529.35

We, the Subscribers, Auditors, appointed by the Saving Fund Society of Germantown and Its Vicinity, do hereby certify that we have examined the above statement, and the assets therein named, and find them correct.

WILLIAM H. EMHARDT
GEORGE W. EMLEN, JR.
STANLEY R. YARNALL
JAMES STARR
ARTHUR H. JONES

ISSUE	Per Cent	Due	Par Value	As Charged
Defense Savings Bonds	2½	1953	$ 50,000.00	$ 50,000.00
Savings Bonds	2.9	1948-1950	22,500.00	22,500.00
Treasury Notes	1¾	1942	170,000.00	170,000.00
Treasury Bonds	2	1950-1955	219,000.00	219,000.00
Treasury Bonds	2¼	1956	207,000.00	207,000.00
Treasury Bonds	2½	1945-1972	1,603,000.00	1,603,000.00
Treasury Bonds	2¾	1947-1965	1,108,500.00	1,108,500.00
Treasury Bonds	3	1948	200,000.00	200,000.00
Treasury Bonds	3⅛	1949-1952	1,200,000.00	1,200,000.00
Treasury Bonds	3¼	1946	475,000.00	475,000.00
Treasury Bonds	3⅜	1947	426,000.00	426,000.00
Treasury Bonds	3¾	1956	100,000.00	100,000.00
Treasury Bonds	4¼	1952	300,000.00	300,000.00
*Commodity Credit Corp.	1⅛	1945	80,000.00	80,000.00
*Federal Farm Mortgage Corp.	3	1949	50,000.00	50,000.00
*Home Owners Loan Corp.	1½	1947	150,000.00	150,000.00
*Home Owners Loan Corp.	2¼	1944	703,000.00	703,000.00
*Home Owners Loan Corp.	3	1952	226,000.00	226,000.00
*Reconstruction Finan. Corp.	⅞	1942	240,000.00	240,000.00
*Reconstruction Finan. Corp.	1	1942-1944	272,000.00	272,000.00
*Reconstruction Finan. Corp.	1⅛	1943	180,000.00	180,000.00
*U. S. Housing Authority	1⅜	1944	60,000.00	60,000.00
*Guaranteed Principal and Interest by United States Government			$8,042,000.00	$8,042,000.00
STATE BONDS				
Louisiana	4½	1947-1953	100,000.00	100,000.00
Louisiana Port Commission	5	1950-1953	60,000.00	59,850.00
North Carolina	5	1942	50,000.00	50,000.00
Pennsylvania Tax Notes	1½	1943	250,000.00	250,000.00
MUNICIPAL BONDS				
California Toll Bridge Authority, San Francisco-Oakland Bay Toll Bridge	4	1976	150,000.00	149,580.00
Canton, Ohio	4½	1954	10,000.00	9,568.00
Chattanooga, Tenn.	4¾	1961	30,000.00	30,000.00
Chattanooga, Tenn. (Electric Power Revenue)	2¾	1968	100,000.00	100,000.00
Chicago, Ill.	3	1944	60,000.00	60,000.00
Chicago, Ill., (Park District)	3½	1956	100,000.00	100,000.00
Chicago, Ill.	4	1946-1947	40,000.00	38,053.56
Chicago, Ill. (Sanitary District)	4½	1955	100,000.00	50,000.00
Delaware River Joint Commission, Philadelphia-Camden Bridge	4¼	1956-1959	200,000.00	200,000.00
Detroit, Mich.	4¼	1957	25,000.00	25,000.00
Detroit, Mich.	4½	1952	50,000.00	50,000.00
Dubuque Bridge Commission, Iowa	3¾	1969	100,000.00	100,000.00
Fort Worth, Texas	5	1949-1951	25,000.00	24,968.75
Grand Rapids (Water Revenue), Mich.	2¾	1956-1966	100,000.00	100,000.00
Greensboro, N. C.	3½	1960-1961	100,000.00	100,000.00
Greater Greenville (Sewer District), S. C.	4½	1967	50,000.00	50,000.00
Greenville (Bridge Revenue), Miss.	4	1971	75,000.00	75,000.00
Hanover Township (School District), Pa.	5½	1943-1946	40,000.00	40,000.00
Houston (School District), Texas	5	1945	15,000.00	15,000.00
Jacksonville, Florida	5	1946	10,000.00	9,850.00
Knoxville, Tenn.	4	1952	50,000.00	50,000.00
Knoxville, Tenn.	5	1951	30,000.00	29,700.00
Los Angeles (Department of Water & Power), Cal.	2¾	1957-1959	150,000.00	144,621.52
Los Angeles (Department of Water & Power), Cal.	3	1976	100,000.00	100,000.00
Los Angeles (Department of Water & Power), Cal.	4	1951	50,000.00	50,000.00
Los Angeles (Harbor Improvement), Cal.	4½	1942-1943	50,000.00	50,000.00
Los Angeles (Electric Plant), Cal.	5	1945	60,000.00	60,000.00
Madison (Village of) Kingshighway Bridge, Ill.	4	1964	137,000.00	137,000.00
Marin Municipal Water District, Cal.	5	1942-1947	13,000.00	13,000.00
Memphis, Tenn.	4½	1945-1947	35,000.00	35,000.00
Miami Conservancy District, Ohio	5½	1943-1947	50,000.00	50,000.00
Mobile (Tunnel Revenue), Ala.	4	1969	100,000.00	100,000.00
New Orleans, La.	4½	1952	50,000.00	50,000.00
New Orleans (Public Belt Ry. Bridge), La.	4	1946-1947	100,000.00	100,000.00
New York, N. Y.	2½	1948-1949	100,000.00	99,287.99
New York, N. Y.	3	1980	95,000.00	89,750.00
New York, N. Y.	3¼	1950-1953	325,000.00	325,000.00
New York, N. Y.	3½	1954	150,000.00	150,000.00
New York, N. Y.	4	1959	75,000.00	75,000.00
New York, N. Y.	4¼	1960	50,000.00	50,000.00
Niagara Falls Bridge Commission, N. Y.	4¼	1970	75,000.00	75,000.00
Norfolk, Va.	4½	1942	10,000.00	10,000.00
Northampton Boro (Municipal Water), Pa.	2¾	1958-1960	100,000.00	99,515.20
Philadelphia, Pa.	4	1952	50,000.00	50,000.00
Philadelphia, Pa.	4¼	1966-1979	520,000.00	520,000.00
Philadelphia, Pa.	4½	1979	50,000.00	50,000.00
Philadelphia, Pa.	5	1951	170,000.00	170,000.00
Pittsburgh, Pa.	5	1942-1951	67,000.00	67,000.00
Port of New York Authority, N. Y.	3	1976	200,000.00	200,000.00
San Diego, Cal.	5	1947-1948	50,000.00	50,000.00
San Francisco, Cal.	4½	1942	7,000.00	6,789.40
Seattle, Municipal Light & Power, Wash.	4	1944	50,000.00	50,000.00
Spartansburg County, S. C.	4½	1945-1947	50,000.00	50,000.00
Triborough Bridge Authority, N. Y.	3¼	1980	300,000.00	300,000.00
White County Bridge Commission, Ind.	4	1960	75,000.00	75,000.00
			$5,384,000.00	$5,318,534.42
AUSTRALIAN AND CANADIAN BONDS				
Australia (Commonwealth of)	5	1955-1957	200,000.00	179,521.25
Canada (Dominion of)	2½	1945	33,000.00	33,000.00
Canada (Dominion of)	3	1968	127,000.00	116,538.75
Canada (Dominion of)	4	1960	100,000.00	90,250.00
New Brunswick (Province of), Canada	3½	1949	50,000.00	50,000.00
Ontario (Province of), Canada	4½	1943-1954	100,000.00	100,000.00
Ontario (Province of), Canada	5	1960	100,000.00	100,000.00
Montreal (City of), Canada	4½	1971	30,000.00	25,560.00
Toronto (City of), Canada	5	1942	25,000.00	24,475.00
			$765,000.00	$ 719,345.00
RAILROAD BONDS				
Atchison, Topeka & Santa Fe Ry. (Transcontinental Short Line)	4	1958	50,000.00	46,146.09
Atchison, Topeka & Santa Fe Ry. (California-Arizona Lines)	4½	1962	75,000.00	71,090.00
Baltimore & Ohio R. R. Secured Notes	4	1944	100,000.00	65,000.00
Baltimore & Ohio R. R. 1st	4	1948	121,000.00	85,450.25

ISSUE	Per Cent	Due	Par Value	As Charged
Baltimore & Ohio R. R. (Pittsburgh-Lake Erie & West Virginia)	4	1951	70,000.00	42,109.30
Canadian National Ry. Equipment Trust	4½	1943	114,000.00	114,000.00
Canadian National Ry. Guaranteed	4½	1956	100,000.00	97,625.00
Canadian National Ry. Guaranteed	4¾	1955	10,000.00	8,368.75
Canadian National Ry. Guaranteed	5	1969	50,000.00	48,875.00
Canadian Pacific Ry. Equipment Trust	4½	1942-1945	94,000.00	93,886.05
Canadian Pacific Ry. Consolidated	4	Perpetual	100,000.00	70,000.00
Carolina Central R. R.	4	1949	25,000.00	4,000.00
Central New England Ry.	4	1961	55,000.00	17,000.00
Central Pacific Ry. 1st Refunding	4	1949	172,000.00	120,427.00
Central Pacific Ry. (Thru Short Line)	4	1954	100,000.00	70,000.00
Central Pacific Ry. Guaranteed	5	1960	50,000.00	26,563.75
Central Railroad of New Jersey General	5	1987	50,000.00	10,000.00
Chesapeake & Ohio Ry. Refunding & Improvement	3½	1996	50,000.00	46,793.75
Chesapeake & Ohio Ry. General	4½	1992	75,000.00	65,615.75
Chicago, Burlington & Quincy R. R. General	4	1958	150,000.00	131,837.50
Chicago, Burlington & Quincy R. R. 1st & Refunding	4½	1977	100,000.00	85,000.00
Chicago & Erie R. R. 1st	5	1982	35,000.00	28,029.25
Chicago, Milwaukee & St. Paul Ry. General	4½	1989	198,000.00	52,000.00
Chicago & North Western Ry. General	5	1987	32,000.00	6,000.00
Chicago, St. Louis & New Orleans R. R.	5	1951	150,000.00	112,843.75
Chicago Union Station 1st	3¾	1963	200,000.00	200,000.00
Choctaw & Memphis R. R.	5	1949	85,000.00	28,000.00
Cleveland, Cincinnati, Chicago & St. Louis Ry. (St. Louis Division)	4	1990	190,000.00	145,538.45
Cleveland, Cincinnati, Chicago & St. Louis Ry. (Cincinnati, Wabash & Michigan Division)	4	1991	125,000.00	72,937.50
Cleveland, Cincinnati, Chicago & St. Louis Ry. Refunding & Improvement	4½	1977	43,000.00	22,957.00
East Tennessee, Virginia & Georgia Ry.	5	1956	133,000.00	107,338.50
Eastern Railway of Minnesota (Northern Division)	4	1948	132,000.00	132,000.00
Erie R. R. 1st	4	1995	330,000.00	257,393.75
Great Northern Ry. General	4½	1977	100,000.00	91,312.50
Great Northern Ry. General	5	1973	50,000.00	48,871.25
Illinois Central R. R. Equipment Trust	3	1944-1945	100,000.00	99,798.54
Illinois Central R. R. Collateral Trust	4	1952	72,000.00	36,550.00
Illinois Central R. R.	4	1953	100,000.00	45,187.50
Illinois Central R. R. & Chicago, St. Louis & New Orleans R. R.	5	1963	100,000.00	50,000.00
Jacksonville Terminal Refunding & Extension	6	1967	55,000.00	55,000.00
Kansas City, Fort Scott & Memphis Ry. Refunding	4	1936	100,000.00	35,000.00
Kansas City Terminal Ry.	4	1960	200,000.00	184,278.75
Kentucky Central Ry.	4	1987	50,000.00	42,065.00
Lake Erie & Western R. R.	3	1947	100,000.00	100,000.00
Lehigh & New England R. R. General	4	1965	98,000.00	97,980.00
Long Dock Company	3¾	1950	100,000.00	100,000.00
Midland Valley R. R. 1st	5	1943	25,000.00	20,000.00
Milwaukee, Sparta & Northwestern Ry.	4	1947	19,000.00	3,000.00
Minneapolis, St. Paul & Sault Ste. Marie Ry. 1st Consolidated	4	1938	50,000.00	4,000.00
Minneapolis, St. Paul & Sault Ste. Marie Ry. 2nd	4	1949	63,000.00	20,000.00
Missouri Pacific R. R. Equipment Trust	4½	1942-1944	30,000.00	25,633.61
Missouri Pacific Ry. 3rd	4	1938	31,000.00	18,607.50
New York Central & Hudson River R. R. (Lake Shore Collateral)	3½	1998	100,000.00	67,563.75
New York Central & Hudson River R. R. (Michigan Central Collateral)	3½	1998	50,000.00	31,875.00
New York Central R. R. Secured Sinking Fund	3¾	1946	100,000.00	98,017.50
New York Central R. R. Consolidated	4	1998	50,000.00	34,625.00
New York Central R. R. Refunding & Improvement	4½	2013	113,000.00	68,000.00
New York, Chicago & St. Louis R. R.	3½	1947	200,000.00	200,000.00
Northern Pacific Ry. General Lien	3	2047	50,000.00	22,876.25
Northern Pacific Ry. Prior Lien	4	1997	127,000.00	106,763.25
Oregon Short Line R. R. Consolidated 1st Unstamped	5	1946	200,000.00	194,398.75
Pacific R. R. of Missouri 2nd	5	1938	75,000.00	51,000.00
Pennsylvania Company Trust Certificates	3½	1944	55,000.00	55,000.00
Pennsylvania R. R. Equipment Trust	2¾	1946-1947	100,000.00	98,243.01
Pennsylvania R. R. Convertible	3¼	1952	100,000.00	80,411.25
Pennsylvania R. R. Consolidated	4½	1960	100,000.00	89,207.50
Pennsylvania R. R. General	4½	1965	145,000.00	145,000.00
Philadelphia & Reading R. R. Improvement	4	1947	50,000.00	50,000.00
Pittsburgh, Bessemer & Lake Erie R. R.	5	1947	29,000.00	29,000.00
Pittsburgh, Cincinnati, Chicago & St. Louis Ry. Consolidated	4	1957	200,000.00	200,000.00
Pittsburgh, Cincinnati, Chicago & St. Louis Ry. Consolidated	4½	1963	105,000.00	101,087.50
Pittsburgh, Cincinnati, Chicago & St. Louis R. R. General	4½	1977	100,000.00	97,048.75
Pittsburgh, Cincinnati, Chicago & St. Louis R. R. General	5	1975	150,000.00	150,000.00
Reading Company Purchase Money Mortgage	4	1952	25,000.00	22,000.00
Reading Company General & Refunding	4½	1997	200,000.00	200,000.00
St. Paul & Duluth R. R.	4	1968	55,000.00	55,000.00
Seaboard Air Line Ry. Equipment Trust	3½	1945	113,000.00	90,000.00
Southern Pacific Co. Equipment Trust	4½	1942-1944	30,000.00	25,784.88
Southern Pacific Co. (San Francisco Terminal)	4	1950	25,000.00	20,000.00
Southern Pacific Co. Oregon Lines	4½	1977	100,000.00	52,250.00
Southern Pacific Co.	4½	1981	100,000.00	50,626.25
Southern Pacific R. R.	4	1955	100,000.00	61,093.75
Southern Ry. 1st Consolidated	5	1994	88,000.00	86,822.50
Southern Ry. (Memphis Division)	5	1996	15,000.00	14,487.50
Terminal R. R. Association of St. Louis 1st Consolidated	5	1944	35,000.00	35,000.00
Toledo, Canada Southern & Detroit Ry.	4	1956	50,000.00	34,250.00
Toledo Terminal R. R.	4½	1957	50,000.00	40,362.50
Union Pacific R. R.	4	1947	150,000.00	150,000.00
Union Terminal Company, Dallas	3¾	1967	75,000.00	75,000.00
Virginian Ry. 1st & Refunding	3¾	1966	155,000.00	148,601.25
Wabash R. R. 1st	5	1939	100,000.00	47,000.00
West Shore R. R.	4	2361	170,000.00	84,284.90
Western Maryland R. R. Equipment Trust	2⅛	1948-1951	100,000.00	98,644.51
Winston-Salem Southbound Ry.	4	1960	142,000.00	116,525.00
			$8,879,000.00	$7,039,961.59

PUBLIC UTILITY BONDS

Alabama Power 1st & Refunding	4½	1967	100,000.00	94,858.75
Alabama Power 1st & Refunding	5	1968	100,000.00	100,000.00
American Gas & Electric	2¾	1950	35,000.00	34,725.00
American Gas & Electric	3½	1960	11,000.00	10,965.00
American Gas & Electric	3¾	1970	23,000.00	22,965.00
American Telephone & Telegraph	3¼	1966	200,000.00	195,750.00
Appalachian Electric Power 1st	3¼	1970	200,000.00	200,000.00
Bangor Hydro-Electric	3¾	1966	150,000.00	150,000.00
Bell Telephone Company of Canada	5	1957	90,000.00	89,967.50
Blackstone Valley Gas & Electric	3½	1968	59,000.00	59,000.00

ISSUE	Per Cent	Due	Par Value	As Charged
Brooklyn Edison Consolidated	3¼	1966	225,000.00	202,500.00
Central Illinois Light	3¼	1963	250,000.00	244,000.00
Central Illinois Light	3½	1966	50,000.00	50,000.00
Central New York Power	3¾	1962	100,000.00	99,000.00
Chicago Railways 1st	5	Extended	18,750.00	5,605.00
Commonwealth Edison	3½	1968	95,000.00	95,000.00
Connecticut River Power	3¾	1961	142,000.00	141,530.00
Consolidated Edison of New York	3½	1948	200,000.00	200,000.00
Consolidated Gas, Electric Light & Power of Baltimore	3	1969	115,000.00	115,000.00
Consolidated Gas, Electric Light & Power of Baltimore	3¼	1971	227,000.00	202,940.00
Consumers Power	3¼	1969	150,000.00	150,000.00
Consumers Power	3½	1970	186,000.00	186,000.00
Delaware Power & Light	4¼	1969	144,500.00	118,691.35
Delaware Power & Light	4½	1969	5,000.00	5,000.00
Duquesne Light	3½	1965	350,000.00	350,000.00
El Paso Electric	3¼	1970	100,000.00	100,000.00
Gulf States Utilities	3½	1969	200,000.00	200,000.00
Houston Lighting & Power	3½	1966	100,000.00	100,000.00
Illinois Bell Telephone	2¾	1981	250,000.00	250,000.00
Indianapolis Power & Light	3¼	1970	100,000.00	100,000.00
Market Street Elevated Passenger Ry.	4	1955	200,000.00	173,336.25
Mississippi River Power 1st	5	1951	81,000.00	80,800.00
New England Telephone & Telegraph	5	1952	100,000.00	100,000.00
New York Edison	3¼	1965	100,000.00	90,000.00
New York & Westchester Lighting	4	2004	50,000.00	40,125.00
North American Company	3½	1949	116,000.00	116,000.00
Northern States Power (Minnesota)	3½	1967	100,000.00	96,500.00
Ohio Edison	3¾	1972	100,000.00	100,000.00
Ohio Power	3¼	1968	150,000.00	150,000.00
Pacific Gas & Electric	3	1971	100,000.00	100,000.00
Pacific Gas & Electric	4	1964	200,000.00	200,000.00
Pennsylvania Power & Light	3½	1969	250,000.00	250,000.00
Pennsylvania Water & Power	3¼	1964-1970	357,000.00	355,697.50
Philadelphia Electric	3½	1967	250,000.00	250,000.00
Philadelphia Electric Power	5½	1972	47,000.00	40,688.67
Philadelphia Gas Revenue Trust Certificates	3½	1942-1957	265,000.00	265,000.00
Philadelphia Transportation Company 1st & Refunding	4	1969	151,000.00	69,000.00
Portland General Electric 1st Extended	5	1950	81,000.00	80,460.00
Public Service of Colorado	3½	1964	161,000.00	161,000.00
Public Service of Northern Illinois	3½	1968	100,000.00	100,000.00
Shawinigan Water & Power	4½	1967-1970	75,000.00	75,000.00
Southern California Edison 1st & Refunding	3	1965	230,000.00	230,000.00
Southwestern Bell Telephone	3½	1964	105,000.00	97,102.50
Union Electric of Missouri	3⅜	1971	279,000.00	279,000.00
Union Passenger Ry. 2nd Extended	4	1960	20,000.00	12,000.00
Virginia Electric & Power	3½	1968	126,000.00	126,000.00
West Penn Power	3½	1966	165,000.00	165,000.00
West Philadelphia Passenger Ry. 2nd	5½	1956	50,000.00	35,000.00
Wisconsin Electric Power	3½	1968	176,000.00	176,000.00
Wisconsin Public Service	3¼	1971	100,000.00	100,000.00
			$8,261,250.00	$7,987,207.52

INDUSTRIAL BONDS

Atlantic Refining	3	1953	150,000.00	148,500.00
Beneficial Industrial Loan	2¾	1956	100,000.00	100,000.00
Inland Steel	3	1952-1961	172,000.00	171,180.00
Lehigh Valley Coal 1st & Refunding	5	1954-1974	70,000.00	27,055.41
Pennsylvania Glass Sand	3½	1960	102,000.00	102,000.00
Shell Union Oil	2½	1954	150,000.00	144,312.50
Socony-Vacuum Oil	3	1964	250,000.00	250,000.00
Standard Oil of New Jersey	3	1961	234,000.00	234,000.00
Texas Corporation	3	1965	255,000.00	255,000.00
United States Steel	Var.	1942-1954	393,000.00	392,716.40
			$1,876,000.00	$1,824,764.31
TOTAL			$33,207,250.00	$30,931,812.84

SAVING FUND SOCIETY OF GERMANTOWN AND ITS VICINITY

The following table shows the growth of the Society since 1854:

Date	Number of Accounts	Amount of Deposits	Surplus
June 1, 1855	273	$12,788.84	
June 1, 1859	811	75,023.85	$923.24
January 1, 1867	1,273	133,631.84	3,566.52
January 1, 1872	2,196	361,847.87	23,196.73
January 1, 1876	3,543	581,996.50	44,970.08
January 1, 1880	4,547	875,144.55	52,514.96
January 1, 1884	7,190	1,439,825.13	99,722.55
January 1, 1890	11,285	2,361,209.14	206,548.53
January 1, 1895	13,052	2,810,673.13	309,696.41
January 1, 1900	16,294	4,233,238.96	354,268.28
January 1, 1905	20,966	6,171,098.37	425,000.00
January 1, 1910	24,511	7,803,287.60	625,000.00
January 1, 1915	28,748	10,493,595.63	830,000.00
January 1, 1920	32,648	13,826,887.62	1,000,000.00
January 1, 1925	35,649	19,378,508.30	1,483,451.37
January 1, 1930	38,354	24,830,384.57	2,729,630.55
January 1, 1931	39,134	26,512,360.06	2,920,762.84
January 1, 1932	41,605	26,727,657.47	3,220,857.60
January 1, 1933	43,028	26,960,883.08	3,370,857.60
January 1, 1934	44.047	26,861,169.60	3,457,879.55
January 1, 1935	45,414	28,340,528.05	3,567,366.39
January 1, 1936	46,273	30,364,536.99	3,819,758.30
January 1, 1937	46,462	32,859,685.35	4,204,672.14
January 1, 1938	47,023	34,517,458.45	4,367,127.55
January 1, 1939	47,670	36,194,525.12	4,518,249.66
January 1, 1940	48,788	38,207,013.31	4,713,842.41
January 1, 1941	49,912	39,851,594.50	4,902,908.50
January 1, 1942	51,553	41,534,061.92	5,079,005.28

Total Interest Paid Depositors Since Organization $25,994,045.04

Accounts may be opened and business transacted by mail. Interest is paid on all balances of $5.00 or over.

MAIN AND BRANCH OFFICES

December 31, 1941.

Classification of Accounts

Number	Accounts	Balance
Below 5	14,864	$ 18,140.45
5-10	2,498	17,428.58
10-20	2,701	37,899.77
20-50	3,706	120,678.85
50-100	3,282	231,960.05
100-200	4,095	575,934.08
200-300	2,466	601,228.08
300-500	3,063	1,189,022.24
500-1000	4,334	3,045,046.58
1000-2000	4,639	6,264,829.07
2000-3000	2,149	5,176,500.74
3000-4000	1,146	3,940,087.22
4000-5000	776	3,447,231.20
5000 and Up	1,834	16,868,075.01
	51,553	$41,534,061.92*

CONDENSED STATEMENT

January 1, 1942

ASSETS

Cash on hand and in banks	$3,620,609.74
United States Government Bonds	8,042,000.00
State and Municipal Bonds	5,318,534.42
Australian and Canadian Bonds	719,345.00

Railroad Bonds	7,039,961.59
Public Utility Bonds	7,987,207.52
Industrial Bonds	1,824,764.31
First Mortgages on Real Estate	10,917,430.01
Loans on Collateral	3,250.00
Main and Branch Office Buildings	300,000.00
Other Real Estate	231,600.00
Real Estate Sold Under Agreement	695,826.76
	$46,700,529.35

LIABILITIES

Due to 51,553 Depositors	$41,534,061.92
Surplus	5,079,005.28
Other Liabilities	87,462.15
	$46,700,529.35

We, the Subscribers, Auditors, appointed by the Saving Fund Society of Germantown and Its Vicinity, do hereby certify that we have examined the above statement, and the assets therein named, and find them correct.

WILLIAM H. EMHARDT
GEORGE W. EMLEN, JR.
STANLEY R. YARNALL
JAMES STARR
ARTHUR H. JONES

January 7, 1942

THE DOLLAR SAVINGS BANK

340 Fourth Avenue, Pittsburgh, Pennsylvania

Chartered 1855

ONE HUNDRED SEVENTY-THIRD SEMI-ANNUAL REPORT

December First Nineteen Hundred Forty-One

STATEMENT, DECEMBER 1, 1941

Assets

Cash on Hand and in Banks	$ 7,568,693.19
United States Government Securities	20,254,500.00
Municipal Bonds	8,736,524.79
Railroad Bonds	9,639,998.75
Public Utility Bonds	3,734,500.00
Industrial and Other Bonds	1,071,000.00
First Mortgage Loans on Real Estate	11,674,108.74
Loans to Depositors secured by their Deposits	125,700.33
Collateral Loans	6,000.00
Banking House	100,000.00
Other Real Estate	969,181.90
Other Assets	123,490.59
Total Assets	$64,003,698.29

Liabilities

Savings Deposits	$57,365,582.44
Christmas Club Deposits	426,998.72
Other Liabilities	65,594.11
Reserves	1,301,508.50
Surplus	4,844,014.52
Total Liabilities	$64,003,698.29

The undersigned Auditing Committee respectfully report that they have examined the assets of the Bank and find them to correspond with the foregoing report.

F. B. NIMICK
C. H. CURRY
ROBERT R. GORDON
GEO. L. COLLORD
FRANKLIN C. IRISH
HARRY L. MITCHELL
C. L. McCUNE
ROBERT H. McCLINTIC
C. HOLMES WOLFE
Auditing Committee

Pittsburgh, Pa., December 16, 1941

RECORD OF DEPOSITS FOR EIGHTY-FIVE YEARS

December 1, 1855	$ 7,627.28
December 1, 1865	1,774,425.94
December 1, 1875	4,185,326.35
December 1, 1885	9,433,662.01
December 1, 1895	14,871,537.53
December 1, 1905	22,881,443.87
December 1, 1915	33,866,689.01
December 1, 1925	38,240,665.81
December 1, 1935	49,027,415.04
December 1, 1941	57,792,581.16

Organized in 1855 for the purpose of encouraging thrift and the habit f saving, is a Mutual Savings Bank, operated solely for the benefit of its depositors. There are no stockholders. All profits, after payment of taxes and expenses, are distributed to depositors in dividends, or carried for their protection in the reserves and surplus of the Bank.

INFORMATION FOR DEPOSITORS

Put Your Savings in a Savings Bank

Deposits may be made

In the name of one person.

In the names of husband and wife jointly, payable to either or the survivor.

In trust for a minor. Under absolute control of Trustee during his or her lifetime. In event of Trustee's death, payable to beneficiary on attaining the age of 21 years.

In trust, payable to one or more beneficiaries after the death of the Trustee or Trustees, without letters of administration.

In trust for Lodges, Societies or Associations.

Depositors should notify the Bank promptly in case of loss of pass book.

Banking by Mail

Accounts may be opened, deposits made and funds withdrawn by mail. The Pass Book must accompany every transaction and will be returned on the day it is received.

Loans to depositors on their pass books.

Dividends are credited semi-annually June 1st and December 1st.

Banking Hours

Daily, 9 a. m. to 3 p. m.
Saturdays, 9 a. m. to 12 Noon.

President
CHARLES F. CHUBB

Senior Vice-President
Wm. E. von BONNHORST

Vice-Presidents

HILL BURGWIN
CHARLES H. CURRY
WILLIAM FREW
ROBERT R. GORDON
CHARLES L. McCUNE
FRANCIS B. NIMICK
HOWARD A. NOBLE
HENRY A. PHILLIPS
ALFRED C. POLLOCK
JAMES C. REA

Trustees

HORACE F. BAKER
GEORGE C. BURGWIN, JR.
GEORGE L. COLLORD
G. GREER COOLIDGE
JOHN C. DILWORTH
H. B. HIGGINS
FRANKLIN C. IRISH
HENRY H. LATSHAW
CLARENCE E. LOTT
C. McK. LYNCH
ROBERT H. McCLINTIC
DAVID W. McNAUGER
H. LEE MASON, JR.
HARRY L. MITCHELL
WILLIAM L. MONRO
GEORGE B. OATES
AUGUSTUS K. OLIVER
ELMER S. STAINER
W. F. TRIMBLE, JR.
FRANK R. WALTON
J. P. WILLIAMS, JR.
WILLIAM P. WITHEROW
C. HOLMES WOLFE
CURTIS M. YOHE

Treasurer
ELMER S. STANIER

Secretary
ALFRED C. POLLOCK

Ass't Sec'y and Ass't Treas.
HENRY H. LATSHAW

Ass't to the President
GEORGE B. OATES

LIST OF DEPOSITORS OF THE DOLLAR SAVINGS BANK OF PITTSBURGH, PA., WHO HAVE NOT MADE A DEPOSIT WITHIN TWO YEARS, AND WHOSE DIVIDENDS, WHICH HAVE NOT BEEN ENTERED UPON THEIR PASS BOOKS, AMOUNT TO AT LEAST FIVE DOLLARS.

This Statement is published annually in accordance with the Charter.

A

407108	Abel, John or Margaret	596.16
410732	Armstrong, Eliazbeth S.	1,244.46
411048	Arlow, Samuel	177.16
429941	Anderson, Gus E.	228.12
444129	Atkinson, H. R.	11.54
444508	Adisey, Julia	1,316.67
445234	Abels, Elsie	112.12
448765	Apel, August H. or Katherine	1,102.82
449390	Ashlin, Herbert A. D.	5,167.56
453734	Avanthay, Joseph or Anna	5,336.07
305769	Albright, Jennie S.	85.78
316401	Armor, James B. (Rev.)	3,731.69
335313	Alekasindrwincs, Peter	307.25
367498	Alter, George E.	334.28
371839	Augustine, Eliz.	57.52
398360	Anderson, Ralph S.	81.57
451724	Adams, Isabella	213.36
455775	Ashbaugh, Clarence E. and Margaret	947.03
456739	Altwater, J. Ross	1,045.75
251576	Allen, George E.	734.82
389329	Amen, Louisa	76.28
391248	Abovitz, Esther	226.22
394319	Allen, Ida M.	127.03
420566	Aalborg, Herbert	1,396.37
437794	Adams, Mary E.	59.90
438642	Anderson, Frank G., Sr.	1,256.07
439678	Agnew, Tillie & Wm.	2,721.17
442965	Althoff, Elsie	462.56
457928	Ashcraft, Helen DeM.	243.92
389552	Armstrong, Wm. F.	18.51
391863	Allison, Rosa R.	14.01
423579	Alexander, Milton or C. S.	538.35

B

407075	Bigger, Susan B.	561.99
409338	Beam, Mae H.	1,761.47
409668	Bruggeman, Chas. A. or E.	144.70
412929	Bernhardy, Mary E.	4,303.91
427231	Barrett, Walter A.	747.36
428583	Brose, H. T. or L. C.	130.70
428615	Bell, Florence E.	781.63
429492	Bocian, Rose	94.12
430049	Boch, Wm. M.	179.11
444127	Barbin, Grace	631.50
444957	Blakey, Mary E. A.	2,227.05
445010	Bradley, Howard W.	143.47
445060	Bauer, Dorothy M.	2,277.85
445176	Berger, Katherine	222.06
445567	Brooks, T. I. or M. S.	156.31
445765	Burgo, Angelo	675.21
446113	Ballas, Kathryn R.	131.87
446312	Brindza, Mary	552.59
415622	Blue, Elizabeth S.	144.33
416944	Bercher, Margaret W.	282.06
417798	Blue, Arthur A.	318.51
432767	Bartkus, John	1.314.38
433134	Bryan, Dora J.	242.30
433809	Bremner, Lillian C.	126.07
433813	Brille, Anna	2.651.18
447047	Breskin, Essie	2,126.86
448279	Bowen, Henry H.	7,935.95
448570	Burns, Barbara C.	2.287.10
448864	Bethker, Albertina	1,109.96
419442	Brennen, Hugh K.	6,085.35
449528	Brennen, Margaret M.	5,483.81
449542	Boyd, Elenora	176.97
452401	Buetzow, Karl F. H. and Eliz.	134.23
453103	Bingham, Jennie S.	1,330.19
454126	Burns, Mary A.	160.75
454368	Baker, Jennie	10,585.34
454861	Brown, Elizabeth M.	105.85
312464	Burnell, Tula L. T.	847.17
322822	Balmer, Mary J.	109.57
348541	Brideson, Edna S.	137.02
349248	Brothers, Florence A.	325.88
344851	Beebe, Mary E.	157.39
354085	Becker, Frank C.	88.75
356557	Bowie, Eliz. W.	97.43
359842	Butkaite, Urszula	1,819.54
361983	Brooks, Elva W.	1,763.90
371567	Barkley, Maargaret L.	102.53
399385	Brunner, Mary	8,977.21
400137	Beck, Mollie	1,056.39
401769	Brickel, Annie	608.74
404930	Burke, Mary E.	4,027.98
450302	Becker, Joseph	828.06
450735	Burgwin, Adelaide D. J.	1,125.02
450913	Bowden, Alice E.	100.89
450932	Boliver, Edna Marie	128.13
455065	Barnes, Eliz.	108.50
455489	Brennen, H. J. or Sara A.	5,294.13
455917	Bonshire, Edward L. or E. M.	188.33
456599	Breinig, Estella	4,737.08
450049	Brown, Minnie	849.65
140528	Beatty, Sarah A.	3,269.51
193560	Baker, Sarah P.	424.01
200906	Bowers, George	2,434.80
240551	Besser, Lula C.	107.69
241847	Barton, Hugh A.	475.74
258279	Boyle, Kate	1,651.08
265583	Bachrach, Henry	1,133.98
275720	Brickel, Annie	103.37
380642	Butz, Martha	189.33
387513	Bulmer, Elizabeth	275.10
392941	Brake, Annie E.	291.81
394848	Baraky, James	1.568.62
419455	Barry, Constance H.	2,574.78
419685	Behl, Katherine	820.83
420792	Brown, Hannah	2,495.85
421134	Blazier, Ida B.	354.37
421706	Brown, Rosella	2,118.60
422577	Borovetz, Rebecca	1,038.60
422743	Bart, Hazel M.	110.39
437696	Brennen, Vera	4,945.90
437755	Beedle, John or Esther	269.06
382011	Bloom, Myra	853.22
439083	Burkhard Wilbert F.	571.10
439307	Baxter, Edgar I or Anna N.	367.92
439686	Blackstone, Zella H.	405.16
440083	Berez, Jennie F.	318.49
440227	Bell, Basil or Lena	245.75
440251	Brown Robt. M. or Lucy	256.60
440380	Browne, Isabella	3.176.47
440424	Bell, Amealia	79.75
441655	Blair, Mabel S.	854.50
442318	Bower, G. W. or L. I.	1,212.38
442538	Bauer, C. W. or E.	969.84
442596	Boyd, Helen T.	75.73
443038	Bradley, Mae M.	283.21
443393	Bicknell, Bertie E.	124.87
457447	Bickur Cholim Society of Pgh.	7,897.30
74323	Blair, Eliz. S.	58.16
117491	Boyer, Rachel L.	129.68
261747	Bornman, Chas. T.	33.40
275578	Bulford, Harriet M.	48.61
346519	Berrilacchi, Italio	30.14
347691	Bechtel, Wm. M.	38.18
370295	Burgess, Jennie	31.82
370304	Baxter, Margaret J.	19.69
375115	Bjurstrom, Carl F.	206.59
395155	Boss, Fred W.	78.68
402349	Butler, Abe	37.01
417995	Bovard, J. J. or I. E.	32.42
424347	Berlipp, A. or A. B.	2.051.05
424652	Babcock, Maud R.	1.033.78
424907	Bromme, Clara	262.29
425838	Beet, O. F. or H. A.	232.38
426037	Beam, Margaret	245.70
426258	Bragdon, Burton B.	112.98
426770	Baker, Lawrence P.	164.03

C

407856	Cornyn, Mary	1,911.06
408593	Clyde, Thos. or M. L.	591.38
410785	Coren, Morris	73.24
411371	Cracnoff, Alek	457.92
411381	Curley, Jennie	1.778.53
412612	Conroy, Barbara	2,623.27
428614	Conboy, Anne C.	738.11
428760	Colliner, Mary A.	2,101.38
428925	Cooper, Agnes D.	1,374.58
429005	Chisler, E. E. or M. J.	3,335.18
444933	Carson, Melzina B.	1,472.13
445243	Caldwell, V. Royal	1,062.26

445390	Castelli, Vincent H.	1,121.95
445479	Coulter, F. A. or L. T.	1,126.23
445552	Clyde, Thos. or L.	1,360.60
446271	Crim, W. R.	415.45
415128	Cooney, Mary A.	1,031.82
416988	Carson, Margaret	76.16
417244	Christ, Henry W. or Barbara	531.79
417865	Cleland, Wm. S.	9,520.61
432814	Cohen, Reuben	106.73
447185	Connolly, Sarah or Patrick	2,007.76
447649	Ciana, Arthur or Vera	162.75
447913	Chyczewski Antoinette	250.32
448796	Clark, Ann Spencer or C. A.	1,651.91
449974	Connolly, John J.	164.11
453843	Carrigan, Catherine R.	203.76
454323	Chermock, Mathilda	810.22
454358	Christy, Blanche M.	1,091.15
454614	Carson, Maude	111.36
296291	Cook, Rosa L.	102.44
311958	Clark, Nellie Davis	646.26
338290	Cording, Wm. H.	550.12
342186	Cohen, Rebecca	1,027.57
342548	Curran, Mary	5,605.01
348269	Collins, Isaac	5,747.09
360170	Cahill, Thomas E.	1,098.23
361773	Cress, Blanch B. F.	148.11
362925	Cornyn, Mary	2,391.69
363580	Cook, Alice B.	46.97
366359	Collett, Mary E.	5,195.14
395125	Court, Mary	43.32
395888	Caldwell, Wm. J.	136.41
398850	Coyne, Catherine M.	635.26
402277	Cain, Mary, Estate of	82.90
403425	Cabaj, Maria	655.17
450183	Cleary, William P.	322.48
450884	Cronin, John P.	224.79
451306	Caplan, Margaret	1,929.69
451476	Capone, Mary	102.63
455549	Cornyn, Mary	488.35
456517	Conley, Agnes	145.36
456907	Caslin, Mary W.	166.92
369840	Cooper, Helen M.	580.22
76261	Cooper, Fred M.	256.44
124737	Cornman, Henry	100.25
130961	Carroll, Edward F.	170.47
138543	Cashdollar, Mary	2,278.96
160189	Cleary, Grace	214.14
160454	Conlon, Marcella	1,311.41
247109	Crawford, Nora	504.11
247860	Cameron, Jennie	587.45
379745	Coll, Bridget	2,636.93
394123	Campbell, Fred A.	202.97
419259	Craig, Dorothy	121.41
419430	Corcoran, W. or E.	7,673.30
419630	Cornyn, Mary	1,337.07
421430	Clouse, Emma J.	882.16
422178	Commons, Ernest M.	41.97
422727	Conley, Mary B.	76.57
425586	Conley, Nellie G.	121.01
437154	Cantwell, Catherine	7,271.33
438880	Carson, Melzina B.	3,023.80
438909	Creighton, Robt. D.	3,423.77
439281	Campbell, A. or L. M.	3,744.10
439380	Campbell, Eliz. B.	2,022.34
439804	Cossitt, Gertrude	3,137.27
439866	Cawley, Mary H.	2,421.49
440818	Caughey, Lillie A.	132.54
442803	Carson, Kate	991.28
443016	Cashdollar, Almira G.	843.95
443849	Cole, Amy G.	4,396.11
142816	Church, Wm. F.	30.20
233934	Connelly, S. Agnes	64.38
250329	Crane, Jos., Jr.	22.50
330647	Calhoun, Jno. C.	1,663.32
330794	Clark, Margaret	50.44
350581	Coulter, Grace B.	19.82
365932	Clark, Mayme A.	46.88
373424	Conley, Mary B.	131.31
382967	Caveney, Margaret A.	27.12
389450	Cronin, Margaret T.	129.40
424717	Cunningham, Kath.	35.37
425941	Cain, Mamie W.	37.70

D

406125	Dougherty, Irene B.	1,442.93
406299	Deibner, Clara	141.65
411120	Denny, Harmar D., Jr.	163.47
412630	Donaldson, Helen M.	3,939.32
413909	Decker, D. Hatfield	131.99
417305	Davidson, Wm. C. or Margaret J.	371.22
418530	Dorsey, Jacob F. & Anna E.	345.13
431836	Drylie, Gertrude E. & David	463.68
431861	Duessel, Erhardt W.	166.34
433408	Doran, Edwin & Naomi	138.83
433639	Dunn, Wm. J., Sr.	116.45
434198	Dosch, Anna B.	576.19
434248	Duff, C. B. or B. M.	524.58
447211	Dain, Esther M.	63.03
449409	Domhoff, Marion Irene	274.12
453854	Daisy M.	1,072.03
453899	Desimone, Mary	382.28
454455	Doerch, Adam	536.34
290040	Daum, Chas. J. J.	553.86
291598	DiRenna, Angela M.	259.79
294660	DeMut, Julie	491.02
301717	Dawson, Joseph C.	849.91
302278	Drennan, Lillie	348.13
307400	Devine, Margaret	106.85
309376	Duffy, Mary	1,614.69
320934	Downing, Francis	5,360.30
338328	Davis, Margaret J.	152.03
351516	Dobencoff, Kate	26.29
360831	Dessell, Minnie L.	423.06
362304	Duffett, Henry	773.80
397796	Dunn, Marion L. B.	170.38
397797	Dunn, Jean M.	184.01
400087	Dean, Anna T.	3,903.41
402480	Davis, Steve	855.38
403402	Dressler, Phillip W.	3,856.67
405815	Durkin, James	573.07
450506	Dougherty, John J.	6,093.11
456516	Deutsch, Ignatius or Dorothy	523.94
351196	Deiss, Mary A.	28.43
157171	Donaldson, Peter C.	51.46
182326	Dunn, Catherine	3,545.79
223495	Dougherty, Isabella	122.10
257538	Dowd, Bridget	3,126.39
375703	Donnelly, Katherine	237.97
392485	Duff, Fannie L.	1,083.11
419324	Drozdowski, J. or L.	784.29
437350	Doyle, Vincent T.	144.49
57601	Davis, Hugh H.	83.89
390519	Davidson, Lloyd B.	82.24
438273	Doak, R. J.	1,079.70
440425	Durkin, Beasey	142.50
441214	Dorsey, J. F. & A. E.	184.24
457296	Dunkle, Geo. H.	946.45
164958	Donahoe, Wm.	19.52
355917	Delany, Allye A.	51.06
374876	Duffy, Agnes	413.63
376618	Dodd, Nellie F.	18.36
388373	Dean, Anna M.	359.36
393115	Dornan, Terres E.	18.97
420288	Doyle, Wm. E.	29.19
423270	Donahue, Helen J.	96.42

E

407249	Edinger, Cora	1,013.06
417188	Edlis, Estelle E.	142.73
434269	Elmen, Joseph E.	127.62
447290	Edgar, Clara	1,632.74
447291	Edgar, Mary L.	2,442.41
449105	Emery, Boyd A. or Eliz. M.	105.73
336083	Evans, Ruth	453.79
365794	Easton, W. Earl	1,058.81
401139	Eyerman, Alfreda	835.89
455724	Early, Patrick J.	1,121.43
102510	Evans, Charles H.	4,890.95
385484	Evans, Wm. M.	1,747.35
393236	Elkins, Irwin B.	4,947.01
439832	Edwards, Ida M.	317.21
388462	Ebert, Anna M.	2,824.08
423061	Eckert, Hannah	560.90

F

406499	Folan, Michael	102.42
428548	Frick, Virginia R.	132.95
445543	Folan, Nora V.	4,846.25
445665	Furniss, Anita C.	1,121.95
446536	Flynn, Edward	1,222.94
446705	Felix, Paul G.	111.74
427647	Fahey, Margaret	25.88
413578	Fischman, Ruth	127.85
415812	Foraker, Forest A.	3,043.26
417796	Fleckenstein, George V.	112.02
418610	Fording, Arthur O., Agent	78.61
432949	Fox, Edward J. (Sr.)	69.13
434558	Flickinger, Myrtle E.	442.00
447313	Flocco, Ireneo	2,320.99
448881	Frishkorn, Alberta	329.64
452067	Firle, Anna	6,067.41
452367	Fleckenstein, Ella	1,342.85
452506	Fulton, Anna M.	107.38
454359	Foster, Gertrude Hodel	263.80
454772	Finch, Mary	5,175.89
454974	Force, Jane Wood	105.85
453156	Fulton, Robt. V.	196.16
319711	Fisher, Nellie	1,390.65
324506	Fisher, Eliz.	656.71
329521	Fritz, Lizzie	1,404.33
339111	Fried, W. F.	168.86
365033	Ford, Katherine	2,259.48
369460	Fitz, Arabella S.	146.27
396735	Fitch, Olive	860.77
402567	Fagan, Martha	110.90
450228	Fechter, Anna M.	1,918.37
450531	Fragale, Carlo	574.07

450693	Frank, John S. or Elizabeth D.	452.37
334590	Fleming, Mary K.	79.37
367014	Fadock, Stephen W.	1,153.32
167105	Ferry, John	1,382.63
389447	Flinn, Anna L.	279.60
392894	Freund, Lillie M.	44.83
420216	Fox, E. J.	98.16
421311	Fereday, Marie G.	29.44
421689	Fisher, John G.	317.61
436744	Feldman, N. or R.	1,458.94
436965	Fegan, Martha	332.02
438487	Farbstein, Sam'l and Anna	88.99
439036	Fechter, Anna M.	173.43
439063	Farmer, Florence M.	82.67
440822	Falk, Effie M.	225.28
440918	Francolino, Josephine	1,094.39
443842	Frazier, Jennie	95.91
457949	Fennell, Margaret M.	5,238.47
156226	Fleming, Dr. Richard K.	22.80
221051	Fry, Craig H.	21.83
228519	Fisher, Wm. H.	29.18
322605	Ferguson, Sam'l J.	613.51
365786	Flohr, Kathryn S.	21.86
397105	Flynn, Thos. J.	30.22
398172	Fisher, Hyman	17.84
413034	Fink, Dorothy K.	9.05

G

406178	Gordon, Walter G.	203.64
407046	Grayber, William or Annie	589.37
408344	Gallagher, Mary	442.35
412253	Glick, Fannie	577.34
430111	Guyton, Marie E.	274.85
446668	Gilchrist, Clyde R.	1,338.02
413511	Gordon, Louisa	1,131.88
416030	Grayewski, Alexander	1,680.21
431100	Griffin, Patrick or Mary J.	565.29
432359	Grier, Rob't S.	407.01
432865	Gunther, John A. or Marie	605.51
433519	Garrett, Helena S.	218.35
433952	Geiger, Clara M.	1,057.35
448424	Ginsburg, Elizabeth K.	125.94
449315	Griffin, Cecil M. or Helena M.	447.86
452109	Good, George D. or Martha L.	549.29
452295	Ganoe, Robert	470.82
452783	Gatfield, Laura	109.37
289082	Gunselmann, Anna	2,241.72
289284	Gerling, Josephine M.	889.12
342864	Glassbrenner, Charles, Extr.	4,390.36
345081	Glasman, Morris	8,576.38
368789	Gettman, Louise M.	260.49
372258	Greenawald, Mary	2,341.75
402011	Gusatin, John	3,678.14
402696	Grimm, Caroline	771.16
402823	Gamble, Maude A.	265.60
450086	Graham, Ida Mae	14,970.58
450530	Gray, R. Earl or Dorothy C.	659.49
455807	Geis, Theresa	210.43
456214	Griffith, Edgar M. or Lucille	1,354.26
456887	Grau, Samuel G. or Anna P.	139.23
395307	Glick, Fenny	1,127.93
450966	Gropper, Jacob L.	325.98
156540	Gatthart, Ella	321.26
176894	Greene, Sarah	273.43
238144	Gauley, Lizzie M.	45.04
389618	Gourley, Elizabeth	54.29
389730	Golden, Edward	39.80
394606	Gaub, Elmer E.	211.23
422702	Greubel, Mary or John	160.75
435233	Gillson, Margery	519.93
436363	Goehring, Ethel	570.83
437317	Gandet, John J.	173.90
438457	Greenberg, Dorothy	1,389.84
440802	Gunther, Jno.	117.61
442808	Getz, Regina	169.05
448702	Gray, R. A. or M. K.	3,619.32
457318	Goldman, Frances	263.01
163935	Glenn, Jos. E.	321.24
221600	Geiss, Chas.	22.80
249028	Garrigan, Jos. E.	26.59
260473	Gilfillan, Gertrude C.	35.55
366917	Gasior, Anna	15.68
378811	Geer, Wm. E.	29.65
392114	Guest, Sidney	74.79
396626	Grogan, Annie	13.06
398760	Goldenson, Dora B.	113.21
423390	Ginsburg, Harry	379.66
424013	Glass, Etta	165.56
425714	Griggs, Thomas N.	49.08

H

407914	Hanlon, Jas. or Cicely	805.14
410684	Harlan, Chas. W.	3,026.34
427492	Hamilton, Helen G.	55.95
428661	Hemerich, J. C. or C. C.	184.27
429620	Hemmerich, Martha C.	158.79
430961	Herron, Winifred H.	160.37
444285	Hare, Lena A.	5,482.78
444345	Haas, Geo. P.	1,175.97
444749	Hunter, Margaret	459.79
445464	Hoeter, Alfred W.	1,568.62
445537	Harding, Edith W.	522.26
446600	Hideg, Bertha	557.47
446702	Healey, Fantine E.	222.91
414275	Helbling, Clara	695.82
414471	Hershberger, Alfred S.	546.77
415120	Hartman, Clayton V.	1,101.80
415463	Houseberg, John Wm.	9,066.39
416592	Heard, Elizabeth A.	234.97
416598	Hanlon, C. J. or E. C.	736.12
416600	Harrington, Ellen	1,226.70
417757	Hurley, Wm.	1,678.98
431024	Hines, Jacob M. or Marion E.	594.14
431217	Head, Anna	12,386.03
433183	Harris, Mary E.	320.32
433645	Holliday, Alice DeHaven	32.71
447607	Head, Park C. and Anna	4,969.34
448623	Hamer, Alice R.	1,429.29
448862	Herman, E. W. or V. R.	290.39
449553	Hazley, Albert F.	162.58
453527	Hildenbrand, Mary S.	616.14
453802	Hammel, Phillip	2,822.71
454109	Hornbostel, Mabelle W.	3,196.31
454178	Hoover, Catherine	1,063.21
454611	Herrington, G. Kirby	248.61
454994	Hesh, Anna	909.54
454995	Hesh, Mary	909.54
295233	Himme, August	353.47
311969	Haas, Josephine E., Extx.	335.37
312789	Haas, Josephine E.	2,063.62
314667	Hayes, Annie	36.28
320524	Hartley, Alice McKee	248.57
328331	Hammerschmitt, Laura M.	319.81
334481	Hingst, Tillie M.	2,209.65
348194	Hyland, Patrick	2,703.35
350438	Higham, Bessie F., Extx.	419.28
352656	Haas, Gertrude P.	85.40
395415	Halpine, Lillian	1,451.87
398709	Haley, Mary	3,282.56
400694	Heard, Eliz. A.	875.24
401016	Hurbanele, Lozi	57.94
403434	Handelman, Jeannette P.	1,084.16
404086	Hudie, Emma S.	1,719.24
450232	Hoffman, Dolores M.	79.71
450454	Harper, C. E. or L. A.	1,431.74
451793	Hartner, Margt. M.	172.57
98819	Hay, Maggie	291.23
114232	Hamilton, Louis H.	192.50
124268	Hayden, Marget B.	3,917.22
159681	Hayden, Clara	2,504.06
201322	Haugh, Hannah	146.14
234890	Heffron, Bridget	1,677.90
268870	Hanley, Anastasia A. Estate	273.92
377789	Hyle, Vida	141.41
378692	Hottenfeller, Missouri	962.86
380811	Holman, Evelyn	122.39
384284	Hlavsa, Annie	1,664.58
385680	Hunter, Mary B.	338.02
390953	Herlehy, Allan R.	92.88
419091	Harris, Julius	207.11
419967	Huff, Hilda S.	636.45
422056	Hutchison, Agness	112.69
422625	Hartman, Clayton	1,086.43
422958	Henry, E. Agnes	62.84
436423	Heskett, Nora	972.93
437027	Heaslett, R. or G.	2,246.22
437240	Heskitt, Nora	1,202.17
437898	Hopper, Blanche	236.73
182192	Hamm, Emma J.	1,065.29
213044	Henderson, John J.	345.16
438412	Holleran, Mary	1,979.56
440063	Hardiman, Jos. M. (Jr.)	300.93
441412	Hoover, E. J. or M. H.	394.33
441608	Head, P. Palmer	441.37
442244	Harris, Jennie E.	214.38
442619	Harris, Alice R.	3,324.27
442984	Hunter, Mary B.	95.58
457458	Hervey, Jos. T. or Tena C.	3,049.91
457923	Hibbard, Mary J.	689.43
184035	Hunter, Sarah J.	662.92
249876	Hudspeth, Wm. L.	13.79
251983	Hagen, Ellen	22.35
264418	Hanselman, Jennie	16.82
275912	Harmon, Ruth E.	37.62
279968	Hill, Anna J.	17.56
298222	Hays, Wm. E.	15.97
354197	Holland, Aime	1,298.71
386061	Hopf, Geo. R.	15.16
386456	Hughes, Helene	24.52
390377	Haugh, Michael S.	26.90
398291	Hutchinson, Mary E.	23.37
405487	Harrow, W. J.	17.39
408267	Huffling, Louis	662.98
409867	Hallisey, Mary	53.47
423491	Haugen, Karen	169.82
424126	Hutchison, Mary	829.76
426445	Hougland, Betty A.	431.73
426934	Haas & Schatz, Trustees	335.42

I

455855	Iffert, Adelheit	2,345.73
403378	Ingersoll, Elizabeth L.	230.49

J

406197	Jost, Anna M.	263.28
407071	Joyce, J. or B.	212.52
407452	Jaish, August S. or Anna	36.78
428323	Jacobs, Helen A.	866.28
431954	Jakobsen, Otto	150.82
434501	Jackson, Nettie	555.16
452177	Johnson, Gust or Marie	6,720.22
454153	Jackson, E. M. or R. R.	569.58
454945	Jones, Ross E., Sr.	781.89
291057	Jackson, John W.	42.09
316997	Jochumsen, John M.	152.27
371962	Johnson, LaForest	225.21
395010	Jost, Freda	825.82
403504	Jack, Lillian P.	1,694.85
455172	Janikowski, Helen	545.53
139987	Jordan, Calvin B.	64.40
231739	Jaffe, Bertha	2,620.05
390263	Jones, Isabella	172.12
394853	Jost, Emma	517.35
420859	Joyce. Annie C.	65.90
422238	Jones, Helena A.	1,271.21
439620	Johnston, Carrie E.	583.18
279697	Johnson, Artcher A.	622.84
355154	Johnston, Fred'k W.	13.02
394350	Jarratte, Myrtle	43.17
403524	Joyce, Mary	34.08
423708	James, Susie F.	336.01
424622	Joyce, Mary B.	1,341.41

K

409531	Kearns, Mark or E. G.	2,030.20
409790	Kranek, Elizabeth	154.23
445557	Krepp, Peter	1,188.26
446073	Krapf, J. H. or M. W.	363.85
431468	Kowal, Michael E. or Mary	259.72
431874	Knighton, Florence	240.99
434039	Kenny, Marie K.	93.20
434200	Kleinschmidt, H. P. or M.	128.29
434378	Knauber, Wm. A. or C. G.	1,129.42
448576	Knight, Oscar R., Extr.	145.44
452116	Kaschub, Norma A.	428.27
452482	Krauzlis, William	225.36
453603	Kirsch, Richard W.	166,57
454074	Kress, William or Emma	319.59
454085	Kirschensteiner, F. or J.	1,265.35
454262	Kelly, Anna	240.10
454630	Kelley, Bernard C.	106.07
282631	Kleppner, Regina	282.10
286125	Kim, Wm. C.	5,756.92
289786	Kistler, Marg't M.	408.14
293657	Klug, Harry J.	893.92
298632	Krimer, Morris	2,176.63
307424	Kiesling, Franziska	1,368.13
311682	Knowlson, Ellen J.	217.73
326326	Kaelin, Pauline	140.65
331638	Krumenacker, Paul S.	115.89
343523	Kier, Mary M.	132.54
360638	Kirk, Bessie D.	520.78
362914	Kilpatrick, Grace	313.70
369950	King, Augusta	107.17
402255	Kernan, Marg't	1,072.03
405888	Kretzler, Paul	1,446.75
451536	Karpac, Mary E.	1,085.17
451615	Kaminski, Mary D.	168.94
455016	Kaufman, Ruby I.	529.39
359886	Kelly, Catherine M. V.	59.56
401282	Knopf, Edna M.	136.94
116592	Kraus, Mary	2.895.41
134238	Kountz, Jas. L.	687.47
159030	Krider, Conrad	256.75
185769	Kremer, Barbara	237.29
232054	Keck, Will	212.21
419144	Kovacs, Karl or Mary	1,071.65
420224	Kreines, Moses S.	2,673.24
421025	Kaehl, Emil	47.58
421488	Kennedy, Edith B.	394.77
422093	King, Maggie S.	3,209.13
422348	Klingensmith, Alberta	32.41
436321	Kress, Paul	11,503.36
436428	Klein, Hanna D.	414.38
274182	Kelty, Wm. C. (Rev.)	1,991.69
438201	Kelley, Wm. G.	1,051.78
440187	Kunkel, Martha	85.97
443755	Karpac, Mary J.	494.79
194970	Kennedy, Anna B.	24.90
262724	Kenna, Edw. J.	18.37
267798	Keller, Alfred	175.23
268242	Keady, Mary	16.11
367915	Kaylor, John J.	14.76
399646	Klein, Hanna D.	393.14
409441	Kuhns, Thos. R.	41.34
411019	Kirby, Marg't	15.52

L

408632	Ludwig, Ella L.	713.19
411469	Lieber, Rose S.	732.01
427431	Leightner, Marcella J.	147.80
427904	Lageman, Wm. H., Jr., or H. M.	794.09
444805	Luther, A. Myrtle	231.64
444981	Levine, Carl	2,466.85
445012	Levine, Murray M.	728.83
446678	Lynch, Mary L.	1,126.61
414232	Louis, August H.	104.49
416144	Long, A. U. or F.	1,065.73
447040	Luebbe, Frank W. or Louise	3,249.88
448666	Laurent, A. A.	3,037.67
452001	Lyons, Frank E.	202.89
452291	Lorch, Sarah	7,865.06
452652	Larkin, Robert S.	267.41
453228	Linhart, Lewis E.	191.72
453872	Lawlor, Elizabeth	190.35
298240	Lott, George E.	490.81
307747	Levy, Sarah	859.35
313713	Little, Edna P.	483.44
332433	Laffey, Bridget	54.83
341596	Lewis, Wilhelmina	1,202.51
348177	Levier, Eliz. W.	303.71
354454	Lees, Matthew	172.43
355430	Lasczewski, Jan	822.62
369668	Lloyd, Mary	1,007.95
370663	Lee, Ivy M.	312.74
370859	Laurent, Louise K.	86.17
396062	Littlewood, Kathleen M.	77.18
401989	Lesher, Lois McC.	216.84
462261	Kukitch, Sophia	605.34
405178	Lytle, Emily J.	5,929.87
38898	Lorch, Sarah	6,665.09
104302	Lanahan, Frank J.	158.14
117365	Lawson, Viola C.	3,815.02
246676	Lundy, Rose	269.41
278153	Leventon, Frank	290.23
388117	Ley, Flora	154.71
391435	Lenzner, Wm.	1,288.20
392446	Lentz, Catherine	1,540.52
419873	Liebschner, Amelia	1,171.73
435149	Litman, Samuel	741.15
436625	Lunardini, L. or B.	648.81
437678	Lowman, T. Edward	212.40
278430	Lowenstein, Sophia	10,973.44
438462	Lang, Esdella U.	207.99
438968	Lesnett, R. W. or M. G.	1,411.82
439127	Lamb, Bridget	1,393.15
439474	Lyons, Eliz. M.	111.24
439947	Laverty, Mary E.	383.65
440196	Lavine, Bertha	162.67
440896	Louis, Celeste	577.44
441352	Luebbe, Harry C.	575.99
443112	Lee, Kath. M.	375.20
264576	Loughrey, John E.	139.53
278621	Lee, Anna A.	23.37
357161	Lewis, Jessamine DeH.	38.18
370228	Lewis, Annie	19.65
386683	Lutz, M. Cath.	77.35
410421	Leventon, Morris	572.88
424094	Leightner, Marcella J.	206.01
424329	Lahm, J. E. or M. E.	135.96
424393	Lucksha, Anna M.	216.51

M

412325	Martin, Lena	1,882.35
412449	Markowitz, Chas.	62.82
430006	Marshall, Wm. R.	128.59
445124	Moore, John M.	392.03
445399	Miller, Zerilda M.	1,404.89
445589	Mort, Eva	10,385.66
414781	Michalik, Marie	213.25
416222	Martin, Thos.	1,288.62
418287	Majchrzack, Anna	1,839.82
431771	Metzger, Susie E.	101.31
434564	Mertz, Fred'k C. or Mildred	376.77
447593	Muller, George or Emma	382.22
448314	Magee, Dorothy H.	221.10
448863	Mack, Clarence C. (Jr.)	521.37
448991	Michalowski, Anna M.	585.42
452593	Morgan, Rev. Thomas	4.532.36
453505	Motta, Dr. P. G.	132.86
454068	Marshall, Anna	265.25
454201	Matsko, John	1,179.23
454616	Monteverde, Amelia	106.07
454737	Maxwell, Mary K.	175.03
281247	Morrow, Wm. J.	9,161.48
309755	Morgan, Mary	316.34
311164	Moore, Katherine R.	1,212.89
316886	Mahoney, Mary C.	1,282.94
320227	Murphy, James	1,056.37
330286	Moore, Mary J.	51.56
354701	Mandelbaum, Louis	283.53
356734	Mahoney, Marg't	1,139.93
363834	Moore, Clyde J.	323.81
364311	Martin, Agnes	25.55
369281	Matthews, George R., Extr.	49.20
396638	Magilson, Mary	115.18

402729	Martin, John A.	1,088.94
450172	MacKillop, D. A.	2,117.64
451862	Moulis, Jas. J.	124.00
456151	Martin, Mary	4,763.84
450327	MacPherson, Mildred C.	329.64
130741	Meade, Mary A.	427.26
131490	Metzler, Kate	554.18
195143	Merriman, James	1,095.17
202830	Monaghan, Bridget	139.93
225686	Mikus, Henry	384.04
227767	Minsky, Esther	90.70
252214	Meadwell, Ellen	3,069.40
379488	Miller, Emma J.	909.00
383104	Murray, Catherine	744.69
387110	Magel, Margaretta	106.94
390307	Munch, Cecilia	378.36
391106	Mellody, Wm. E.	77.41
393306	Marshall, Lillian	107.51
394228	Myers, Angeline L.	1,589.79
419763	Marshall, Rob't J.	40.88
420454	Muend, Josephine	5,695.52
421664	Mandel, Tillie	1,195.20
421813	Maloney, Imogene	211.74
435549	Mertz, M. Elizabeth	426.26
436850	Maple, Annie L.	1,909.02
436881	MacKellar, Agnes	115.83
437355	Merriman, Earl S.	533.65
437864	Monahan, Edward	127.06
438807	Matsko, Anna	194.97
438897	Matters, Anna M.	844.07
439134	Middleton, E. W. or C. A.	5,820.02
439782	Martin, Lillie	1,062.60
439993	Merchant, Cath. M.	156.79
441566	Marks, Martha W.	322.51
442383	Mechling, Alice	887.49
442720	Martin, Walton W.	10,457.61
442887	Minsky, Liliane	12,740.60
443247	Martin, Minnie	410.96
457269	Morrison, J. B. and M. L.	209.14
457697	Milligan, Rachel	2,568.89
457937	Magill, F. C. or H. H.	895.62
150133	Mannion, Jno.	417.35
291049	Montgomery, Annie D.	380.44
321100	Mercer, Marjorie B.	24.45
334991	Mockus, Frank	73.92
361197	Mullen, Mary E.	942.47
398484	Morgan, Chas. P.	19.53
411675	Manning, Julia H.	160.78
417545	Marks, Cecil C.	18.03
424346	Morrison, Elizabeth E.	3,590.68
424601	Murray, D. C. or A. C.	111.14
425438	Mannella, Antoinette M.	536.17
425615	Moss, Maria E.	223.79
426670	Moore, Wm. S.	189.28

Mc

428942	McEwen, Emily M.	105.85
444763	McBeth, Ruth	269.45
445195	McGreevy, Marie K.	1,787.64
415002	McQuillan, Emily W.	15,790.31
431227	McGreevy, Mary	1,950.97
433123	McCutcheon, Laura	316.74
434078	McGinnis, Eulalia Jones	161.41
447261	McMillan, Sadie	123.22
447537	McKelvy, Anne D. S.	1,110.40
447873	McGinley, Laura	1,693.14
448082	McCrory, Rev. L. A.	127.35
452901	McCann, John T. or Nora	2,354.80
453737	McElroy, Hugh A.	902.15
454293	McGinley, James F.	1,253.77
311485	McCoy, Charlotte	1,399.74
315002	McNeely, Mary B.	327.81
317114	McQuillen, Clara	3,072.82
323770	McDonald, Lucy	250.60
328516	McCall, James	301.09
331451	McEvoy, Wm. E.	110.52
341455	McGuire, Patrick	1,884.50
346713	McGuire, Mary	4,998.96
365097	McQuillen, Marg't	129.92
371846	McGinley, Mary A.	436.58
403957	McMeekin, John S.	110.78
404031	McMunn, Mary B.	122.02
405736	McMahon, Louis H.	330.23
450457	McVay, W. M.	1,089.94
451596	McCreevy, J. B.	1,080.95
455646	McFadden, Eliz. Carrol	4,806.22
456003	McLaughlin, Anna	120.98
456014	McAdams, W. W. or Nina L.	139.43
21927	McCormick, Benjamin N. Estate	835.32
195154	McCall, Clinton W.	148.21
202932	McAfee, James	3,298.38
212864	McEwen, Frances	362.44
240596	McClure, Eleanor	161.66
382716	McHugh, Bella	2,329.40
383398	McComb, Tillie	132.77
386283	McDonnell, Mary	176.07
388080	McCue, Mary M.	1,785.39
419752	McClintock, Catherine	167.09
435514	McGrew, Wm. or Jean	105.69
435660	McKibben, Mary E.	689.99
436435	McCarthy, E. or Rose	144.59
436842	McMahon, Jas. F.	266.88
437213	McKeag, Helen S.	291.64
438050	McClusky, John P.	1,058.81
438269	McGrady, Mary	3,541.97
440426	McDermott, Mary	253.12
457051	McGinnis, J. M. or G. A.	164.98
123938	McAllister, Sarah A.	358.69
214575	McQuaide, Jos. R.	25.93
345695	McGill, David F., Extr.	524.82
353644	McConville, Jas.	16.19
372345	McGuire, Susan	44.51
425199	McKee, R. Dickson	118.19

N

409185	Neary, John F. or Cath.	858.83
411064	Newhart, Lena	105.85
412997	Nykiel, Jan or N.	391.83
445445	Nehring, Ernestine	222.15
448853	Nicholson, Mary M.	529.39
297552	Nelson, Ida	642.68
299084	Newell, Agnes	685.52
310629	Nikhazy, Julia	1,268.51
314754	Norris, Olive R.	1,005.85
325477	Noe, Anthony J.	228.90
396631	Neubauer, Anna	306.37
405913	Newbrand, Jennie H.	237.18
450880	Nichol, Minnie	164.85
76309	Neale, James B.	203.40
381308	Ney, Louis	87.92
391532	Neff, Annie	157.15
421257	Nesta, Theresa	298.50
439418	Newman, Rose	225.19
440365	Neely, Helen D.	287.87
212949	Nickel, Emma C.	132.20
373558	Nicholson, Clarine	475.48

O

408687	O'Brien, Thos. or A. E.	167.73
429554	Osadchuk, Mary	1,096.62
454249	O'Brien, Anna C.	3,000.21
298540	O'Malley, John T.	662.50
299940	Ogden, Mary	1,125.86
313736	O'Toole, Catherine M.	3,681.38
356873	O'Donnell, Sara	88.24
373259	Owens, Howard G.	441.03
385620	O'Neil, Patrick	2,960.47
419166	O'Donnell, Cathryn	138.84
435182	Over, Mary E.	4,114.17
277536	O'Connor, Mary A.	260.30
442344	Oberhelman, Stella K.	456.92
361860	O'Donnell, Jas. F.	58.98
410339	Overman, Pearl E.	22.72
423400	O'Brien, Lucetta	67.25

P

408949	Petvini, Marya	1,463.52
429908	Parson, Blanche	1,175.84
445920	Perkins, Wm. C.	1,050.46
445935	Peairs, Ardafay K.	140.63
445982	Philis, Caroline L.	7,937.69
415277	Pedder, Mary A.	257.06
447693	Pitts, Jas. H. or G. A.	344.96
454724	Petri, S. or Z.	486.38
301065	Pringle, Allison A.	960.95
321423	Pearce, Charlie A.	101.59
360565	Powers, Richard C.	60.77
366959	Pisano, Angelamaria	106.95
395773	Perry, Clara	1,626.72
397031	Pfannkuck, Fred C.	126.59
400971	Page, Mary Hester	260.52
401859	Petrila, Charles	1,588.37
450260	Paounoff, Emanuel	324.89
455351	Pappert, Anna C.	529.39
455561	Pope, Margt. Herron	105.42
352079	Peplowski, Wladislaw	31.17
366455	Pyros, Cyril A.	633.97
305158	Philips, Elizabeth	167.26
378696	Parkin, Charles M.	487.03
387523	Powell, Bridget	674.32
425832	Peckman, Elizabeth	1,164.88
440880	Pastorius, J. A. or E.	558.53
442016	Phillips, Margt. W.	1,638.13
442046	Phillips, Lois B.	1,520.17
443237	Pfrommer, Minnie	1,765.18
443560	Prenovitz, Sam	282.78
246853	Powers, Eliz.	19.18
371379	Plender, Martha E.	33.47
354620	Plassmeyer, Minnie	15.39
359038	Pemberton, Anna B.	60.80
400993	Pecinkas, Jonas	96.88
423722	Payne, Benjamin	671.76

R

408764	Robinson, C. E. or C. M.	3,714.30
409999	Rhea, Velma	418.02
411133	Runsky, Zuzanna	392.85
427218	Rose, Caroline W.	140.24
429980	Rooney, Helen C.	1,365.36

430148	Roney, Walter W.	2,117.64
430227	Rector, C. F. or Emma	1,058.81
446063	Roessler, E. or Ida C.	224.22
446084	Rudolf, Nellie T.	1,166.92
446133	Rodgers, Wm.	94.99
415456	Reich, Sarah	1,302.30
416525	Ripper, Ida M.	328.26
418428	Reed, S. Clarke, Jr.	69.01
432574	Reed, Edmund F. or Martha S.	413.66
448974	Rafferty, Joseph Francis	149.22
452669	Ray, William	2,512.40
453051	Rittiger, Clara E.	231.27
453101	Rush, John M. or Frances E.	437.54
453724	Reiland, R. A.	106.72
289121	Ralle, Mary P.	290.51
294065	Reed, Alice E.	401.81
303196	Rowan, Patrick F.	5,223.12
313216	Rohe, Emma M.	1,025.31
319265	Rees, James I.	131.81
337382	Rosenbloom, Anna	158.78
355783	Robinson, Marg't A.	917.08
359846	Rinker, Austin J.	3,644.26
367647	Rafferty, Mary	2,546.22
368687	Roessler, Rose	61.44
399370	Rinker, Minnie D.	2,458.79
402001	Ricker, Charles J.	133.15
402211	Repasky, John J.	670.15
402412	Rimmel, Clara	703.38
450126	Rudis, Pauline	149.90
455877	Richardson, Mary	526.11
180793	Ramsay, Erskine	13,062.15
196111	Reese, Josiah	128.82
262091	Rafferty, Anna	1,477.86
379333	Rosenberger, Walburga	129.04
392616	Rosenberg, Morris	1,588.21
420235	Rupp, Frederick or Lena	1,135.47
437928	Rubenstein, Sylvia	211.74
205891	Reutzel, Maggie	201.50
278221	Robertson, Eliz.	1,879.37
380144	Rimkus, John	848.78
439408	Roden, Mary	617.57
442125	Rockett, Mary	1,133.62
442494	Richert, Frank	570.31
443521	Riggs, Marg't R.	360.65
64554	Royce, Chas. N.	26.37
292010	Roos, Oscar F.	10.87
349072	Robertson, Alice M.	16.37
365447	Raskauskas, Marg't A.	36.53
373758	Reilly, Jno.	226.28
380625	Rowse, Jos. S.	299.00
425174	Rubenstein, Sam	240.62
425489	Radbord, Lena	230.45

S

406732	Seperka, Elizabeth	6,245.98
408318	Slack, Geo. R.	1,484.42
410453	Singer, Myer W.	310.55
410955	Schroedel, Edith F.	67.18
412287	Shand, Ida M.	1,176.97
427941	Smith, Mary J.	276.50
428172	Sefton, R. K. or M. D.	186.42
428715	Schuck, Suzan M.	132.67
445470	Schulze, Emma A.	2,144.09
445789	Schrei, R. L. or M. E.	768.53
446843	Schloszerik, Mary	297.82
413312	Schultz, Edward W. or Martha	141.95
415092	Schmid, John	4,745.45
415798	Sankey, Joseph	411.49
416332	Schwitzer, Alice	1,349.59
417380	Shapera, Rose Levine	3,150.44
418056	Streaney, Catherine	198.17
418857	Schmidt, Harry J.	2,621.22
431602	Slattery, May B.	124.86
432086	Smith, Harry R.	96.94
432220	Shouse, Carrie R.	139.05
432714	Swick, John T.	107.62
433117	Satter, Olivia M.	1,488.50
447908	Smith, Clara B.	1,393.06
448099	Schledt, Franz	155.50
448437	Schmid, Elizabeth Fichtl	728.61
448488	Safko, Mary	1,794.52
448869	Spangler, Clyde M. and Lucile B.	109.84
449230	Sorkrot, Sophia J.	273.11
449310	Scharning, Signa	300.33
452270	Smith, Hannah	4,499.23
454114	Skelley, Elizabeth J.	266.31
454169	Stotler, Walter R. or Ruth	3,261.32
454807	Southworth, Dorothy E.	528.04
286246	Sulliman, Marie A.	1,536.43
296879	Sloan, Clara V.	329.64
306049	Stauffer, Sophie E.	1,905.25
325075	Spain, Nick	1,225.08
332741	Shannon, Linda E.	2,236.62
334356	Szimanski, Kazymierz	920.92
339248	Savino, Teresa	587.65
346433	Stickle, Cath. G.	1,149.42
365406	See, Lois E.	2,222.38
367644	Stirm, Laura, Extrx.	3,434.49
395986	Sibel, Sarah MacA.	127.95
398045	Simon, Belle	4,029.58
398077	Sneathen, John B.	35.44
398575	Stockdale, Howard R.	96.00
399373	Schlagel, Mildred H.	446.15
401176	Swelbar, Anna	160.01
401219	Silverman, Wm. N.	3,196.06
402095	Sauers, Geo., Jr.	36.64
402635	Senay, Ella	162.51
404198	Schlieper, Albert C., Jr.	1,300.39
450149	Stocker, Louis F. or La Via	1,152.53
451249	Schmitz, Eliz. A.	924.68
451648	Schmeck, Emily H.	2,071.70
455413	Speigle, Gertrude	2,192.88
455497	Steding, Louis A.	420.41
455514	Sommer, Ruth Stone	149.66
456209	Stefanik, Rose	2,833.92
456321	Swartz, Caroline	125.21
347325	Snyder, May	84.09
403369	Safko, George	1,072.71
450107	Somosky, J. W. and A.	218.39
455569	Szwed, Mike or J.	1,054.45
456649	Schenker, Hyman L.	125.48
53637	Schussler, Ludwika	1,253.38
54913	Schaming, Rosena	9,946.46
95565	Schrader, Florence	148.41
153815	Somers, Charles	29.13
163399	Sutter, George	794.27
178651	Smith, Annie	759.84
193186	Scott, Lizzie F.	491.70
215873	Sutter, Edna B.	110.44
223195	Smith, Clara L.	349.27
232044	Smith, Henry	2,830.51
244563	Siebert, Tereassa	1,064.12
251015	Stroud, Helen L.	333.45
256460	Simpson, Bessie R.	270.74
256952	Swenson, John T.	43.02
258344	Sterritt, Louise R.	2,042.27
276967	Shand, Ida M.	4,427.72
278431	Salomon, Austa	1,058.81
373308	Sybert, Clarence E.	61.31
385303	Seymour, Lansing	78.45
386245	Schomaker, Ida	243.17
386471	Schwitzer, Alice	246.29
388381	Sharrer, Lewis A.	374.68
389962	Sack, Anna	371.55
391665	Smith, R. Templeton	240.45
392337	Smith, Kate	61.79
392613	Steeb, Willamae	141.16
394510	Speer, Stella	52.35
391156	Sompel, Andy	2,117.64
419713	Scott, James or Lucy	135.70
421378	Schmid, Hilda E.	1,522.73
421481	Sullivan, Margaret	946.98
421483	Sullivan, John or Margaret	1,982.17
422224	Schmitt, Helen C.	824.50
435149	Speer, Libbie	741.15
435648	Seymour, Frederick	214.38
436441	Schlieper, Lottie	457.68
436642	Schlebecker, Katherine	1,571.78
437276	Stillberg, Albert	157.07
143575	Sullivan, Katie	42.64
276003	Stewart, Etta M.	1,449.45
438337	Sweeney, John	3,151.12
438342	Stevens, J. R. and J. M.	1,402.60
438477	Schaub, Nannie M.	652.60
438478	Speidel, Caroline A.	1,058.81
438535	Schafer, Alice	588.98
438960	Staab, Jacob, Jr., or Mary	10,144.01
439200	Schweiger, Christine E.	1,577.29
439368	Skelly, Oliver F.	867.72
439602	Spangler, L. B. and C. M.	337.81
439765	Snyder, Jean M.	427.38
440419	Snyder, Jeanne	276.87
440760	Stevenson, Margaret E.	1,123.91
441409	Sheridan, John E., Jr.	105.85
441455	Sullivan, Nora	2,287.85
441686	Stribrny, Jos. or Mary	1,190.55
441796	Smith, Eliz. Z.	105.85
442765	Schenker, David	2,105.27
457641	Sippel, Barbara	1,116.10
457755	Steuer, Louis, Sr.	1,458.01
107010	Shrum, John W.	21.66
316659	Steel, John B.	15.23
351175	Sussman, Walter	37.18
357637	Soisson, Archibald E.	19.75
368521	Schoettler, Geo. H.	186.14
376177	Starr, Albert F.	13.23
377860	Smith, Alfred F.	30.12
382080	Scott, Jean M.	20.61
383153	Schessler, Cath. G.	25.30
384463	Shapiro, Alex.	12.35
385963	Steffaniak, Andy P.	55.94
394774	Schmidt, Martha	29.81
403778	Sugarmann, Marie	122.42
404612	Steenson, Carrie S.	13.11
450702	Siergiej, Piotr	1,755.90
424820	Smith, Thos. F. or Mary I.	302.48
424881	Salomon, Amelia E.	1,321.12
426200	Schafer, John	17,416.97
426987	Schmitz, Wm. H.	65.57
426990	Shapera, Rose L.	1,410.73

457809	Stewart, Josephine M.	2,187.04

T

415777	Timmins, Margaret	282.89
431548	Tamers, Sam N.	31.13
433445	Turnblacer, Mary E.	2,116.17
447898	Tapolcai, Agnes J.	216.46
448622	Theiss, Pauline M.	2,747.53
454736	Tiel, Ada R.	637.57
445617	Tremel, Anna M.	140.70
409950	Teplitz, Rosa	28.86
316623	Thompson, Annie	132.00
337879	Teets, Iva E.	446.39
363892	Thompson, Annie B.	74.80
395020	Tavan, Louis	1,055.78
397880	Trautwein, Anna L.	290.76
399941	Tunney, Mary	103.70
400067	Turner, George W.	196.75
405233	Tighe, Annie M.	301.76
455191	Tunney, James B.	316.95
455793	Trotta, Pasquale or Natalia	105.09
347243	Turich, Martin	643.13
46228	Theis, Matilda	130.78
163523	Tunstall, Bryante	266.84
226028	Thomas, Susie	82.96
273341	Thornton, Mary	107.17
394896	Turich, Josephine	812.16
422481	Thompson, Jane P.	109.50
440427	Tomasso, Jos.	51.18
212920	Thompson, Robt. H.	563.53
275443	Thames, Wielliam	30.08
367478	Thirkell, Geo. E.	20.92
374617	Thomas, Lewis P.	19.73
424190	Till, Luise	691.57
424308	Thomas, Olivia B.	168.07
424974	Titley, Pearl E.	236.18
425017	Teplitz, Benjamin	26.14

U

433683	Urbach, Gustave A. or Mary F.	2,745.34

V

427563	Vassilarou, Froso	668.63
446428	Verna, Filamena	111.66
446534	Vlha, J. P. or W. H.	115.34
446830	Vaglia, Batista	701.29
447296	Vaughn, Marie L.	1,102.26
447297	Vaughn, Julia C.	771.80
447298	Vaughn, Patrick J.	222.02
447777	Vavro, Helen	465.37
347707	Voegtly, Chas. F.	130.92
384978	Vogel, Michael	1,903.31
393659	Volbrecht, Wm. J.	211.06
420630	Volderauer, Lucille	211.96
84588	Vincent, Mary E.	30.05
441699	Vourron, J. or M. C.	927.89

W

406947	Williams, Clarissa C.	547.93
412777	Williams, Sarah	366.25
427509	Wirtz, Catherine E.	63.17
427836	Williams, Jas. or F.	1,007.53
427886	Wilson, Belle T.	580.69
428388	Woods, Frances	469.72
429114	Weinman, Mary C.	281.59
429586	Woods, Elizabeth	214.12
430158	Wagner, Jno. or T. A.	409.91
444539	Ward, Charles S.	337.91
445370	Wolfe, Clara	818.71
445421	Wright, C. A. or J. M.	183.02
446612	Watson, Florence G.	278.36
414477	Wettach, Robert H.	209.55
431821	Weiner, Blanche L.	152.95
434536	Wilson, H. L. or K. E.	1,931.15
447412	Wertz, Fremont E.	111.26
448735	Wadsworth, Anna Mae	3,652.73
448876	Wachter, Helen M.	175.10
449133	Wiesner, Francis	163.11
449897	Wilson, Dorothy M.	100.94
453084	Waddy, Julia	721.04
453840	Weber, Amelie	481.13
454170	Weller, Justine C.	122.09
454198	Williams, W. Lyle or Helen	1,952.24
454636	Wilkins, Eva K. or Van	647.02
329501	Walls, Mary	64.23
331773	Wuori, Sophie	274.52
339574	Waggoner, Loretta V.	1,911.97
349438	Wilkinson, James A.	204.94
354917	Walsh, John J.	77.52
364657	Wright, Johanna	2,235.29
369552	Woods, Jessie L.	1,911.07
372914	Willis, Lucy	93.61
402436	Wootton, Grace E.	45.27
404659	Whitman, Hinda	119.48
405699	Walter, Katie	1,340.72
450123	Westermann, Loretta	1,856.75
450424	Walker, Dorothy F.	108.93
450590	White, Irene Olive	632.73
451403	Wald, Ray S. or Mary V.	566.73
325266	Westerman, Minnetta W.	29.75
91757	Welfer, Frank M.	154.44
248875	Winklevass, Robert	143.94
386130	Wiggins, Elijah	1,417.73
386913	Winter, Adolph W.	128.96
389440	Walsh, Marie	1,146.09
389817	Walsh, John A.	98.89
393061	Willis, Mary E.	162.61
419003	Wittmann, Fred or Anna	240.90
421801	Walence, Mary	23.05
422438	Wallace, Anna or James	1,037.02
422576	Wagler, A. or E.	71.02
435874	Wilkinson, M. or J.	107.97
217817	Wilcox, Hattie E.	2,431.02
382275	White, Agnes	355.35
439580	Wells, Mary S.	493.08
439905	Wilson, L. L. or H. N.	1,055.30
442761	Winters, L. Crosby	171.00
457223	Wright, Jno. E. or Sara	2,570.69
457250	Wirth, Peter or Mary	628.49
121402	Wilson, Sarah A.	24.58
385159	Wangeman, Verna M.	12.34
392864	Warmbt, Bruno	36.76
394473	Williams, Mary M.	49.22
406234	Worgan, Henry H.	13.52
438951	Wladzinski, A. or L.	2,463.51
424656	Wood, Helen E.	370.55
425537	Wilson, C. Dorothy	307.34
426024	Wilson, Sam'l W. II	60.51
426618	Williamson, R. J. or N J.	985.94

Y

445591	Young, Eva L.	224.32
446842	Young, Elizabeth	336.95
451327	Young, Gertrude M.	209.88
233486	Yenell, Anna L.	508.36
375856	Yagle, Matilda E.	314.88
457698	Young, Stella A.	1.043.88

Z

311265	Zinser, Ida L.	36.10
455691	Zelicoff, Ida	2.463.81
391252	Zimmer, Louisa	31.55

ELMER S. STANIER, Treasurer, Pittsburgh, Pa.,
January 1, 1942.

THE PHILADELPHIA SAVING FUND SOCIETY

ONE HUNDRED TWENTY-FIFTH ANNUAL STATEMENT

January 1, 1942

The Oldest Mutual Savings Bank in the United States
Established December 2, 1816
Incorporated February 25, 1819
Seventh and Walnut Streets

OTHER OFFICES

15 S. 52nd Street.
11th St. and Lehigh Ave.
Broad and McKean Sts.
Broad and Ruscomb Sts.
12th and Market Sts.

MANAGERS

Thomas S. Gates
John Hampton Barnes
Edward F. Beale
Charles J. Rhoads
Isaac W. Roberts
Charlton Yarnall
James D. Winsor, Jr.
Parker S. Williams
Henry S. Drinker, Jr.
Joseph Wayne, Jr.
Nathan Hayward
Edward Hopkinson, Jr.
R. Sturgis Ingersoll
David E. Williams
Effingham B. Morris, Jr.
Martin W. Clement
Marshall S. Morgan
Philip C. Staples
J. Hamilton Cheston
Geoffrey S. Smith
Floyd T. Starr
Morris Duane
John A. Diemand
Frederick R. Drayton
Henderson Supplee, Jr.

OFFICERS

President
ISAAC W. ROBERTS

Vice President
J. HAMILTON CHESTON

Vice President
DONALDSON CRESSWELL

Treasurer
WILLIAM G. BOWLER

Secretary
HENRY C. WATT

Comptroller
SAMUEL J. MURRAY

Mortgage Officer
ROBERT A. MURRAY

Auditor
ROBERT P. S. MILLER

Assistant Treasurer
FERDINAND L. VOGEL

Statistician
ALBERT F. A. KING

Branch Office Manager
ROBERT H. BREEDING

Real Estate Officer
GEORGE L. HALL

Assistant Comptroller and Accountant
THOMAS F. TOOHILL

Branch Office Managers

FRANKLIN C. GERENBECK
HOWARD R. MYERS
AUGUSTINE B. DONDERO
KENNETH SNYDER

Associate Real Estate Officer
GROVER C. KUNTZ

Manager—School and Industrial Department
CHRISTINE MORGAN

Assistant Mortgage Officer
JAMES W. MARVIN

Assistant Comptroller
DANIEL H. SMITH

Assistant Branch Office Manager
CLIFFORD O. DILLER

Assistant Secretary
JOHN S. McGOWIN

Assistant Branch Office Managers

ROBERT E. KIRKPATRICK
HOWARD W. NELSON
WILLIAM P. HOOD
C. LOUIS FOELL

Assistant Auditor
WALTER S. CORSON

Assistant Treasurer
GRANVILLE S. MORGAN

Solicitor
CHARLES J. BIDDLE

REPORT OF THE CERTIFIED PUBLIC ACCOUNTANTS

Linvill & Parry
Certified Public Accountants
Twelve South Twelfth Street
Philadelphia

Walker E. Linvill, C.P.A.
John C. Parry, Jr., C.P.A.

To the President and Managers of
The Philadelphia Saving Fund Society

We have examined the appended condensed statement of the assets and liabilities of The Philadelphia Saving Fund Society at the close of business December 31, 1941, and the appended statement listing in detail the bond investments of the Society at that date.

Our examination included a verification by count or confirmation of the cash on hand and in banks and of all investments of the Society in bonds, mortgages, ground rents, and deeds to real estate.

The amounts at which these investments appear in the statement are after the provision of reserves, and the net value shown is less than the total current market value of the bonds and a generally current appraised value of the real estate held for sale and of the mortgaged properties.

We have reviewed the system of internal control and accounting procedure and have examined or tested accounting records and other supporting evidence to the extent and by methods which we deem appropriate .

In our opinion the statements correctly reflect the assets and liabilities and the bond investments of the Society as of December 31, 1941.

LINVILL & PARRY
Certified Public Accountants.

Philadelphia, Pa.
January 14, 1942.

CONDENSED STATEMENT

December 31, 1941

ASSETS

Cash on Hand and in Banks		$ 28,592,853.63
United States Government Bonds	$133,425,419.32	
Dominion of Canada Bonds	4,964,682.56	
State, County and Municipal Bonds	33,696,391.57	
Railroad Bonds	69,125,233.64	
Railroad Equipment Trust Certificates	8,316,049.31	
Public Utility Bonds	34,279,744.05	
Industrial Bonds	10,665,145.75	
Real Estate Bonds	272,357.13	
	$294,745,023.33	
Less Reserve	9,477,358.96	285,267,664.37
First Mortgages on Real Estate		44,158,548.91
Ground Rents		7,500.00
Main Office, five Branches, 12th & Market Streets Office Building and Real Estate for Society's use		5,874,644.55
Other Real Estate acquired and held for sale		16,126,549.43
Accrued Interest		2,455,556.77
Other Assets		1,079,819.00
		$383,563,136.66

Liabilities

Due to 564,167 Depositors	$355,011,369.28	
Due to 7,419 Depositors in U. S. Bonds (par value)	895,900.00	
		$355,907,269.28
Other Liabilities		929,246.45
Reserve for Federal and State Taxes		111,213.33
Reserve for Contingencies		3,115,407.60
Surplus		23,500,000.00
		$383,563,136.66

INVESTMENTS—BONDS

December 31, 1941

Par Value	Description	Rate	Maturity
	UNITED STATES GOVERNMENT BONDS		
$ 50,000.00	Defense Savings Bonds Series "G"	2½	1953
3,674,000.00	Treasury Notes	¾	1944
1,417,000.00	Treasury Notes	¾	1945
7,117,600.00	Treasury Bonds	3¼	1945-1946
23,640,000.00	Treasury Bonds	2½	1945-1972
250,000.00	Treasury Bonds	3⅜	1947
29,600,000.00	Treasury Bonds	2¾	1947-1963
7,001,400.00	Treasury Bonds	3	1948-1955
4,000,000.00	Treasury Bonds	3⅛	1949-1952
3,950,000.00	Treasury Bonds	2	1950-1955
8,604,800.00	Treasury Bonds	4¼	1952
6,153,000.00	Treasury Bonds	2¼	1953-1956
950,000.00	Treasury Bonds	4	1954
10,042,000.00	Treasury Bonds	2⅞	1960
100.00	Treasury Bonds	3¾	1956
3,990,000.00	Commodity Credit Corpn Notes Series "G"	1⅛	1945
4,000,000.00	Federal Farm Mortgage Corp'n Bonds	2¾	1947
5,000,000.00	Federal Farm Mortgage Corp'n Bonds	3	1949

INVESTMENTS—BONDS

December 31, 1941

Par Value	Description	Rate	Maturity
2,160,000.00	Federal Farm Mortgage Corp'n Bonds ..	3¼	1964
2,025,000.00	Home Owners' Loan Corp'n Bonds Series "G"	2¼	1944
3,250,000.00	Home Owners' Loan Corp'n Bonds Series "A"	3	1952
1,395,000.00	Reconstruction Finance Corp'n Notes Series "U"	⅞	1942
3,080,000.00	Reconstruction Finance Corp'n Notes Series "W"	1	1944
$131,349,900.00			

DOMINION OF CANADA BONDS

$ 4,000,000.00	External Loan of 1/15/36	3¼	1961
1,000,000.00	Loan of 1/15/37	3	1967
$ 5,000,000.00			

STATE BONDS

$ 1,805,000.00	Pennsylvania—Tax Anticipation Notes ...	1½	1943

COUNTY BONDS

$ 183,000.00	Allegany, County, Md.	4¼	1947-1952
243,000.00	Allegheny, County, Pa.	4¼	1942-1947
271,000.00	Baltimore, County, Md.	4½	1953-1966
440,000.00	Bergen, County, N. J.	4½	1943-1955
87,000.00	Cambria, County, Pa.	4¼	1942-1945
621,000.00	Cook, County, Ill.	4	1956
200,000.00	Dallas, County, Road Dist. No. 1, Texas	4¾	1950-1953
128,000.00	Davidson, County, N. C.	3¼	1949-1960
246,000.00	Essex, County, N. J.	3¼	1952-1955
115,000.00	Forsyth, County, N. C.	4½	1942-1956
100,000.00	Greenville, County, S. C.	4½	1942-1943
72,000.00	Guilford, County, N. C.	4¼	1942-1943
111,000.00	Guilford, County, N. C.	4½	1942-1950
53,000.00	Guilford, County, N. C.	3¼	1958-1962
37,000.00	Hamilton, County, Ohio	5	1942-1946
400,000.00	Harris, County, Houston Ship Channel Nav. Dist., Texas	4½	1945-1958
50,000.00	Harris, County, Texas	4½	1949-1951
98,000.00	Lorain, County, Ohio	4½	1942-1947
390,000.00	Lucas, County, Ohio	4½	1945-1954
24,000.00	Mahoning, County, Ohio	4¾	1942-1943
56,000.00	Middlesex, County, N. J.	4¼	1942-1943
686,000.00	Montgomery, County, Md.	4½	1942-1962
60,000.00	Montgomery, County, Md.	2.40	1955-1958
189,000.00	Multnomah, County, Ore.	4½	1943-1954
153,000.00	Multnomah, County, Ore.	4¾	1945-1951
343,000.00	Passaic, County, N. J.	4¼	1942-1949
300,000.00	Shelby, County, Tenn.	4½	1949
90,000.00	Somerset, County, N. J.	4½	1942-1950
65,000.00	Spartansburg, County, S. C.	4½	1942-1947
100,000.00	Spartansburg, County, S. C.	3½	1953-1957
410,000.00	Tarrant, County, Water Control and Imp. Dist. No. 1, Texas	4½	1942-1971
18,000.00	Trumbull, County, Ohio	4¾	1942-1943
138,000.00	Tulsa, County, Okla.	4¾	1943-1948
30,000.00	Union, County, N. J.	4¼	1942-1947
430,000.00	Union, County, N. J.	4½	1942-1960
160,000.00	Venango, County, Pa.	4¼	1942-1949
$ 7,097,000.00			

MUNICIPAL BONDS

$ 37,000.00	Abington, Township, Pa.	4½	1943-1948
50,000.00	Abington, Township, School Dist., Pa. ..	4½	1943-1958
125,000.00	Amarillo, City, Texas	3½	1947-1951
300,000.00	Baltimore, City, Md.	5	1943
35,000.00	Beaumont, City, Texas	3¼	1965-1969
719,000.00	Chicago, Sanitary District, Ill.	4¼	1955
370,000.00	Chicago, Sanitary District, Ill.	4½	1955
218,000.00	Detroit, City, Mich.	4½	1943-1947
600,000.00	Detroit, City, Mich.	4	1956
70,000.00	East Providence, Town, R. I.	4¼	1942-1948
24,000.00	Elizabeth, City, N. J.	4¼	1942-1954
175,000.00	Elizabeth, City, N. J.	4½	1942-1962
390,000.00	Erie, City, Pa.	4½	1942-1960
193,000.00	Fort Worth, City, Texas	4½	1942-1954
264,000.00	Fort Worth, City, Texas	3½	1954-1966
33,000.00	Fort Worth, City, Texas	3¼	1955-1960
98,000.00	Galveston, City, Texas	3½	1950-1953
145,000.00	Galveston, City, Texas	2¾	1954-1958
101,000.00	Greenville, City, School District, S. C. ..	3¾	1948-1955
50,000.00	Harrisburg, City, Pa.	4¼	1942-1946
338,000.00	Houston, City, Ind. School Dist., Texas .	3	1950-1966
41,000.00	Huntington, City, W. Va.	4½	1954
200,000.00	Irvington, Town, N. J.	4¾	1942-1947
120,000.00	Irvington, Town, N. J.	4½	1942-1949
675,000.00	Jacksonville, City, Fla.	3	1951-1956
400,000.00	Kearny, Town, N. J.	4½	1943-1955
120,000.00	Los Angeles, City, Cal.	4½	1946-1948
110,000.00	Memphis, City, Tenn.	4½	1944-1951
58,000.00	Memphis, City, Tenn.	4¾	1945-1953
150,000.00	Memphis, City, Tenn.	3	1953-1957
126,000.00	Memphis, City, Tenn.	3¼	1956-1965
45,000.00	Memphis, City, Tenn.	2.90	1959-1963
182,000.00	Memphis, City, Tenn.	4½	1942-1956
42,000.00	Memphis, City, Tenn.	4¾	1945-1954
27,000.00	Minneapolis, City, Minn.	2.90	1957-1963
104,000.00	Minneapolis, City, Minn.	2.80	1961-1968
148,000.00	Montclair, Town, N. J.	4½	1942-1951
200,000.00	Morristown, Town, N. J.	4½	1942-1951
90,000.00	Nashville, City, Tenn.	5	1942-1948
138,000.00	Nashville, City, Tenn.	4½	1942-1953
200,000.00	Newark, City, N. J.	3	1950-1960
50,000.00	Newark, City, N. J.	2¾	1955-1962
87,000.00	New Brunswick, City, N. J.	4¼	1942-1968
600,000.00	New York, City, N. Y.	4¼	1946-1958
3,500,000.00	New York, City, N. Y.	4½	1945-1959
700,000.00	New York, City, N. Y.	3¼	1950-1956
3,350,000.00	New York, City, N. Y.	3½	1951-1960
550,000.00	New York, City, N. Y.	3	1954-1955
105,000.00	Northampton, Borough School Dist., Pa.	4½	1946-1956
100,000.00	Philadelphia, City, Pa.	4	1943
2,308,000.00	Philadelphia, City, Pa.	4½	1948-1979
500,000.00	Philadelphia, City, Pa.	2½	1951-1953
2,250,000.00	Philadelphia, City, Pa.	4¼	1980
721,000.00	Philadelphia, City, School District, Pa. ..	4¼	1942-1947
60,000.00	Philadelphia, City, School District, Pa. ..	4½	1943-1944
300,000.00	Pittsburgh, City, School District, Pa. ...	2¾	1956-1960
64,000.00	San Antonio, City, Texas	3¼	1953-1956
225,000.00	San Antonio, City, Ind. School Dist. Texas	4¼	1943-1955
18,000.00	Sandusky, City, Ohio	4½	1942-1947
508,000.00	Trenton, City, N. J.	4½	1942-1952
100,000.00	Union, City, N. J.	4¾	1942-1943
130,000.00	Union, City, N. J.	4½	1942-1954
110,000.00	West Orange, Town, N. J.	4½	1950-1958
355,000.00	Winston-Salem, City, N. C.	4½	1942-1961
98,000.00	Winston-Salem, City, N. C.	3	1956-1960
50,000.00	Winston-Salem, City, N. C.	4¾	1959-1961
51,000.00	Winston-Salem, City, N. C.	2¾	1962-1963
82,000.00	Woonsocket, City, R. I.	4¼	1942-1964
$ 24,483,000.00			

$33,385,000.00 Total—State, County, Municipal Bonds.

RAILROAD BONDS

$ 2,004,000.00	Allegheny Valley (Penna.)	4	1942
802,000.00	Atchison, Topeka & Santa Fe	4	1995
1,102,000.00	Baltimore & Ohio	4	1948
1,400,000.00	Baltimore & Ohio	5	1948
225,000.00	Beech Creek (New York Central)	3½	1951
400,000.00	Carolina, Clinchfield & Ohio	4	1965
779,000.00	Catawissa (Reading)	4	1948
3,496,000.00	Central Pacific (Southern Pacific)	4	1949
724,000.00	Central Pacific Through Short Line (So. Pac.)	4	1954
155,000.00	Chesapeake & Ohio (Rich. & All'y Div. 2nd)	4	1989
22,000.00	Chesapeake & Ohio	2	1952
48,000.00	Chesapeake & Ohio	2.10	1953
71,000.00	Chesapeake & Ohio	2.20	1954
34,000.00	Chesapeake & Ohio	2.30	1955
87,000.00	Chesapeake & Ohio	2.40	1956
71,000.00	Chesapeake & Ohio	2.45	1957
2,988,000.00	Chesapeake & Ohio	3½	1996
550,000.00	Chicago, Burlington & Quincy (Ill. Div.)	3½	1949
1,250,000.00	Chicago, Mil. & St. Paul (C. M. St. P. & P.)	4	1989
600,000.00	Chicago, Mil. & St. Paul (C. M. St. P. & P.)	4½	1989
1,896,000.00	Chicago, Rock Island & Pacific	4	1988
198,000.00	Chicago, Union Station Co., Series E ...	3¾	1963
500,000.00	Chicago, Union Station Co., Series F	3⅛	1963
658,000.00	Cincinnati Union Term. Co., Series D ..	3½	1971
905,000.00	Cleveland & Pittsburgh (Penna.)	4½	1942
2,104,000.00	Cleveland & Pittsburgh Series A (Penna.)	4½	1977
414,000.00	Cleveland Union Terminals Co., Series C	4½	1977
679,000.00	Columbus & Toledo (Chesapeake & Ohio)	4	1955
2,597,000.00	Connecting (Penna.)	4	1951
1,732,000.00	Connecting (Penna.)	4½	1951
16,000.00	Delaware & Bound Brook (Reading) ...	3½	1955
1,000,000.00	Detroit River Tunnel (Detroit Terminal & Tunnel) (Michigan Central)	4½	1961
531,000.00	East Tenn., Va. & Georgia (Southern) ..	5	1956
750,000.00	Erie (Ohio Division)	3¼	1971
150,000.00	Fort Street Union Depot Company	3¾	1965
220,000.00	Great Northern	4	1945-1952
855,000.00	Indianapolis Union, Series B	3½	1986
1,500,000.00	Kansas City Terminal	4	1960
775,000.00	Kentucky Central (Louisville & Nashville)	4	1987
400,000.00	Lake Shore & Michigan Southern (New York Central)	3½	1997

Par Value	Description	Rate	Maturity
563,000.00	Lehigh Coal & Navigation	4	1948
205,000.00	Lehigh Coal & Navigation Series C	4½	1954
1,361,000.00	Lehigh Valley	4	1948
1,220,000.00	Lehigh Valley (New York) (Lehigh Val.)	4½	1950
1,100,000.00	Louisville & Nashville, Series A (A. C. L.)	3½	1950
1,000,000.00	Michigan Central (New York Central)	3½	1952
250,000.00	Monongahela Series B	3¼	1966
331,000.00	Nashville, Chatt. & St. Louis (A. C. L.)	4	1978
500,000.00	New York Central & Hud. Riv. (N. Y. C.)	3½	1997
1,000,000.00	New York Connecting, Series A	3½	1965
1,194,000.00	New York & Erie	4	1947
112,000.00	New York Short Line (Reading)	4	1957
2,155,000.00	North Pennsylvania (Reading)	3.30	1953
528,000.00	Northern Central (Penna.)	4½	1974
3,173,000.00	Northern Pacific	4	1997
884,000.00	Ohio Connecting (Penna.)	4	1943
3,289,000.00	Pennsylvania	4	1948
3,630,000.00	Pennsylvania	4½	1960
200,000.00	Pennsylvania, Series A	4½	1965
800,000.00	Pennsylvania, Series C	3¾	1970
199,000.00	Pennsylvania Company Guar. Trust Certificates (Penna. R. R.)	4	1952
1,500,000.00	Pennsylvania Company (Penna. R. R.)	4	1963
73,000.00	Pa. & N. Y. Canal & R. R. (Lehigh Val.)	4	1949
119,000.00	Pa. & N. Y. Canal & R. R. (Lehigh Val.)	4½	1949
98,000.00	Pa. & N. Y. Canal & R. R. (Lehigh Val.)	5	1949
1,000,000.00	Pa. Ohio & Detroit, Series A (Penna.)	4½	1977
576,000.00	Philadelphia & Reading (Reading)	4¼	1943
2,880,000.00	Philadelphia & Reading (Reading)	4	1947
100,000.00	Philadelphia & Reading Terminal Serial Bonds (Reading)	2.50	1950
100,000.00	Philadelphia & Reading Terminal Serial Bonds (Reading)	2.625	1951
450,000.00	Philadelphia & Reading Terminal (Reading)	3½	1966
1,645,000.00	Pittsburgh, Virginia & Charleston (Pa.)	4	1943
1,189,000.00	Reading Company, Series A	4½	1997
43,000.00	St. Paul & Duluth (Northern Pacific)	4	1968
360,000.00	Scioto Valley & New England (Norfolk & West.)	4	1989
500,000.00	Toledo & Ohio Central (New York Central)	3¾	1960
809,000.00	Union Pacific	3½	1970-1971
700,000.00	Union Pacific, Series A	3½	1980
817,000.00	United New Jersey R. R. & Canal (Pa.)	4	1944
55,000.00	United New Jersey R. R. & Canal (Pa.)	3½	1951
713,000.00	West Shore (New York Central)	4	2361
261,000.00	Western Maryland	4	1952
$ 72,370,000.00			

RAILROAD EQUIPMENT TRUST CERTIFICATES

$ 1,247,000.00	Canadian Pacific, Series C	4½	1942-1945
229,000.00	Canadian Pacific	5	1944
250,000.00	Chesapeake & Ohio	4½	1942-1944
209,000.00	Chesapeake & Ohio	2¼	1944
250,000.00	Chesapeake & Ohiio	1⅝	1950-1951
53,000.00	Erie	4½	1942-1944
372,000.00	Louisville & Nashville, Series J	1⅝	1951
180,000.00	New York Central	4½	1942-1945
301,000.00	New York Chicago & St. Louis	3	1946-1949
1,499,000.00	Pennsylvania, Series L	1¾	1951-1956
2,493,000.00	Pennsylvania	2¾	1945-1953
843,000.00	Pennsylvania, Series K	2¼	1951-1954
475,000.00	Reading Co., Series M.	4½	1942-1945
$ 8,401,000.00			

PUBLIC UTILITY BONDS

$ 500,000.00	Alabama Power Co. (Commonwealth & Southern)	4½	1967
236,000.00	Allentown-Bethlehem Gas Co. (U. G. I.)	3¾	1965
28,000.00	American Gas & Electric Co.	2¾	1950
43,000.00	American Gas & Electric Co.	3½	1960
15,000.00	American Gas & Electric Co.	3¾	1970
1,320,000.00	American Telephone & Telegraph Co.	3¼	1961
861,000.00	Atlantic City Elec. Co. (American Gas & Elec.)	3¼	1964
900,000.00	Brooklyn Edison Company, Inc. (Cons. Ed. of New York)	3¼	1966
1,000,000.00	Central Hudson Gas & Electric Corporation	3	1971
350,000.00	Central Ill. Light Co. (Comm. & South.)	3½	1966
300,000.00	Central Power and Light Company (Middle West Corp.)	3¾	1969
865,000.00	Cincinnati Gas & Electric Co. (Col. G. & E.)	3¼	1966
193,000.00	Cincinnati Gas & Electric Co. (Col. G. & E.)	3½	1967
200,000.00	Cleveland Electric Illuminating Co. (North American)	3	1970
463,000.00	Commonwealth Edilson Company	3½	1968
385,000.00	Connecticut Light & Power Co.	3¼	1966
887,000.00	Consolidated Gas, Electric Light & Power Co. of Baltimore	3¼	1971
250,000.00	Consolidated Gas, Electric Light & Power Co. of Baltimore	2¾	1976
1,500,000.00	Consumers Power Company (Commonwealth & Southern)	3½	1965-1970
425,000.00	Consumers Power Company (Commonwealth & Southern)	3¼	1966
280,000.00	Continental Pass. Ry. Company (P. T. Co.)	4	1959
270,000.00	Detroit Edison Company	3½	1966
250,000.00	Detroit Edison Company	3	1970
750,000.00	Diamond State Telephone Co. (Amer. Tel. & Tel.)	3	1968
1,750,000.00	Duquesne Light Co. (Standard Gas & Elec.)	3½	1965
500,000.00	Houston Lighting & Power Company (Nat'l Power & Light)	3½	1966
250,000.00	Illinois Bell Tel. Co. (Amer. Tel. & Tel.)	2¾	1981
1,000,000.00	Kansas City Power & Light Co. (United Light & Power)	3¾	1966
300,000.00	Louisville Gas & Electric Co. (Ky.) (Standard Gas & Elec.)	3½	1966
200,000.00	Luzerne County Gas & Electric Corporation (U. G. I.)	3¼	1966
500,000.00	Mountain States Telephone & Telegraph Co. (Amer. Tel. & Tel.)	3¼	1968
239,000.00	New England Telephone & Telegraph Co. (Amer. Tel. & Tel.)	4½	1961
505,000.00	New York & Queens Electric Light & Power Company (Cons. Ed. Co. of N. Y.)	3½	1965
1,550,000.00	New York Edison Company, Inc. (Cons. Ed. Co. of N. Y.)	3¼	1965-1966
800,000.00	North American Company	3¾	1954
200,000.00	Ohio Edison Company (Commonwealth & Southern)	3¾	1972
500,000.00	Ohio Power Company (Amer. Gas & Elec.)	3¼	1968
450,000.00	Oklahoma Gas & Electric Co. (Standard Gas & Elec.)	3¾	1966
800,000.00	Pacific Gas & Electric Company	3½	1966
1,535,000.00	Pacific Telephone & Telegraph Company (Amer. Tel. & Tel.)	3¼	1966
460,000.00	Pennsylvania Power & Light Co. (Nat'l Power & Light)	3½	1969
500,000.00	Philadelphia Co. Coll. Tr. Ser. Notes (Standard Gas & Elec.)	2⅝	1949-1951
2,387,000.00	Philadelphia Electric Company (U. G. I.)	3½	1967
780,000.00	Philadelphia Gas Revenue Trust Certificates	3½	1942-1957
2,000,000.00	Public Service Electric & Gas Co. (Public Service Corp. of N. J.)	3¼	1966
500,000.00	Southern Bell Telephone & Telegraph Co. (Amer. Tel. & Tel.)	3	1979
250,000.00	Southern California Edison Co., Ltd.	3	1965
158,000.00	Southern California Gas Co. (Pacific Lighting Corp.)	3¼	1970
830,000.00	Southwestern Bell Telephone Co. (Amer. Tel. & Tel.)	3½	1964
794,000.00	Southwestern Bell Telephone Co. (Amer. Tel. & Tel.)	3	1968
277,000.00	United Electric Company of New Jersey (Public Service Electric & Gas)	4	1949
111,000.00	Virginia Electric & Power Company (Engineers Public Service)	3½	1968
194,000.00	West Penn Power Co. (Amer. Water Works & Electric)	3½	1966
250,000.00	West Penn Power Co. (Amer. Water Works & Electric)	3	1970
250,000.00	West Texas Utilities Company (Middle West Corp.)	3¾	1969
500,000.00	Wisconsin Electric Power Company (North American Co.)	3½	1968
$ 33,591,000.00			

INDUSTRIAL BONDS

$ 700,000.00	Atlantic Refining Company	3	1953
147,000.00	Dow Chemical Company	2¼	1950
830,000.00	Inland Steel Company	3	1952-1961
196,000.00	National Dairy Products Corp.	3¼	1960
500,000.00	National Steel Corporation	3	1965
50,000.00	Phillips Petroleum Company	1.70	1949
50,000.00	Phillips Petroleum Company	1.75	1949
125,000.00	Phillips Petroleum Company	1.80	1950
200,000.00	Phillips Petroleum Company	1.85	1950
175,000.00	Phillips Petroleum Company	1.90	1951
1,050,000.00	Shell Union Oil Corporation	2½	1954
500,000.00	Socony-Vacuum Oil Company, Inc.	3	1964
3,000,000.00	Standard Oil Company (New Jersey)	2¾	1953
715,000.00	Standards Oil Company (New Jersey)	3	1961
650,000.00	Union Oil Company of California	3	1959
1,735,000.00	United States Steel Corporation	1.75-2.65	1946-1955
71,000.00	Westinghouse Electric & Mfg. Company	2⅛	1951
$ 10,694,000.00			

Par Value	Description	Rate	Maturity
	REAL ESTATE BONDS		
$ 272,357.13	Hallowell, J. Wallace, S. E. Cor. Walnut & Watt Sts., Philadelphia	2½	1944
$295,063,257.13	Grand Total		

SUMMARY OF BOND INVESTMENTS

Securities	Par Value	Book Value
United States Government Bonds	$131,349,900.00	$133,425,419.32
Dominion of Canada Bonds	5,000,000.00	4,964,682.56
State, County and Municipal Bonds	33,385,000.00	33,696,391.57
Railroad Bonds	72,370,000.00	69,125,233.64
Railroad Equipment Trust Certificates	8,401,000.00	8,316,049.31
Public Utility	33,591,000.00	34,279,744.05
Industrial	10,694,000.00	10,665,145.75
Real Estate	272,357.13	272,357.13
		9,477,358.96
Less Reserve		
		$285,267,664.37

TABULAR STATEMENTS

TABLE No. 1

Showing the Number and Amount of Deposits Received and Paid During 1941

Months	Number	Receipts	Number	Payments
January	111,370	$6,470,304.37	29,036	$5,118,118.86
February	96,031	5,309,056.17	28,249	4,957,538.72
March	145,630	6,362,468.94	40,148	6,903,881.90
April	120,934	6,484,252.10	37,319	6,805,867.20
May	117,002	5,707,658.56	37,143	7,401,026.05
June	89,703	5,399,825.99	39,391	7,096,344.34
July	72,344	5,916,302.28	36,003	6,815,682.01
August	74,918	5,354,094.00	33,213	5,777,862.43
September	79,032	5,376,336.98	32,796	5,866,976.96
October	127,045	6,066,156.38	31,606	6,200,629.37
November	108,695	5,301,387.36	28,365	5,164,262.34
December	86,382	6,138,712.70	47,747	9,496,719.95
Totals	1,229,086	$69,886,555.83	421,016	$77,604,910.13

TABULAR STATEMENTS

TABLE No. 2

Showing the Occupations of the Depositors Who Opened Accounts With The Society During 1941

Males	
Wage Earners	12,915
Salaried Employees	4,295
Agriculturists	2
Professional Men	675
Business Men	754
Minors	11,916
No Occupation	725
	31,282

Females	
Wage Earners	3,533
Wives of Wage Earners	7,598
Wives of Salaried Employees	1,129
Business Women	9
Professional Women	252
Domestic Servants	486
Salaried Employees	4,664
Minors	13,106
No Occupation	4,813
	35,590

Males	31,282
Females	35,590
Total	66,872

TABULAR STATEMENTS

TABLE No. 3

Showing The Nativity of Depositors Who Opened Accounts With The Society During 1941

Countries	Number
United States	59,035
Russia	2,034
Italy	1,767
Ireland	904
Germany	616
Poland	409
England	383
Austria	291
Hungary	213
Balkan States	196
Scotland	184
Baltic States	164
Greece	100
Canada	93
Norway and Sweden	75
West Indies	65
Czecho-Slovakia	57
France	43
Asia	33
Turkey	32
Denmark	32
Switzerland	28
South America	26
Spain-Portugal	26
Belgium	20
China-Japan	16
Mexico	14
Holland	7
Africa	6
Australia	3
Total	66,872

TABULAR STATEMENTS

TABLE No. 4

Showing The Change In The Number of Accounts, and Amount of Deposits for the Last Thirty Years

Years	Number of Accounts Open January 1	Change in Number of Accounts	Balance Due Depositors January 1	Change in Amount of Balance
1913	278,497	2,118	$111,671,396.12	$ 5,122,908.14
1914	283,735	5,238	117,799,032.02	6,127,635.90
1915	283,086	*649	121,210,207.68	3,411,175.66
1916	284,846	1,760	125,522,321.59	4,312,113.91
1917	294,748	9,902	136,588,586.55	11,066,264.96
1918	287,801	*6,947	137,700,673.29	1,112,086.74
1919	289,917	2,116	144,339,790.92	6,639,117.63
1920	295,863	5,946	157,312,701.66	12,972,910.74
1921	294,526	*1,337	167,846,323.04	10,533,621.38
1922	283,130	*11,396	169,958,578.20	2,112,255.16
1923	272,758	*10,372	172,722,794.51	2,764,216.31
1924	267,269	*5,489	184,937,788.05	12,214,993.54
1925	272,277	5,008	195,809,110.04	10,871,321.99
1926	288,100	15,823	209,976,114.52	14,167,004.48
1927	305,764	17,664	225,350,088.61	15,373,974.09
1928	324,254	18,490	240,560,770.65	15,210,682.04
1929	336,947	12,693	255,983,388.14	15,422,617.49
1930	362,787	25,840	263,425,959.06	7,442,570.92
1931	394,728	31,941	300,934,564.40	37,508,605.34
1932	447,776	53,048	312,000,098.28	11,065,533.88
1933	468,023	20,247	319,284,105.43	7,284,007.15
1934	483,986	15,963	311,593,205.38	*7,690,900.05
1935	505,612	21,626	320,430,887.76	8,837,682.38
1936	521,729	16,117	328,407,915.09	7,977,027.33
1937	543,819	22,090	341,805,083.76	13,397,168.67
1938	552,659	8,840	347,190,899.79	5,385,816.03
1939	549,681	*2,978	350,188,360.91	2,997,461.12
1940	549,359	*322	354,046,024.72	3,857,663.81
1941	553,732	4,373	355,738,618.55	1,692,593.83
1942	564,167	10,435	355,011,369.28	*727,249.27

* Decrease

TABULAR STATEMENTS

TABLE No. 5

Showing the Average Receipts and Payments of Deposits for the Last Thirty Years

Years	Receipts	Payments	Years	Receipts	Payments
1912	$62.65	$123.80	1927	$60.80	$188.78
1913	63.50	130.83	1928	58.93	170.65
1914	68.73	122.07	1929	57.36	180.59
1915	66.47	123.52	1930	75.79	146.40
1916	70.24	140.12	1931	87.85	189.85
1917	79.47	168.96	1932	67.69	134.31
1918	84.78	179.73	1933	65.34	130.89
1919	78.84	229.63	1934	55.59	120.03
1920	76.05	266.72	1935	53.37	127.13
1921	70.88	214.71	1936	53.55	136.09
1922	79.10	240.14	1937	51.95	146.37
1923	100.15	274.45	1938	52.37	134.54
1924	93.86	244.74	1939	54.29	147.30
1925	79.91	228.40	1940	57.12	158.81
1926	69.34	213.41	1941	56.86	184.33

TABLE No. 6

Showing the Amount of the Surplus and Contingent Reserve on the First Day of January of Each Year for the Last Thirty Years

Years	Amounts	Years	Amounts
1913	$11,165,999.94	1928	$15,898,813.47
1914	11,176,555.44	1929	18,009,645.96
1915	11,331,235.55	1930	19,921,389.30
1916	12,227,166.07	1931	21,279,368.96
1917	12,742,427.54	1932	20,423,523.22
1918	12,762,461.74	1933	20,140,866.72
1919	12,017,436.96	1934	19,310,613.47
1920	8,096,438.74	1935	20,426,076.88
1921	7,049,126.96	1936	21,439,134.92
1922	8,695,524.15	1937	22,218,281.11
1923	10,451,116.13	1938	22,567,408.49
1924	11,711,226.15	1939	22,762,243.46
1925	13,834,881.92	1940	23,014,276.97
1926	14,482,780.78	1941	23,500,000.00
1927	15,087,567.11	1942	26,615,407.60

CLASSIFICATION OF VEHICLES

Crossing Delaware River Bridge in 1941

PERIOD	AUTOMOBILES AND LIGHT TRUCKS Total Vehicles	% of Total	20c Rate Vehicles	% of Autos	Commuters 15c Vehicles	% of Autos	BUSES (50c & 75c) Vehicles	% of Total	TRUCKS (2 to 5 Tons) (35c, 40c, 50c) Vehicles	% of Total	TRUCKS (5 to 10 Tons) 65c, 75c) Vehicles	% of Total	Special Vehicles	Motor-cycles	Horse-drawn Etc.	Total	% Change Same Month 1940
Grand Totals from Date of Opening to Dec. 31, 1940	142,264,623*	87.39	41,793,187	29.37	4,796,290	3.37	16,089,823	9.88	2,949,700	1.81	809,830	0.49	270,255	398,788	4,337	162,787,356	
1941 Jan. ..	910,450	88.82	783,307	86.04	127,143	13.96	74,059	7.22	24,716	2.41	9,328	0.91	5,530	860	0	1,024,943	+ 9.74
Feb. ..	872,315	89.15	752,150	86.22	120,165	13.78	68,638	7.01	22,632	2.31	8,594	0.87	5.419	866	0	978,464	+ 11.51
Mar. ..	975,625	89.25	842,143	86.31	133,482	13.69	74,989	6.86	25,708	2.35	9,207	0.84	6,377	1,190	0	1,093,096	+ 3.49
Apr. ..	1,102,614	90.04	961,575	87.21	141,039	12.79	76,715	6.26	28,618	2.33	8,339	0.68	6,156	2,030	0	1,224,472	+ 17.70
May ..	1,244,440	90.57	1,099,374	88.34	145,066	11.66	79,917	5.81	31,313	2.27	9,079	0.50	6,978	2,276	0	1,374,003	+ 14.51
June ..	1,300,999	90.88	1,164,593	89.51	136,406	10.49	79,377	5.54	31,333	2.18	9,287	0.64	7,946	2,526	0	1,431,468	+ 8.55
July ..	1,457,456	91.24	1,327,641	91.09	129,815	8.91	88,257	5.52	31,503	1.97	9,645	0.60	7,953	2,554	0	1,597,368	+ 7.08
Aug. ..	1,509,188	91.41	1,385,187	91.78	124,001	8.22	89,403	5.41	31,600	1.91	9,805	0.59	8,047	2,790	0	1,650,833	+ 10.78
Sept. ..	1,266,945	90.41	1,133,976	89.51	132,969	10.49	80,502	5.75	31,811	2.27	9,441	0.67	8,309	2,573	0	1,399,581	+ 9.55
Oct. ..	1,175,386	89.79	1,018,917	86.69	156,469	13.31	80,576	6.15	32,799	2.50	10,124	0.77	8,139	1,998	0	1,309,022	+ 9.91
Nov. ..	1,153,202	90.44	1,011,482	87.71	141,720	12.29	77,179	6.05	27,173	2.13	8,868	0.69	6,839	1,720	0	1,274,981	+ 11.92
Dec. ..	1,145,232	89.43	995,278	86.90	149,954	13.10	86,826	6.78	29,984	3.12	9,247	0.72	7,808	1,359	0	1,280,456	+ 9.44
1941 Totals .	14,113,852	90.24	12,475,623	88.39	1,638,229	11.61	956,438	6.11	349,190	2.23	110,964	0.70	85,501	22,742	0	15,638,687	
Grand Totals from Date of Opening to Dec. 31, 1941	156,378,475*	87.64	54,268,810	34.70	6,434,519	4.11	17,046,261	9.55	3,298,890	1.84	920,794	0.51	355,756	421,530	4,337	178,426,043	

(*includes 95,675,146 at 25c rate.)

RECEIPTS FOR 15½ YEARS

Gross $47,573,641.92
Net 40,377,094.27

REPORT OF THE DELAWARE RIVER JOINT COMMISSION OF PENNSYLVANIA AND NEW JERSEY TO THE LEGISLATURES OF THE COMMONWEALTH OF PENNSYLVANIA AND THE STATE OF NEW JERSEY

1941

Arthur James, Chairman
Bernard Samuel
F. Clair Ross
G. Harold Wagner
Thomas B. Smith
J. Willison Smith
William H. Folwell
Edwin R. Cox

Arthur C. King
Vice-Chairman
I. Norwood Griscom
Alfred Cooper
Barton F. Sharp
A. Matlack Stackhouse
Marvin H. Coombs
Bruce A. Wallace
Hugh L. Mehorter

Joseph K. Costello, Secretary-General Manager

John B. Kates, Treasurer

Counsel

Augustus F. Daix, 3rd
T. Harry Rowland

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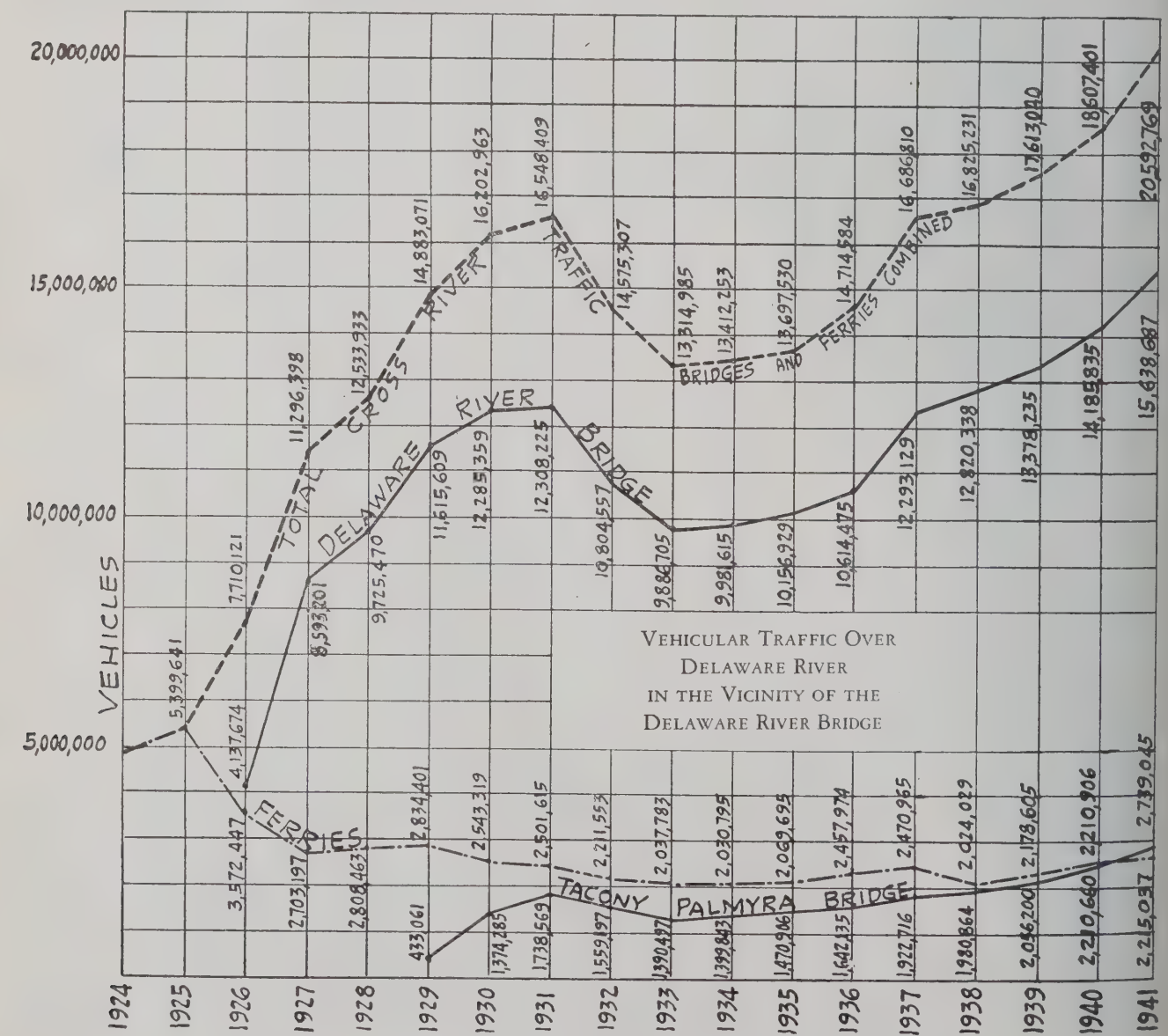

RAIL TRANSIT LINE

Month	1936			1937			1938			1939			1940			1941		
	Passengers	Receipts	Daily Average Passengers	Passengers	Receipts	Daily Average Passengers	Passengers	Receipts	Daily Average Passengers	Passengers	Receipts	Daily Average Passengers	Passengers	Receipts	Daily Average Passengers	Passengers	Receipts	Daily Average Passengers
January ..				382,624	9,565.60	12,343	419,887	10,497.18	13,544	364,050	9,101.25	11,743	373,204	9,330.10	12,038	422,211	10,555.28	13,619
February ..				346,963	8,674.08	12,392	322,278	8,056.95	11,510	324,688	8,117.20	11,596	361,400	9,035.00	12,462	384,079	9,601.97	13,717
March	Opened June 6th, 1936			403,001	10,075.02	13,001	338,587	8,464.67	10,922	381,908	9,547.70	12,319	387,569	9,689.23	12,502	426,961	10,674.03	13,773
April				390,876	9,771.90	13,029	329,325	8,233.13	10,977	354,040	8,851.00	11,801	383,087	9,577.17	12,770	422,082	10,552.05	14,069
May				383,345	9,583.63	12,366	323,689	8,092.22	10,441	362,038	9,050.95	11,678	391,069	9,776.73	12,615	417,242	10,431.05	13,459
June	322,660	8,066.50	13,444	379,799	9,494.97	12,660	313,607	7,840.18	10,453	350,547	8,763.68	11,685	364,991	9,124.77	12,164	393,332	9,833.30	13,111
July	340,282	8,507.05	10,977	365,141	9,128.53	11,714	287,451	7,186.27	9,272	312,118	7,802.95	10,068	354,288	8,857.20	11,428	387,167	5,679.17	12,489
August· ...	312,811	7,820.28	10,091	361,423	9,035.57	11,658	301,784	7,544.60	10,059	323,622	8,090.55	10,439	357,400	8,935.00	11,529	391,806	4,795.15	12,639
September .	313,496	7,837.40	10,449	386,126	9,653.15	12,871	312,867	7,821.68	10,429	333,477	8,336.92	11,115	358,934	8,973.35	11,964	417,019	5,425.48	13,901
October ...	365,250	9,131.25	11,782	425,410	10,635.25	13,723	357,747	8,943.67	11,540	377,903	9,447.58	12,190	412,779	10,319.48	13,315	455,230	7,380.75	14,684
November .	360,814	9,020.35	12,027	426,113	10,652.83	14,204	362,178	9,054.45	12,073	394,302	9,857.55	13,143	409,435	10,235.87	13,647	443,814	8,095.35	14,793
December .	463,923	11,598.07	14,965	492,489	12,312.22	15,887	451,355	11,283.88	14,560	461,402	11,535.05	14,883	501,781	12,544.53	16,186	541,471	13,036.77	17,466
Totals	2,479,236	61,980.90	11,920	4,743,310	118,582.75	12,995	4,120,755	103,018.88	11,289	4,340,095	108,502.38	11,890	4,655,937	116,398.43	12,721	5,102,414	106,060.35*	13,979

(* $21,500 withheld by operating company in 1941 to insure against possible losses)

RESUMÉ OF OPERATION

Year	TOTALS		PLEASURE CARS AND LIGHT TRUCKS				Buses	Trucks (Heavy)	Special Permits	Motor-cycles	Misel. Horses etc.	AVERAGES				Sunday & Holiday Traffic	HIGH SPEED LINE (opened June 6, 1936)			Net Receipts
												VEHICLES		RECEIPTS			Total Fares 21½c	AVERAGE		
	Vehicles	Receipts	Total	25c Rate	20c Rate (Feb. 1/37)	15c Commute (Mar. 1/37)						Month	Daily	Month	Daily			Month	Daily	
1936	10,614,475	3,067,967.87	9,176,234	100%	None	None	1,034,938	345,578	28,524	29,198	3	884,539	29,001	255,647.32	8,387.89	38,923	2,479,236	354,177	11,920	2,606,707.01
1937	12,293,129	2,969,423 52	10,901,116	619,864	9,287,896	1,013,356	1,005,322	328,951	29,308	28,372	0	1,024,428	33,679	247,451.96	8,135.40	43,667	4,743,310	395,276	12,995	2,516,613.49
1938	12,820,338	3,027,489.36	11,520,211	None	10,381,993	1,138,218	924,010	314,915	36,959	24,237	6	1,068,361	35,124	252,290.78	8,294.49	45,272	4,120,755	343,396	11,289	2,445,817.04
1939	13,378,235	3,155,259.05	12,021,179	None	10,782,058	1,239,121	917,042	369,410	47,720	22,879	5	1,114,852	36,652	262 938.25	8,644.54	46,176	4,340,095	361,675	11,890	2,628,712.32
1940	14,185,835	3,340,113 28	12,766,835	None	11,361,240	1,405,595	921,471	417,293	60,163	20,071	2	1,182,153	38,759	278,342.77	9,125.99	48,096	4,655,937	387,995	12,720	2,778,058.30
1941	15,638,687	3,653,611.09	14,113,852	None	12,475,623	1,638,229	956,438	460,154	85,501	22,742	0	1,303,223	42,845	304,467.58	10,009.89	53,708	5,102,414	425,201	13,979	3,000,209.98

ANNUAL REPORT OF THE DELAWARE RIVER JOINT COMMISSION OF PENNSYLVANIA AND NEW JERSEY

To the Honorable, the Legislatures of the Commonwealth of Pennsylvania and the State of New Jersey.

Stimulated by national defense industries, traffic over the Delaware River Bridge reached a new peak in 1941 with the passage of 15,638,687 vehicles. Receipts of $3,653,611.09 were the greatest in the history of the bridge, surpassing even those of 1930 when $3,517,730.64 was collected at a toll rate of twenty-five cents instead of the present twenty-cent straight fare and fifteen-cent commutation rate. The heaviest month for traffic since the opening of the bridge was recorded in August with the crossing of 1,650,833 vehicles. A new 24-hour traffic mark was set on July 27 with 83,014.

With Government rationing of automobiles and tires, it is difficult to see how these figures will be attained during 1942.

The vital importance of the Delaware River Bridge as the chief military highway between Pennsylvania and New Jersey was recognized by the Commission even before the outbreak of hostilities in December and extraordinary precautions were ordered to protect the structure against sabotage. Additional patrolmen were appointed and radio communication between the Philadelphia and Camden ends of the bridge and our police automobiles was improved by the installation of an additional transmitting station at Fifth Street, Philadelphia. Two radio-equipped cars were added to the two already in service so that a 24-hour patrol could be maintained on the streets beneath the approaches on both sides of the river, supplementing the two cars and three motorcycles on the bridge itself. A constant guard was kept at the bases and tops of the anchorages which were further protected by the installation of floodlights as were the towers in the river.

Close cooperation was maintained with the Federal Bureau of Investigation, the Army and Navy Intelligence Services, Army Engineers, the police bureaus of Philadelphia and Camden and the New Jersey State Police. The area beneath the Camden Approach eastward from the river was enclosed by link and barbed wire fencing. A supplemental power line to illuminate the toll house area and Administration Building was installed. A duplicate feeder of power to the Camden Anchorage was put into service. These were precautions taken against an involuntary black-out.

Two aditional electricians were appointed to inaugurate a 24-hour service in emergencies. Illumination beneath the Philadelphia and Camden Approaches was considerably improved. A supply of structural steel and heavy timber was obtained and stored in the event emergency repairs become necessary.

Insurance expiring April 15, 1942 is carried for indemnification against damage due to sabotage and malicious mischief but war risks are not included.

Since the beginning of 1933 when vehicles numbered 9,886,705, traffic has increased uninterruptedly. The statistics of bridge operation are as follows:

	Traffic	Gross Recipts	Expenses	Net Receipts
1941	15,638,687	$3,653,611.09	$653,401.11	$3,000,209.98
1940	14,185,835	3,340,113.26	562,054.96	2,778,058.30
1939	13,378,235	3,155,259.05	526,546.73	2,628,712.32
1938	12,820,338	3,027,489.36	581,672.32	2,445,817.04
1937	12,293,129	2,969,423.52	452,810.03	2,516,613.49
1936	10,614,475	3,067,967.87	461,260.86	2,606,707.01
1935	10,156,929	2,899,563.25	441,146.59	2,458,416.66
1934	9,981,615	2,846,116.26	429,412.63	2,416,703.63
1933	9,886,705	2,820,018.71	418,516.46	2,401,502.25
1932	10,804,557	3,091,576.91	456,397.44	2,635,179.47
1931	12,308,225	3,479,337.93	430,856.72	3,048,981.21
1930	12,285,359	3,517,730.64	500,597.53	3,017,133.11
1929	11,615,609	3,331,754.46	398,496.20	2,933,258.26
1928	9,725,470	2,827,786.83	378,590.01	2,449,196.82
1927	8,593,201	2,435,784.40	346,678.59	2,093,921.89
1926 (½ year) .	4,137,674	1,110,108.38	158,109.47	946,682.83

Excluded from the traffic count, are vehicles of the United States Army, Navy, Marine Corps, Coast Guard and Post Office which pass without payment of toll.

Without publicizing figures, the Commission is gratified to report that the bridge was of material service to our armed forces on numerous occasions. Even the largest convoys did not interfere with ordinary patronage and the manner in which our men expedited their passage brought commendation from ranking Army officers. It may be remarked that tolls have never been charged on this bridge for Government vehicles carrying troops, mails or munitions of war. The passage of explosives which might wreck havoc on the users of the bridge and the structure itself is rigidly excluded.

As an aid in defense preparation, the Commission, on March 28, increased the permissible load of pneumatic-tired trailers from 80,000 to 150,000 pounds. This was brought about by the substitution of pneumatics for solid tires on trailers carrying machinery and other heavy loads. Subject to the limitations necessarily imposed in the interest of safety, the weight of 150,000 pounds is not excessive.

At the beginning of the year, the Commission was confronted with the problem created by the notice of the Philadelphia Transportation Company that it elected not to renew the rail transit line lease expiring June 30. The Commission received the following letter giving formal notice that it would terminate the lease:

February 5, 1941

The Delaware River Joint Commission,
Administration Building,
Bridge Plaza,
Camden, New Jersey.

Dear Sirs:

Pursuant to the provisions of paragraph 2 (a) of the agreement of lease entered into on February 15, 1935 by and between you and Philadlphia Rapid Transit Company, to which this company is now the party as lessee, as successor of Philadelphia Rapid Transit Company, we hereby give you notice of our election to terminate the said lease upon the expiration on June 30, 1941, of the current term thereof. The said lease shall therefore terminate on June 30, 1941.

Please acknowledge receipt of this notice of termination.

Yours very truly,

PHILADELPHIA TRANSPORTATION COMPANY,
By: R. T. SENTER,
President.

The matter was referred to the Transportation Committee which held a number of conferences with representatives of the Company. The latter took the position that operation of the line had incurred continued losses. The Commission felt the line must be kept in service for the benefit of the public and the investment of nearly $10,000,000 in the system protected. As a result of the

conferences, the Commission and the Company entered into an amended lease for a period of four years which appears in full in the Appendices to this report

The line showed a gratifying increase in patronage during 1941 when 5,102,414 were carried against 4,655,937 in 1940. The increase was particularly heavy in the closing months of the year.

In February, the City of Camden sent tax bills to the Commission based upon an assessment of the bridge, the Administration Building, Maintenance Building and a small property adjacent to the Broadway Station of the rail transit line. The Commission directed counsel and the secretary to take all necessary steps to have the assessment declared invalid. The position of the Commission was set forth in the following letter addressed to the Director of the Department of Revenue and Finance:

February 28, 1941

The Honorable George E. Brunner, Director,
Department of Revenue and Finance,
City Hall,
Camden, New Jersey.

Dear Sir:

The Delaware River Joint Commission is in receipt of tax bills from the City of Camden for the year 1941 aggregating $367,155.81 on property acquired for the building of the Delaware River Bridge and the rail transit line thereon.

One of these bills is for $355,200 on property described in the bill as:

Plan: 1-2 Delaware River Bridge from
Block: A 6th Street to N. J.-Pa. State Bdy.
Lot: A Land, Booths and Bridge Structure.

Title to this property is held by the State of New Jersey.

Another bill for $8,036.40 is the tax on property described as:

Plan: 2 N. W. Linden and 6th Streets.
Block: 133
Lot: 61 48.34′ x 130′ Irregular. SB.

This property, likewise, is owned by the State of New Jersey.

The Revised Statutes of the State of New Jersey provide that "the property of the State of New Jersey * * * shall be exempt from taxation." (R. S. 54:4-3.3).

The third bill for $3,669.66 is the tax on property described as:

Plan: 1 N. W. 4th and Linden Streets.
Block: 129
Lot: 105 150′ x 77.44′. BB.

Title to this property is held by The Delaware River Joint Commission, the public corporate instrumentality of the State of New Jersey and the Commonwealth of Pennsylvania.

The fourth bill for $249.75 is the tax on property described as:

Plan: 9 E. S. Broadway.
Block: 245 41′ 11″ S. of Carman Street.
Lot: 25 11′3″ x 91′11½″ Tri. Lot.

Title to this property is held by The Delaware River Joint Commission, again acting as the public corporate instrumentality of the State of New Jersey and the Commonwealth of Pennsylvania.

Your attention is respectfully called to Chapter No. 391 of the Laws of New Jersey, 1931. This, with Act No. 200, Pennsylvania, 1931, constitutes a compact between the State of New Jersey and the Commonwealth of Pennsylvania duly ratified by the Congress of the United States. Article XI of both these laws is as follows:

"The effectuation of its authorized purposes by the Commission is and will be in all respects for the benefit of the people of the Commonwealth of Pennsylvania and the State of New Jersey, for the increase of their commerce and prosperity and for the improvement of their health and living conditions; and since the Commission will be performing essential governmental functions in effectuating said purposes, the Commission shall not be required to pay any taxes or assessments upon any property acquired or used by it for such purposes, and the bonds or other securities or obligations issued by the Commission, their transfer and the income therefrom (including any profits made on the sale thereof) shall at all times be free from taxation within the Commonwealth of Pennsylvania and the State of New Jersey."

The Delaware River Joint Commission now formally protests that the assessments upon the four parcels of real estate are arbitrarily made without warrant of law and asks that they be declared invalid inasmuch as the laws of New Jersey specifically state that no taxes can be collected upon property owned by the State of New Jersey or by its agency. The Delaware River Joint Commission. Title to these parcels is clearly set forth in the records of the office of the Camden County Register of Deeds.

The Commission, in meeting today, directed Counsel and the Secretary to take any and all necessary steps to have the assessment of the properties in question by the City of Camden declared invalid.

Yours very truly,
JOSEPH K. COSTELLO, Secretary.

The Commission instituted certiorari proceedings in the Supreme Court of New Jersey which were still pending at the end of the year. A bill permitting taxation of property owned by the Commission was passed by the New Jersey Legislature but the necessary concurrent legislation was not adopted in Pennsylvania.

The debt of the Commission totaling $36,745,000 on January 1, 1941, was reduced $471,000 during the year by the maturity of $281,000 bonds and the acquisition of $190,000 bonds in the open market. All of its own bond purchases, as well as maturities, were canceled and destroyed without delay in furtherance of the Commission policy of reducing its debt as rapidly as possible. The total in bonds acquired to date is $1,846,000. The outstanding debt of the Commission at the end of 1941 was $36,274,000. The five-year controversy with the Federal Emergency Administration of Public Works was concluded by the payment to the Commission of $30,475.24 as part of the Federal grant to the building of the rail transit line. The total grant received by the Commission thereby became $2,302,975.13. Appropriations of income and the last grant payment received on account of the high-speed line were made to the Sinking and Surplus Funds which increased the total security behind the bonds in accordance with the bond indenture and Public Works Administration contract.

During the year, some progress was made in solving the vital problem presented by the inadequacy of Philadelphia streets leading to and from the bridge. On July 10, Governor James of Pennsylvania approved an Act of Assembly providing funds to defray the cost of improving Philadelphia approaches. Mayor Lamberton appointed a committee, on which this Commission was represented, to advise him as to the method of bettering traffic conditions in the City. The Committee recommended the widening of Vine Street by taking the south side from Franklin Street to

the Parkway, the cost of the improvement estimated at $8,000,000 to be borne by the Commonwealth of Pennsylvania. Numerous alternative plans including the building of an elevated highway from the bridge plaza were discussed by the Committee. On November 1, the Department of Public Works of the City of Philadelphia submitted an analysis of all plans suggested with the conclusion that the widening of Vine Street was the most desirable. The proposed improvement is thus described in the report:

Between the bridge and a point west of 15th street a highway having a maximum width of nearly 160 feet is proposed, which will be so subdivided as to provide two main or traffic roadways in the center, supplemented by paralleling service and local roadways on the side. From a point west of 15th street to the Parkway a minimum width of 100 feet will be established and subdivided into a dual roadway system in which each roadway will have sufficient width to accommodate both through and local travel. This wide thoroughfare will serve as:

(a) A collector of travel to the bridge which will pass eastward to Ridge Avenue and thence southward to Race Street and again eastward to the bridge;

(b) A distributor of travel from the bridge which will flow directly westward on Vine Street;

(c) A highly efficient addition to the crosstown highway system in providing ample facilities for normal daily traffic and business, with minimum confliction with bridge traffic flows.

The cross section adopted for the section of Vine street from the bridge to west of 15th street will provide, in addition to two footways, two parking lanes and at least eight moving traffic lanes distributed in four roadways. The cross section adopted for Vine street, from a point west of 15th street to the Parkway, will provide the customary two footways combined with one parking lane and five moving traffic lanes. The roadways in these two cross sections will be separated for two-way flows by carefully planned divisors, designed to effectively channelize traffic and afford safe pedestrian crossings.

Both cross sections will be designed to accommodate future elevated structures between the bridge and 11th street, and between 12th and 15th streets, if and when such additional traffic facilities are shown to be essential, or warrant the additional costs. The Vine street project for improving the bridge approaches comprises four principal elements. These are:

1. (a) The widening and improvement of Vine street from Franklin Square to the Parkway.
   (b) The reconstruction of the Philadelphia and Reading Railway bridge overpassing the widened Vine street.
   (c) The improvement of the Ridge avenue and Race street connections between 9th and Vine streets and the bridge.
   (d) The improvement of such intersections as may be necessary to satisfactorily complete the project.
2. The construction of an underpass at 6th street in conjunction with ramp connections from the Bridge Plaza to Race and Vine streets through Franklin Square (see 4).
3. (a) The construction of a suitable grade separation at 20th street and Benjamin Franklin Parkway to permit east-bound Parkway-Bridge traffic or local traffic to turn left into the Vine street bridge approach through the underpassing of the west-bound Parkway and 20th street traffic.
   (b) The construction of a direct connection between the intersection of 18th street and Vine street and Logan Circle to accommodate traffic to the bridge which must pass around the said Circle.
4. The future construction of certain sections of an elevated highway for through traffic, if required. It may be desirable to incorporate the 6th street underpass in this step.

The widening of Vine street and the reconstruction of the Philadelphia and Reading Railroad bridge can be undertaken and completed as the first stage of the project. This portion of the improvement could be placed in service to the advantage of normal daily and peak load traffic, without interfering with the objectives of of the more comprehensive project. The remaining elements, i.e., the auxiliary facilities at Logan Circle and Franklin Square, can be programmed at will or indefinitely delayed without seriously interfering with the usefulness of the completed step."

Fulfilment of this plan would be of great benefit to Delaware River Bridge Traffic.

Almost equally necessary, is improvement of the approaches to the bridge on the New Jersey side. The obstacles presented by the circle at the Camden Airport and the intersection of Baird Boulevard with Admiral Wilson Boulevard may be removed if plans now contemplated by the State Highway Department of New Jersey are carried out. In addition, some way should be found to expedite traffic along Penn and Linden Streets in the vicinity of the bridge plaza.

Accidents during the year on the bridge totaled thirty-six; seventy-eight arrests were made; eight hundred and twenty-nine disabled cars towed; twenty-seven fires extinguished and four persons committed suicide by jumping from the structure.

A number of changes occurred in the Commission during 1941. The vacancy caused by the resignation of Commissioner Albert S. Woodruff of Camden County was filled by the appointment of Mr. Bruce A. Wallace, Camden County. Commissioner Edward L. Sturgess of Gloucester County died January 27 and was succeeded by Mr. Hugh L. Mehorter of Woodbury. Mr. Richard Weglein died April 30 and was succeeded by Mr. Edwin R. Cox, Philadelphia, whose appointment was confirmed by the Pennsylvania Senate May 26. Mr. G. Harold Wagner, State Treasurer of Pennsylvania, became a member of the Commission when he was inducted into office in May. Mayor Robert E. Lamberton of Philadelphia died August 22 and was succeeded on the Commission by Acting-Mayor Bernard Samuel. The appointment of Commissioners J. Willison Smith and William H. Folwell by Governor James were confirmed by the Senate of Pennsylvania and Governor James re-appointed Mr. Thomas B. Smith ad interim.

The members of the Legislatures of the Commonwealth of Pennsylvania and the State of New Jersey are cordially invited to inspect the Delaware River Bridge at anytime.

Respectfully submitted,

THE DELAWARE RIVER JOINT COMMISSION

Arthur H. James, Chairman	Arthur C. King. Vice Chairman
Bernard Samuel	I. Norwood Griscom
F. Clair Ross	Alfred Cooper
G. Harold Wagner	Barton F. Sharp
Thomas B. Smith	A. Matlack Stackhouse
J. Willison Smith	Marvin H. Coombs
William H. Folwell	Bruce A. Wallace
Edwin R. Cox	Hugh L. Mehorter

Joseph K. Costello, Secretary-General Manager

December 31, 1941.

DISTRIBUTION OF VEHICULAR TRAFFIC

ACROSS THE DELAWARE RIVER

AMONG FERRIES & BRIDGES WITHIN 10 MILES OF THE DELAWARE RIVER BRIDGE

1941

Month	Ferry Vehicles		Tacony-Palmyra Bridge	Total Vehicles Other Than the Delaware River Bridge	Delaware River Bridge	Total Cross River Traffic	Tacony-Palmyra Bridge Share of Traffic	Delaware River Bridge Share of Traffic
	Penn. R. R.	South St. Kaighn Ave.						
January	96,771	55,595	128,264	280,630	1,024,943	1,305,573	9.82%	78.50%
February	90,751	51,813	126,415	268,979	978,464	1,247,443	10.13%	78.43%
March	99,637	60,330	149,335	309,302	1,093,096	1,402,398	10.64%	77.94%
April	109,917	68,958	198,681	377,556	1,224,472	1,602,028	12.40%	76.43%
May	119,721	75,196	241,661	436,578	1,374,003	1,810,581	13.34%	75.88%
June	118,621	85,351	288,601	492,573	1,431,468	1,924,041	14.99%	74.39%
July	127,447	98,472	361,977	587,896	1,597,368	2,185,264	16.56%	73.09%
August	128,758	101,480	397,814	628,052	1,650,833	2,278,885	17.45%	72.44%
September	121,246	85,819	278,287	485,352	1,399,581	1,884,933	14.76%	74.25%
October	112,779	75,656	202,517	390,952	1,309,022	1,699,974	11.91%	77.00%
November	99,674	66,434	190,218	356,326	1,274,981	1,631,307	11.66%	78.15%
December	100,941	63,670	175,275	339,886	1,280,456	1,620,342	10.80%	79.02%
TOTALS 1941.	1,326,263	888,774	2,739,045	4,954,082	15,638,687	20,592,769	13.34%	75.94%
TOTALS 1940.	1,360,686	850,220	2,210,660	4,421,566	14,185,835	18,607,401	11.88%	76.23%
% CHANGE..	— 2.59	+ 3.35	+23.90	+12.04	+10.24	+10.13	....	....

APPENDICES

LEASE OF RAIL TRANSIT LINE AS AMENDED MAY 28, 1941

This Indenture made this 28th day of May, A. D. 1941, between The Delaware River Joint Commission, a public corporate instrumentality of the Commonwealth of Pennsylvania and of the State of New Jersey (hereinafter called "Commission"), of the first part, lessor, and Philadelphia Transportation Company (successor of Philadelphia Rapid Transit Company), a corporation organized and existing under the laws of the Commonwealth of Pennsylvania (hereinafter called "Company"), of the second part, lessee, Witnesseth:

Whereas, by Contract made February 15, 1935, between the Commission and Philadelphia Rapid Transit Company, the Company's predecessor, the Commission leased to Company's said predecessor its high speed electric rail transit line as therein defined, on the terms and conditions and for the term of years therein set forth; and

Whereas, Company, as the successor to said Philadelphia Rapid Transit Company, did succeed to all of its rights and obligations thereunder; and

Whereas, pursuant to the provisions of paragraph 2 (a)

of said Contract of February 15, 1935, the Company has given to the Commission seasonable notice in writing of its election to terminate the same at the end of the current term thereof on June 30, 1941; and

Whereas, the| parties now desire that the said Contract, with certain modifications, shall be reinstated and continued for a certain additional term or terms, all as agreed between the parties and set forth herein:

Now Therefore, in consideration of the mutual covenants hereinafter contained, it is agreed between the parties hereto as follows.

1. Effective with the year beginning July 1, 1941, paragraph 8 (b) of the aforesaid Contract of February 15, 1935, which now reads as follows:

"(b) The rental payable for the demised property shall be an amount equal to two and one-half (2½) cents for each fare-paying passenger who is carried by Company on the Bridge Line across the bridge."

is amended to read as follows:

"(b) The rental payable for the demised property shall be an amount equal to two and one-half ((2½) cents for each fare-paying passenger who is carried by Company on the Bridge Line across the bridge, provided, however, that in case during any year (i. e. July 1 to June 30) of the extended term or terms hereof beginning with the year commencing July 1, 1941 it shall be determined in the manner hereinafter provided that the operation of 'Bridge Line Service' (viz:—the operation of trains or cars on the Bridge Line and in through service over said Bridge Line and such portions of the Eighth Street and Locust Street Subways of the City of Philadelphia to but not beyond the intersection of Locust and Eighteenth Streets as may from time to time be used in such through operation) shall have resulted in actual loss to the Company, then the Company shall be entitled to reimbursement for such actual loss but only out of the rental moneys arising from said two and one-half (2½) cents per passenger, and in such event the aggregate amount of the rental payable for the year in which such actual loss has been so determined to have occurred shall abate in the amount of such loss."

2. Effective with the year beginning July 1, 1941, paragraph 8 (c) of the aforesaid Contract of February 15, 1935, which now reads as follows:

"(c) Payments of rental shall be made by Company to Commission monthly, on or before the last day of each month, and such payments shall respectively be in an amount equal to two and one-half (2½) cents for each fare-paying passenger who was carried by Company on the Bridge Line across the bridge during the preceding month."

is amended to read as follows:

"(c) Payments of rental shall be made by Company to Commission monthly, on or before the last day of each month, and such payments shall respectively be in an amount equal to two and one-half (2½) cents for each fare-paying passenger who was carried by Company on the Bridge Line across the bridge during the preceding month, provided, however, that from the rental payable for each month beginning with July 1941, the Company may withhold from current payments a portion appropriate to accrue a fund from which its anticipated actual losses shall, if later determined to have actually occurred, be reimbursed. The occurrence or non-occurrence of an actual loss to the Company from its operation of Bridge Line Service as above defined shall be determined in the following manner:

There shall be credited to the operation of Bridge Line Service as the gross receipts thereof all fares collected at Bridg Line and Eighth-Locust Street stations between Carmen Street and Haddon Avenue in Camden, New Jersey, and Eighteenth and Locust Streets in Philadelphia, from passengers using Bridge Line Service. Determination of the number of such passengers entering at stations (such as Eighth and Market Streets as now operated) which accommodate patrons of Bridge Line Service as well as riders not using such service shall be by periodic traffic counts. There shall also be included a reasonably proportionate share of the Company's receipts from station privileges and car card and poster advertising.

There shall be charged to the operation of Bridge Line Service as the operating costs thereof all costs and expenses incurred in connection with operation, maintenance and renewals and all taxes incident to the operation of Bridge Line Service as hereinbefore defined (including two (2) cents per passenger, except those transferring to the Bridge Line from the City-owned subway system, as required to be paid by the Company to the City of Philadelphia pursuant to the Lease of said City-owned subway system dated June 28, 1934 and amended June 12, 1939). The amounts of the expenses so charged shall be determined upon accepted principles of accounting and by the use, where necessary, of appropriate bases of allocation; but there shall not be charged as operating costs of Bridge Line Service any part of rental or expenses of general offices, general corporation or income taxes, interest charges or any like items of a purely corporate or system-wide character and not directly incident to the operation of Bridge Line Service, or any part of salaries of general officers, executive and supervisory officers and employes, or clerks in general offices, departmental offices or storerooms, (not including, however, in the categories just mentioned, service supervisors, clerks in depots or in the collection department or payments); provided, however, that if any person in the foregoing categories shall, during any year of any term hereof, spend, in the course of his regular duties, fifty per cent or more of his time in the said Bridge Line Service, an appropriate allocation of his salary shall be made to said cost of operation.

Traffic counts hereinbefore referred to shall be made at least once each year by Company at its own expense, in such manner, at such reasonable times and for such reasonable period, as is necessary to secure a fair and significant record of the normal current distribution of traffic. The proportion of each of the respective traffic movements using the Bridge Line as determined by such traffic counts shall be applied to the current pertinent traffic records of the Company to determine the respective number of passengers using the Bridge Line for any period following such traffic count until a succeeding traffic count is made and approved in accordance herewith. Traffic counts shall be subject to check and approval by the General Manager of the Commission, including checking by independent traffic counts by the Commission at its own expense if ordered by its General Manager."

Within sixty (60) days after the close on June 30th of any year (commencing with the year ending June 30, 1942) during which this Contract is in effect, the Company shall present to the Commission a certificate, showing (1) gross receipts from the operation of Bridge Line Service for such year as above defined, and (2) the operating costs of Bridge Line Service for such year as above defined and (3) the amount, if any, by which such costs exceed such receipts. Company shall have the right to deduct and retain from the gross rental moneys a sum equal to the amount, if any, by which such costs exceed such receipts. The Company shall remit to the Commission the balance, if any, of the moneys retained for the year, or in case such costs do not exceed such receipts, the entire sum so retained.

The Company will permit the Commission, under reasonable regulations of the Company, to have access to its books and accounts relating to Bridge Line Service for the purpose of verifying the aforesaid certificates of gross receipts and operating costs of said Bridge Line Service.

3. Effective July 1, 1941, paragraph 11 of the aforesaid Contract of February 15, 1935, which now reads as follows:

"11. Commission shall furnish forty-four (44) cars for initial operation. Commission agrees to furnish such additional cars as shall be required by the growth of Bridge Line traffic, the number thereof to be mutually agreed upon between Commission and Company. Commission agrees that cars owned by the City of Philadelphia may, as emergencies of operation may require, be operated by Company on the Bridge Line; the operation thereof shall, however, be without any liability whatever on the part of the City of Philadelphia on account of such operation or any result thereof. Commission agrees that Commission's cars may be operated by Company in through service to Eighteenth and Locust Streets, Philadelphia, on the Bridge Line Connecting Spur, the Eighth Street Subway and the Locust Street Subway; and that Commission's cars may be operated by Company on any other subway lines owned by the City of Philadelphia to such extent as emergencies of operation require."

is amended to read as follows:

"11. Commission shall furnish twenty-six (26) cars for initial operation. Commission agrees to furnish such additional cars as shall be required by the growth of Bridge Line Service, the number thereof to be mutually agreed upon between Commission and Company. Commission agrees that cars owned by the City of Philadelphia may, as emergencies of operation may require, be operated by Company on the Bridge Line; the operation thereof shall, however, be without any liability whatever on the part of the City of Philadelphia on account of such operation or any result thereof. Commission agrees that Commission's cars may be operated by Company in through service to Eighteenth and Locust Streets, Philadelphia, on the Bridge Line Connecting Spur, the Eighth Street Subway and the Locust Street Subway; and that such of the Commission's cars as are not from time to time needed for operation in Bridge Line Service may be operated by Company on the Ridge Avenue-Eighth Street Subway. The Commission shall as promptly as possible cause at least sixteen (16) of its cars to be equipped with such braking devices and other equipment as will permit them safely to be operated in single car operation as distinguished from multi-car train operation."

4. Effective July 1, 1941, paragraph 2 (a) of the aforesaid Contract of February 15, 1935, which now reads as follows:

"2. (a) The Term of the letting and demising under this Indenture shall commence with the first day of Company's operation of the Bridge Line in passenger service on which Company collects fares and shall end on June 30, 1937, and shall extend for additional successive periods of four years, unless and until terminated by either party giving to the other party notice in writing four (4) months prior to June 30, 1937 or four (4) months prior to June 30 of any fourth year following the year 1937; unless the said Term is sooner terminated in accordance with the provisions of this Indenture, and if so terminated the said Term shall end on the date of such termination."

is amended to read as follows:

"2. (a) The term of the letting and demising under this Indenture of February 15, 1935 as amended, effective July 1, 1941, shall commence with July 1, 1941 and extend for a period of four years to and including June 30, 1945, and shall extend for additional successive periods of four years unless and until terminated by either party giving to the other party notice in writing four (4) months prior to June 30, 1945 or four (4) months prior to June 30th of any fourth year following the year 1945; provided, however, that if during the four (4) year term commencing July 1, 1941 or during any subsequent four year term during which this Contract may be in effect, there shall be provided an adequate bus terminal at or near the New Jersey end of the Bridge Line and effective arrangements are made for the transfer there, to and from the Bridge Line, of bus passengers on buses operating locally in Camden and its nearby vicinity and if during the same period the Eighth-Locust Subway of the City of Philadelphia is equipped for operation to Eighteenth and Locust Streets, and if an adequate number of cars is supplied to the Company for the through operation of the Bridge Line and the Eighth-Locust Subway of the City of Philadelphia thus extended, then the Commission shall have the right to elect to extend the term of this Contract, as amended, beyond the termination of the then current four (4) year term to July 1, 1957, the exercise of the said election by the Commission to be evidenced by the delivery to the Company of written notice of such election on or before February 28th of the last year of any such four year term; and further provide that in any event this Contract shall be subject, during any term thereof, to termination by either the Commission or the Company as provided in paragraph 2 (b)."

5. As herein modified, the aforesaid Contract of February 15, 1935 is reinstated and shall be and continue in full force and effect from July 1, 1941 and during and throughout the additional term or terms as herein provided.

6. It is understood and agreed that this Indenture shall, before becoming effective, be approved by an ordinance of Council of the City of Philadelphia.

In Witness Whereof, each of the parties hereto has caused these presents to be duly executed and its corporate seal to be hereto affixed and duly attested, as of the day and year first above written.

Sealed and Delivered in
the presence of:

JOHN B. KATES
ROBERT W. FAY
JOHN JACOB
CLARA H. EISENBAUM

The Delaware River Joint Commission, (Seal)
By ARTHUR C. KING, Vice Chairman.
Attest: JOSEPH K. COSTELLO, Secretary.

Philadelphia Transportation Company, (Seal)
By R. T. SENTER, President.
Attest: F. B. ELLIS, Secretary.

BALANCE SHEET — DECEMBER 31, 1941

ASSETS

CASH IN BANKS:				
Operating Funds			$ 770,788.95	
Operating Funds on deposit with Fiscal Agent for bond interest coupons (per contra)			2,613.75	$ 773,402.70
OPERATING FUNDS ON HAND:				
Toll Bureau				10,000.00
SINKING AND SURPLUS FUNDS:	*Sinking*	*Surplus*	*Together*	
Cash in banks	$ 50,641.99	.....	$ 50,641.99	
Investments (at par) in U. S. Government obligations (cost $6,891,754)	705,000.00	$6,035,000.00	6,740,000.00	
Interest accrued on investments	3,179.66	30,398.07	33,577.73	
	$758,821.65	$6,065,398.07		6,824,219.72
PREPAID INSURANCE PREMIUMS				16,058.24
INVESTMENTS IN PHYSICAL PROPERTY:				
Bridge			$ 33,221,341.91	
High-Speed Transit Project			10,985,383.53	
Maintenance Building and Toll Houses			269,515.61	
				44,476,241.05
				$ 52,099,921.71

LIABILITIES AND SURPLUS

BONDED DEBT:			
4¼% Serial Bonds Maturing 1935/73:			
Authorized:			
$41,000,000 (less $2,880,000 canceled)		$ 38,120,000.00	
Redeemed through Sinking Fund		1,846,000.00	
			$ 36,274,000.00
INTEREST ON FUNDED DEBT:			
Accrued—not due		$ 513,881.67	
Coupons—not presented (per contra)		2,613.75	
			516,495.42
OTHER LIABILITIES:			
Payable to Commonwealth of Pennsylvania			12,670.38
RESERVES			38,900.00
SURPLUS:			
Non-Operating		$ 2,828,052.83	
Operating:			
Balance of surplus accumulated in operations from 7/1/31 to 12/31/41		12,430,703.08	
			15,258,755.91
			$ 52,099,921.71

STATEMENT OF OPERATIONS FOR THE CALENDAR YEAR OF 1941

Receipts:		
Tolls and Rentals	$ 3,542,945.05	
High-Speed Line Fares	105,568.11	
Interest Received on Toll Funds	5,097.93	
Gross Operating Receipts		$ 3,653,611.09
Expenses (Operating):		
Salaries	$ 423,964.55	
Equipment	20,226.84	
Supplies	9,966.83	
Repairs	75,053.66	
Miscellaneous (including Light and Heat)	111,610.95	
Insurance (All Risk and Income)	12,578.28	
Total Expenses		653,401.11
Gross Operating Income		$ 3,000,209.98
Interest on Bonds Accrued		1,552,917.07
		$ 1,447,292.91
Non-Operating Net Income:		
Sinking Fund—less net premium paid of $ 2,410.49.	$ 29,335.56	
Surplus Fund—less net premium paid of 22,474.56.	99,447.03	
Total Non-Operating Net Income		128,782.59
Net Income		$ 1,576,075.50

SOURCE OF FUNDS PROVIDED AND THEIR APPLICATION DURING THE CALENDAR YEAR 1941

Funds Were Provided from the Following Sources:			
Net income for the year per the operating statement			$ 1,576,075.50
Elimination of Accruals:			
Add:			
Decrease in Sinking Fund income accrued		$ 3,758.49	
Adjustment of Expense Accruals		51,123.81	
			54,882.30
			$ 1,630,957.80
Deduct:			
Increase in Surplus Fund Income Accrued		1,548.72	
Interest on Funded Debt Accrued 12/31/40	$520,554.17		
Interest on Funded Debt Accrued 12/31/41	513,881.67		
		6,672.50	
Premium on Own Bonds Purchased	34,748.75		
Less:			
Increase in Capital Surplus (P.W.A. Grant Received)	30,475.24		
		4,273.51	
			12,494.73
Total Funds Provided			$ 1,618,463.07
Applied and Accounted for as Follows:			
Funded Debt: Bonds Redeemed		$ 471,000.00	
Sinking Fund:			
Investments Redeemed	$ 325,000.00		
Investments Acquired	200,000.00		
		125,000.00	
Net Sinking Fund		$ 346,000.00	
Bond Surplus Fund:			
Investments Acquired	$2,000,000.00		
Investments Redeemed	525,000.00		
Net Bond Surplus Fund		1,475,000.00	
		$ 1,821,000.00	
Interest on Debt (due 3/1/41 paid prior to 1/1/41)		200,000.00	
Total Bonded Debt Expenditures and Adjustments		$ 1,621,000.00	
Increased Investment in Physical Property		14,731.09	
Total Funds Applied			1,635,731.09
Excess of Cash Disbursements Over Receipts			17,268.02
Cash at the Beginning of the Year			848,698.96
Cash at the End of the Year			$ 831,430.94
Composed of:			
Operating Funds			$ 780,788.95
Sinking Fund			50,641.99
			$ 831,430.94

FINANCIAL HISTORY

Cost of Bridge (including land and approaches)			$37,085,100.71
Expended for:			
High-Speed Rail Transit Line (net)		$ 8,179,812.66	
Maintenance Building (net)		73,331.15	
Improvements to Toll Houses		138,953.75	
Improvements to Administration Building		13,931.09	
			8,406,028.65
Total			$45,491,129.36
Total Interest paid		$23,800,494.87	
Total Expenses Paid		7,485,400.07	
			31,285,894.94
Total Costs Paid			$76,777,024.30
Total Receipts		$48,124,091.21	
Bonds Issued	$38,120,000.00		
Less: Bonds Redeemed	1,846,000.00		
Bonds Outstanding		36,274,000.00	
Total Receipts and Borrowed Capital			84,398,091.21
Receipts and Borrowed Capital in Excess of Total Costs			$ 7,621,066.91
Invested as Follows:			
Cash on Hand		$ 780,788.95	
Bond Funds		6,824,219.72	
Prepaid Insurance Unexpired		16,058.24	
			$ 7,621,066.91

SCHEDULE OF TOLL RATES

Passenger Automobile	$0.20
Motor Truck—7,000 pounds gross weight (pneumatic tires)	.20
(Communation toll books containing 40 tickets for the passage of passegner automobiles and trucks of 7,000 pounds gross weight are sold for $6.00 for use within 30 days after purchase. Unused tickets will not be redeemed. Use of tickets will be limited to the vehicle identified by the license number recorded on the book cover.)	
Motor Truck:	
7,000 pounds gross weight (solid rubber tires)	.35
7,001 to 18,000 pounds (pneumatic tires)	.40
(solid rubber tires)	.50
18,001 to 26,000 pounds (pneumatic tires)	.65
(solid rubber tires)	.75
26,001 to 28,000 pounds gross weight (pneumatic tires)	.90
(Solid rubber-tired vehicles in excess of 26,000 pounds by special permit only.)	
28,001 to 36,000 pounds gross weight (pneumatic tires)	1.00
Passenger Bus (single-deck)	.50
(double-deck)	.75
Horse-drawn vehicles (1 or 2 horses)	.30
(3 or more horses)	.40

Horse and Rider	.15
Led horse, mule, cow, hog or sheep	.20
Motorcycle	.10
One-wheel trailer	.10

"Gross Weight" is the combined weight of the vehicle and its maximum allowable load. Loads in excess of 26,000 pounds (gross weight) on solid tires and 36,000 pounds on pneumatic tires when permitted, shall be charged $0.25 per 2,000 pounds, or portion thereof, of such load in excess of 26,000 pounds or 36,000 pounds, respectively, in addition to the above tolls.

No vehicle and load of a combined weight exceeding 80,000 pounds on solid tires or 150,000 pounds on pneumatic tires permitted to cross the bridge.

No motor truck or tractor with metal tires allowed on the bridge.

REPORT BY THE HONORABLE C. O. WILLIAMS AND MARTIN KENEHAN

on the

COOPERATIVE RESEARCH PROGRAM ON ANTHRACITE AND BITUMINOUS COAL

At Pennsylvania's School of Mineral Industries and Experiment Station
The Pennsylvania State College
Under Act 77-A of the General Assembly of 1941

In recognition of the fact that the coal industry of Pennsylvania, which represents three-quarters of total mineral wealth produced by our great Commonwealth, has for the past two decades suffered an uninterrupted decline; and in recognition of dire effect this decline was producing directly or indirectly in terms of unemployment, relief costs and loss of revenue by the State, declining real estate values and a multitude of social and economic problems; and in the belief that research offered a possible means for the alleviation of the basic cause for this condition of the coal industry, we sponsored to the General Assembly of the Commonwealth in 1941 a bill for the continuation of research work on anthracite and bituminous coal. This bill provided for research to develop new and improved uses for anthracite and bituminous coal to be conducted at the School of Mineral Industries of The Pennsylvania State College under the supervision of the Department of Mines of the Commonwealth. As finally passed and signed by the Honorable Arthur H. James, Governor of the Commonwealth, Act 77-A provided an appropriation of $60,000 for the biennium which sum had to be matched by a sum of $30,000 provided by the coal industry. Both the anthracite and bituminous coal industries have cooperated fully in the program by providing the matching funds and by active participation in the program through Technical Advisory Committees upon which members from labor, industry and the Department of Mines are serving.

In a previous report, which appears in the Legislative Journal—Senate, Vol. 25, No. 13, Monday, February 24, 1941 information was presented showing the progress and accomplishments of the cooperative research program on anthracite and bituminous coal during the first biennium together with details of the problems under investigation and the reasons for the choice of these particular problems. Since that time the United States of America has been forced into war and as with all other activities, the research program on coal has had to be re-evaluated in terms of its immediate applicability to the war effort. Fortunately the judicious choice of problems initially selected by the Advisory Committees of both the anthracite and bituminous coal industries has been of inestimable value in establishing basis information upon which problems of vital war concern are based.

The imminent shortages of both coke and heavy-oil has necessitated immediate information on satisfactory substitute fuels for the gas manfacturing industry in order to release large quantities of these vital materials for other strategic functions. The use of anthracite as the basis fuel for gas manufacture has been one of the primary projects of the cooperative program. As a result of these researches, technical information has been made available to the gas and coal industries and to interested governmental agencies regarding satisfactory anthracites, methods for the most efficient utlization, and operating techniques considered most suitable under the limitations of solid and liquid fuels likely to be imposed as a result of transportation and shortage difficulties. The staff of the gasification project has offered to the gas industry its services as technical advisors on problems relating to operating changes necessitated as a result of these conditions and the use of anthracite and within the past few months several weeks have been devoted to such advisory work.

Another vital industry which in the near future may be expected to feel the effect of the coke shortage is that of the iron melting. With this in mind. the major project during the past six months has been a study of the possible use of anthracite as cupola fuel by the foundry industry. Combined with laboratory studies, plant scale operating tests are underway in a commercial foundry, securing the technical information necessary to insure satisfactory operation with respect to capacity, metal temperature and metal quality. Although the results are as yet incomplete, the work has progressed sufficiently far to show that excellent results can be secured using anthracite in the smaller foundaries with but slight modifications of operating technique. Further technical data are being secured concerning probable changes necessary in foundaries operating large cupolas, prior to instituting full scale plant tests on such equipment.

There is considerable interest in certain governmental agencies on the possible extension of the project to include work on blast furnaces. Whether this extension will be initiated in the near future depends largely upon how acute the coke situation becomes within the next few months.

Now that the country is engaged in war, a problem of prime consideration is the supply of active carbon—the ingredient in gas masks that absorbs the gas. One of the projects of this cooperative anthracite research was the production of active carbon, as initially proposed, primarily for water purification purposes. This will be of great value in connection with elimination of stream pollution by industrial wastes. With the sudden need for large supplies of gas mask carbon, emphasis has been placed upon the possible use of anthracite for this purpose. Considerable progress has been made and gas absorbing carbons have been produced from anthracite which are superior to those used during the last war, although not quite as efficient as some of the highest grades of carbon commercially available in recent years. The abundance of anthracite as raw material and the

simplicity of the process necessary for its conversation to active carbon should prove attractive, however, in view of the necessity for speed and the shortage of the raw materials previously used for this purpose.

Certain dyes developed as a result of the research into new uses for bituminous coal appear to be suitable for use in dying army fabrics and considerable effort has been devoted to perfecting this process and testing the quality of the product. The results of this investigation have been called to the attention of the appropriate authorities.

Further developments have been made on the domestic heating project for the combustion of Pennsylvania bituminous coals in automatic stokers. Modification of existing stokers and test of the modified units in both laboratory and home installations have shown the practicability of the developments. Investigations on methods for the elimination of atmospheric pollution by domestic stokers has resulted in the development of a device which will eliminate virtually all the smoke that may result from the normal stoker operation, and low cost, compact settling chambers have been designed which have proved effective for the reduction of the fly-ash nuisance inherent with all types of stoker operation. Following the war, automatic comfort heating with Pennsylvania bituminous coal will be available.

In summary, it may be stated that substantial progress is being made toward the development of new and improved uses for anthracite and bituminous coal. During recent months emphasis has been placed upon those phases of the program which have a definite bearing upon the war effort and upon the fuel problems facing the country as a result of the nation's changed economy. Technical services and facilities have been offered to various governmental agencies interested in specific problems relating to the use of Pennsylvania coals, and efforts are being made to render the maximum technical service to the coal industry in any problems arising from the war effort.

3/27/42

MARTIN F. KENEHAN,
C. O. WILLIAMS.

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TO THE

LEGISLATIVE JOURNAL

EXTRAORDINARY SESSION OF 1942

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ASSISTANCE BOARD, JUNIATA COUNTY: John Sieber, Geo. G. Dawe, Francis L. Cooper, Mrs. Alida Johnson; Nominated as members of, 20. Referred, 20. Reported and confirmed, 194.

ASSISTANCE BOARD, LACKAWANNA COUNTY: Edgar Oliver, Barry Searle Jr.; Nominated as members of, 94. Referred, 94. Reported and confirmed, 106.

ASSISTANCE BOARD, LANCASTER COUNTY: Mrs. Irene Weidman, Francis P. Sharpless, V. W. Dippell, Miss Bess McGowan, Wm. E. Alexander, George W. Hensel, Jr.; Nominated as members of, 20, 21. Referred, 21. Reported and confirmed, 194.

ASSISTANCE BOARD, LAWRENCE COUNTY: Ivor Richards, Sam Taylor, Lloyd Strayer, Mrs. Rose Fazzone, Ray B. Johnston, Fred Vaughn, Scott S. Brest; Nominated as members of, 21. Referred, 21. Reported and confirmed, 194.

ASSISTANCE BOARD, LEBANON COUNTY: Ernest Williams; Nominated as member of, 21. Referred, 21. Reported and confirmed, 1941.

ASISTANCE BOARD, LEHIGH COUNTY: William A. Gibson, Mrs. Ruth Siegfried, Mrs. Eva Krum, Mrs. Ruth Thornburg; Nominated as members of, 21. Referred, 21. Reported and confirmed, 194.

ASSISTANCE BOARD, LYCOMING COUNTY: William H. Hough, Clair W. Bishop, Stuart B. Gibson; Mrs. Marjorie Nicholson; Nominated as members of, 21. Referred, 21. Reported and confirmed, 194.

Rev. J. Ray Houser; Nominated as member of, 17. Referred, 17. Reported and, confirmed, 196.

ASSISTANCE BOARD, McKEAN COUNTY: Francis DeCaria, Chris H. Messerly, John Adrian Skooglund, Edward Eugene Drake, William M. Reese; Nominated as members of, 21. Referred, 21. Reported and confirmed, 104.

ASSISTANCE BOARD, MERCER COUNTY: John V. Wherry, Nominated as member of, 21. Referred, 21. Reported and confirmed, 194.

ASSISTANCE BOARD, MIFFLIN COUNTY: Harold P. Hanna, T. C. Matthews, Mrs. Beulah Gill, Nominated as members of, 21. Referred, 21. Reported and confirmed, 194.

ASSISTANCE BOARD, MONROE COUNTY: Mrs. Helen W. Hoffman, Mrs. Hazel S. Achterman, Mrs. Elmira Shafer, Harry L. Sutton, Andrew W. Lewis; Nominated as members of, 21. Referred, 21. Reported and confirmed, 194.

ASSISTANCE BOARD, MONTGOMERY COUNTY: Henry P. Friend, William E. Wills, Miss Marjorie N. MacCoy, Mrs. Lillian L. Strauss, Paul T. Moyer; Nominated as members of, 21. Referred, 21. Reported and confirmed, 194.

ASSISTANCE BOARD, MONTOUR COUNTY: Mrs. Mary Perry, Miss Anna Pritchard; Nominated as members of, 94. Referred, 94. Reported and confirmed, 196.

ASSISTANCE BOARD, NORTHAMPTON COUNTY: Henry A. Miller, Arthur Stoddard, William P. Gano, Orion H. Reeves, Merrill Miles Moore; Nominated as members of, 21. Referred, 21. Reported and confirmed, 194.

ASSISTANCE BOARD, PERRY COUNTY: Edward S. Glass, Herman Shoemaker, Lynn McMillen, Mrs. Ella M. Gray, Miss Marion Shull; Nominated as members of, 21. Referred, 21. Reported and confirmed, 195.

ASSISTANCE BOARD, PIKE COUNTY: Mrs. Gertrude A. Bihl, Mrs. Nina Hopps, Mrs. Carolyn S. Ludwig, Leland Ryder, William Weintz; Nominated as members of, 21. Referred, 21. Reported and confirmed, 195.

ASSISTANCE BOARD, POTTER COUNTY: Robert R. Lewis, Mrs. Lilah Curry Wandall, Garrie W. Benson, W. Arthur Ham; Nominated as members of, 21. Referred, 21. Reported and confirmed, 195.

ASSISTANCE BOARD, SCHUYLKILL COUNTY: Harvey Luckenbill, Andrew R. Riddle, John E. Schlottman, C. T. Straughn, Bernard McGinley; Nominated as members of, 21, 22. Referred, 22. Reported and confirmed, 195.

ASSISTANCE BOARD, SNYDER COUNTY: G. A. Rhoads, Charles F. Wagner, Lee Fisher, Mrs. Clara Reigle, J. Howard Burns; Nominated as members of, 22. Referred, 22. Reported and confirmed, 195.

ASSISTANCE BOARD, SULLIVAN COUNTY: B. T. Martin, J. H. Dieffenbach, Edward M. Williams, Edward B. Wright; Nominated as members of, 22. Referred, 22. Reported and confirmed, 195.

ASSISTANCE BOARD, SUSQUEHANNA COUNTY: A. D. Kehren, Byron Benninger; Nominated as members of, 22. Reported and confirmed, 195.

ASSISTANCE BOARD, TIOGA COUNTY: Mrs. Edna Mae Flietz, Fred A. Jupenlaz, M. A. Welch, Mrs. Hazel M. Parsells; Nominated as members of, 22. Referred, 22. Reported and confirmed, 195.

ASSISTANCE BOARD, UNION COUNTY: Arthur A. Eisenhauer, Hiram Walter; Nominated as members of, 22. Reported and confirmed, 195.

Robert Smith, Alvah D. Campbell, Nominated as members of, 314. Referred, 314.

ASSISTANCE BOARD, VENANGO COUNTY: E. P. Boyle, H. Carl Wasson, Mrs. Hanna L. Hollister, W. Edward Walz; Nominated as members of, 22. Referred, 22. Reported and confirmed, 195.

ASSISTANCE BOARD, WARREN COUNTY: C. H. Whittaker; Nominated as member of, 80. Referred, 80. Reported and confirmed, 196.

ASSISTANCE BOARD, WASHINGTON COUNTY: Miss Ann Mesta; Nominated as member of, 22. Referred, 22. Reported and confirmed, 195.

William D. Davies; Nominated as member of, 94. Referred, 94. Reported and confirmed, 196.

ASSISTANCE BOARD, WAYNE COUNTY: Neil Keene, Roy N. Howe; Nominated as members of, 22. Referred, 22. Reported and confirmed, 195.

ASSISTANCE BOARD, WYOMING COUNTY: William A. Kelley, Basil Nichols, Mrs. Lula Gilmore, Mrs. Esther Englemier; Nominated as members of, 22. Referred, 22. Reported and confirmed, 195.

ASSISTANCE BOARD, YORK COUNTY: Clyde S. Buckingham, Charles E. Kephart, H. C. Ulmer, Mrs. Nellie B. Neely, Mrs. Kathryn R. Fix; Nominated as members of, 22. Referred, 22. Reported and confirmed, 195.

ASSISTANT DISTRICT SUPERINTENDENTS: (see Superintendents, District).

ASSISTANT POSTMASTER: (see House of Representatives. Senate).

ASSISTANT SERGEANT-AT-ARMS: (see House of Representatives. Senate).

ASSISTANCE, THE STATE BOARD OF PUBLIC: John A. Stevenson, Nominated as Member of, 18. Referred, 18. Reported and confirmed, 192.

ATHLETIC COMMISSION, THE STATE: (see State Athletic Commission, The).

ATLANTIC MONTHLY: Reference to article in, "Teamwork in Washington," by Wayne Coy, 630.

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AUKER, CHARLES A., Repreesntative from Blair County (First District).

Address by, on
Subjects in the Governor's call and supplemental call for a Special Session, 340, 341.

Amendment offered by, to
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Bills introduced by
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Making appropriation to State Council of Defense, for hiring guards on application of local councils, to protect private water sheds, waterworks, reservoirs and other places of water supply, 338.

No. 87.
Creating a Legislative War Committee with powers during a war, to suspend laws, 369.

Member of Special Committee, 351.

Member of Special Committee at Turner Testimonial Dinner, 255.

Presides as Speaker Pro Tempore, 165.

Remarks by, on
Bill No. 33 (Senate No. 19) The Sabotage Prevention Act, 5310.

Bill No. 66, authorizing as a temporary war measure, construction, repair, relocation, vacation and abandonment by Department of Highways, of certain highways, bridges and viaducts, 341.

Bill No. 105 (Senate No. 60), regulating weights of motor vehicles to aid national defense, 579.

Resolution commending the Brotherhood of Railroad Shop Crafts of America, (House) No. 25, Serial No. 45; 584, 585.

AUKER, CHARLES A.—Continued.

Request for roll call by, on
Amendments to Bill No. 83 (Senate No. 41), concerning Unemployment Compensation Claims and Benefits, 524.

Resolutions offered by
Recommending reduction or elimination of toll charges in Pennsylvania for Army and Navy vehicles for the "duration," 162. Referred, 162.

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AVIATION EQUIPMENT, Pennsylvania's actual, personnel, and possible future development; resolution, (House) No. 29, Serial No. 50, authorizing appointment of a Committee to make a survey of, 305. Referred, 305.

AVIATION LANDING FIELDS; authorizing Executive Director of the Pennsylvania Game Commission with certain approval to lease lands to political subdivisions or Federal agencies for use as

House Bill No. 75.
Read in place in House by Mr. Polen, 305.
Referred to Select Committee on Special Session Legislation, 305.
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BAKER, JOHN J., Representative from Allegheny County (Sixth District).

Bills reported by
No. 20 (Senate No. 27).
Making appropriation for Extraordinary Session of the Legislature assembled February seventeenth, one thousand nine hundred forty-two, 132.

No. 58.
Authorizing Department of Property and Supplies to adopt certain rules and regulations, for the "duration" and six months thereafter, governing purchases, sales and contracts, 290.

No. 59.
Amending "Vital Statistics Law," 1915, providing for issuance of certified copies of birth certificates to honorably discharged soldiers, sailors and marines and veterans, without cost, 374.

No. 77 (Senate No. 13).
Amending Section 36 and repealing Section 37 of the Act of 1941 relating to parole, by postponing the operation and effective date thereof; and repealing the appropriation made therein, 451, 452.

Member of Select Committee on Special Session Legislation, 34.

Member of Special Committees, 33, 149.

Resolutions offered by
Extending sympathy of House to Hon. Louis Leonard upon the death of his grandson, Private Robert L. Hull; 63.

BAKER, JOHN J.—Continued.

Requesting Public Utility Commission to fix reduced street car and bus fares during certain slack hours, to distribute travel more evenly on said vehicles, 619.

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Advocating inoculation and re-inoculation of school children to prevent probable spread of epidemics of contagious diseases, (House) No. 48, Serial No. 82; 590.

Question of Information raised by, on
Whether it is permissible for a Member of the House to think aloud as to what he thinks of the Senate of Pennsylvania, 690.

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BALTHASER, JACOB L., Representative from Berks County (Third District).

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BANK ACCOUNTS: (see Italian Aliens).

BANKING BOARD: A. E. Mackintosh, A. C. Robinson; Nominated as members of, 17. Referred, 17. Reported and confirmed, 191

BARR, JOSEPH M., Senator from Allegheny County (part of) (Forty-Third District).

Addresses by, on
Appointing Hon. James F. Torrance to an Executive Post is "just another James campaign promise broken", 420.

Resolution recommending that the General Assembly recess instead of adjourn finally, for the "duration", concurrent (House) No. 7, Serial No. 18: 201.

Interrogation by, concerning
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Member of Conference Committee, 631.

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Question of Information raised by, on
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With whom did the members of the Senate Committee talk to in the House concerning adjournment, 660.

Question of Parliamentary Inquiry raised by, on
Whether a motion to lay a resolution on the table and not send the same to committee is a proper motion, 200.

Remarks by, on
Bill No. 97 (House No. 112) concerning the Labor Relations Board, 604.

Resolution recommending discharging all per diem employes of the General Assembly, should the Assembly recess at any time during the present Special Session for a period of more than one week, (Senate) concurrent, Serial No. 106; 216.

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BARTLETT, CHARLES A. P., Senator from Northampton County (Eighteenth District).

Bills introduced by
No. 17.
Providing for apportionment of State into Congressional Districts, 44.

BARTLETT, CHARLES A. P.—Continued.

No. 75.
Providing for motor vehicle operators' licenses to show record for safe driving to encourage carefulness in the operation and conservation of the same, 392.

Bills reported by
No. 31.
Making services of recipients of public assistance available by permitting earning of limited amount without forfeiting right to such assistance, 85.

No. 65.
Amending Act, 1915, further regulating giving of certified copies of birth certificates to soldiers, sailors and marines, and war nurses, 365.

No. 70 (House No. 68).
Amending Act, 1935, providing that State-aided hospitals shall not have funds withheld from, for failure to comply with law requiring constant attendance of a licensed physician or resident interne, because of the war emergency, 420.

Member of Conference Committees, 518, 650.

Report presented by
Conference Committee on House Bill No. 68 (Senate No. 70) amending Act, 1935, providing that State-aided hospitals shall not have funds withheld from them for failure to comply with law requiring constant attendance of a licensed physician or resident interne, because of the war emergency, 610.

Request by, for
Unanimous consent to report bills, 85, 365.

Resolution concurrent offered by
Arranging for postage on The Legislative Journal, 3. Concurred in by House, 35. Returned from House concurred in, 26. Approved and signed by Governor, 27. Pamphlet Laws Resolution No. 1.

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BATAAN, MacARTHUR AT: poem ,339, 340.

BATAAN: Resolution paying tribute to our Heroes on, (House) Serial No. 105; 693.

BAUGHER, GEORGE L., Representative from Adams County.

Bills introduced by
No. 52.
Amending "Vital Statistics Law", 1915, providing for issuance of short form birth certificates by Department of Health during continuance of the present war emergency and for six months thereafter, 229, 230

No. 64.
Amending "Fish Law", 1925, by suspending and modifying for the duration, certain authorization to the Board of Fish Commissioners concerning conservation of the future fish supply, 273.

No. 65.
Amending "Game Law", 1937, suspending for period of present war emergency, provisions relating to trapping and killing fur-bearing animals, 274.

Bill reported by
No. 76.
Amending Act, 1919 concerning furnishing accommodations on board a proper vessel for "The Nautical School," when no such vessel is available, 370.

Member of Conference Committee, 625.

Member of Select Committee on Special Legislation, 34.

Member of Special Committee, 369.

BAUGHER, GEORGE L.—Continued.

Motion by, to
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Resolution called up by
Authorizing The Joint State Government Commission to investigate Boards and Commissions charged with duty of examining, registering and licensing persons desiring to engage in certain professions, (House) No. 47, Serial No. 81; 616.

Resolution offered by
Authorizing The Joint State Government Commission to investigate Boards and Commissions charged with duty of examining, registering and licensing persons desiring to engage in certain professions, 534. Referred, 562, Reported, 590. Called up and adopted, 616, 617.

Roll call, 32.

BECKER, CLARENCE D., Senator from Lebanon County and Lancaster County (part of) (Seventeenth District).

Amendment offered by, to
Bill No. 28 (House No. 21) amending Act, 1933, authorizing building and loan associations to act as fiscal agents of the United States Government for sale of Defense Bonds and Defense Stamps, 420.

Bill introduced by
No. 12.
Amending Act 12-A, 1941, by increasing appropriation to Department of Justice for the parole work of the Board of Pardons, 27.

Bills reported by
No. 28.
Amending Act, 1933, authorizing building and loan associations to act as fiscal agents of the United States Government for sale of Defense Bonds and Defense Stamps, 58.

No. 52.
Making larceny of certain articles a felony, to prevent sabotage, 286.

No. 61.
Amending "Penal Code", 1939, prescribing additional penalties for larceny or robbery of things affected by priorities, rationing or other war-time restrictions, 397.

Leave of absence granted, 113.

Member of Conference Committees, 518, 594.

Motion by, to
Dispense with further reading and to approve Journal, 389.

Unanimous consent to report bills, 58, 397.

Resolutions concurrent offered by
Authorizing adjournment of the Special Session of the General Assembly, sine die, Tuesday, April 7, 1942 at 12:00 o'clock noon, Eastern War Time 415, 416. Read and referred in House, 438. Reported in House with amendments, 534. (Friday April 10, 1942, at 4:00 o'clock p. m., Eastern War Time). House concurs in amended resolution, 534. Returned to House with amendment concurred in, 582. Senate concurs in amended resolution, 517.

Authorizing meeting of Senate and House of Representatives in Joint Session on Tuesday, February 17, 1942 in the Hall of the House, to hear an address by the Governor, 3. Concurred in by House, 34. Returned from House concurred in, 26.

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BENNETT, JAMES V., Director of the Federal Bureau of Prisons: Reference to, 458.

BENTLEY, JOHN R., Representative from Allegheny County (Fifth District).

BENTLEY, JOHN R.—Continued.

Leave of absence granted, 145.

Request for roll call by, on
Amendments to Bill No. 105 (Senate No. 60) regulating weights of motor vehicles to aid national defense, 578.

Roll call, 32.

BENTZEL, FELIX S., Representative from York County (First District).

Member of Special Committee, 369.

Resolution offered by
Favoring relaxation of certain Rule of The State Athletic Commission, 535.

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BETHLEHEM, CITY OF: Resolution congratulating on its 200th anniversary (House) No. 31, Serial No. 52; 306. Referred, 306. Reported, 311. Called up and adopted, 311, 312.

"BIBLE BELT" in House: References to, 309, 339, 591.

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BILLS: Senate and House, which passed both branches of the Legislature, and were signed by presiding officers thereof, 661-664.

BIRTH CERTIFICATES: (see Certificates. Health, Secretary of).

BIRTH CERTIFICATES: Resolution requesting Governor to direct Secretary of Health to authorize local registrars in certain cities to issue, concurrent (House) No. 21, Serial No. 39; 184. Referred, 204, 205.

BIRTH AND DEATH CERTIFICATES: (see Certificates).

BIRTH RECORDS: (see Health, Secretary of).

BITUMINOUS COAL MINES OF PENNSYLVANIA, MINE INSPECTORS' EXAMINING BOARD FOR THE: (see Mine Inspectors' Examining Board, etc.).

BLACKOUTS: (see Air Raids and Blackouts. Crime. Crimes. Defense, Local or District Councils of).

BLIND: Resolution urging Works Projects Administration to continue its work with the, (House) Serial No. 83; 583.

BOARD OF COMMISSIONERS OF NAVIGATION FOR THE RIVER DELAWARE: (see Nautical School).

BOARD OF FISH COMMISSIONERS: (see Fish Supply).

BOARD OF PARDONS: (see Justice, Department of).

BOARDS OF ASSISTANCE: (see Assistance Board, Adams County, etc.).

BOARDS OF TRUSTEES: (see Specific Name of School. Penitentiary. Hospital. Commissioners. Home. etc.).

BOIES, DAVID M., Representative from Allegheny County (Eleventh District).

Member of Special Committee, 149.

Motion by, to
Adjourn, 625.

Roll call, 32.

BOILERS in installations within certain distance of structures housing persons employed in the preparation of anthracite coal; amending "Anthracite Coal Mining Law," 1891, prohibiting use of certain

House Bill No. 74.
Read in place in House by Messrs. O'Neill and Stank, 275.
Referred to Select Committee on Special Session Legislation, 275.

BOILING SPRINGS HIGH SCHOOL students welcomed to Senate, 93. To House, 107.

BONDS: (see Defense Bonds and Defense Stamps).

BONEY, JOHN L., Representative from Luzerne County (Fifth District).

BONEY, JOHN L.—Continued.

Address by, on
Action of the Committee in defeating House Bill No. 62, prescribing temporary war provisions with respect to administration of certain provisions of the school laws, 691.

Bill introduced by
No. 62.
Prescribing temporary war provisions with respect to administration of certain provisions of the school laws, 273.

Remarks by, on
Bill No. 62, prescribing temporary war provisions with respect to administration of certain provisions of the school laws, 691.

Roll call, 32.

BOORSE, HOWARD F., Representative from Montgomery County (third District).

Leave of absence granted, 179.

Member of Special Committee, 351.

Motion by, to
Dispense with further reading and to approve Journal, 398, 467.

Roll call, 32.

BOROUGH SOLICITOR OF NORRISTOWN: (see Norristown, Borough Solicitor of).

BOROUGHS: (see Constitution of Pennsylvania. Defense, Local or District Councils of. Highways and Bridges. Tax and Municipal Claims).

BORTZ, DR. WALTER M.; President, Staff of Westmoreland Hospital: Telegram from concerning suspension of laws, 106.

BOWER, ADAM T., Representative from Northumberland County (First District).

Member of Special Committee, 351.

Member of Special Committee at Turner Testimonial Dinner, 255.

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Favoring plan for induction of selectees into military service, 616.

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BOWER, HON. CLARK MILTON, former Member: sympathy of House extended to family of, upon his death, 403.

BRADLEY, JOSEPH P., Representative from Northumberland County (Second District).

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Adjourn, 470.

Resolutions offered by
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Requesting Commissioner of Motor Police to inform House of status of examinations given to members of The Motor Police, 162. Referred, 162. Reported, 451. Called up and adopted, 535.

Suspending weight limitation upon motor vehicles for the "duration," 463. Referred, 463.

Roll call, 32.

BRAHM, HON. W. WALTER, President Judge of Lawrence County, welcomed to House, 405.

BRANDON, RODNEY H., Illinois State Director of Public Welfare: Reference to, 457.

BRETH, HARRIS G., Representative from Clearfield County (First District).

Address by, on
Committee on Stream Polution Study, 679.

BRETH, HARRIS G.—Continued.

Bills introduced by
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No. 65.
Amending "Game Law," 1937, suspending for period of present war emergency, provisions relating to trapping and killing fur-bearing animals, 274.

Leave of absence granted, 145.

Member of Select Committee on Special Legislation, 34.

Member of Special Committee, 369.

Question of Personal Privilege raised by, on
Request to Speaker to direct Members how to display flags rightly, before photographs are taken showing the Assembly with some flags right, and some flags wrong, 33.

Report presented by
Committee, appointed to wait upon Governor and inform him the House is organized and ready to proceed with business, 35.

Request by, for
Permission for Committee on Stream Pollution Study to hold meeting during session of the House, 674.

Resolution called up by
Authorizing appointment of a Committee to investigate stream and water pollution, (House) No. 12, Serial No. 24; 310, 311.

Resolutions offered by
Authorizing appointment of a Committee to investigate stream and water pollution, 111. Referred, 111. Reported, 291. Called up and adopted, 310, 311. Committee appointed, 369.

Laid over for printing, 109.

Roll call, 32.

BRETHERICK, ARTHUR P., Representative from Delaware County (Second District).

Bill introduced by
No. 23.
Amending "First Class Township Law," 1931, authorizing emergency appropriation by boards of township commissioners for purposes of Civilian Defense, 110.

Member of Conference Committee, 532.

Member of Special Committee, 149.

Motion by, to
Recommit to Select Committee on Special Session Legislation, Bill No. 23, amending "First Class Township Law," 1931, authorizing emergency appropriation by boards of township commissioners for purposes of civilian defense, 267.

Question of Information raised by, on
Whether there is any way to ascertain the exact cost of the remarks of the gentleman from Centre, Mr. Haines, 674.

Remarks by, on
Lower Merion Township High School Basketball Team, 674.

Resolution offered by
Recommending abandonment for the "duration" of policy of suspending commercial operators' licenses for speeding, in cases of first offense, 437. Referred, 437.

Roll call, 32.

BRIDGES: (see Cities of Third Class. Constitution of Pennsylvania. highways, Bridges and Viaducts).

BROTHERHOOD OF RAILROAD SHOP CRAFTS OF AMERICA: Resolution commending the, (House) No. 25, Serial No. 45; 266, 267. Referred, 267. Reported, 519. Called up and adopted, 584, 585.

BROTHERHOOD OF RAILROAD TRAINMEN OF PENNSYLVANIA, STATE LEGISLATIVE BOARD: Communication from, protesting passage of Senate Bill No. 19, Sabotage Prevention Act, and suggesting amendments thereto; 205.

BROWN, HOMER S., Representative from Allegheny County (First District).

Addresses by, on
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Amendments offered by, to
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Bill No. 105 (Senate No. 60), regulating weights of motor vehicles to aid national defense, 589, 590.

Bill called up by
No. 112, concerning the Labor Relations Board, 580.

Bill introduced by
No. 112.
Amending "Pennsylvania Labor Relations Act," 1937, fixing rights and standing of Labor Relations Board as a party and as appellant in the courts, 481.

Bills reported by
No. 11.
Amending "Vehicle Code," 1929, authorizing Secretary of Revenue, during the National Emergency, to suspend certain operations concerning school buses, 107.

No. 34 (Senate No. 26).
Amending Constitution of Pennsylvania, Article 8, Section 11, by Joint Resolution, providing for dividing townships and wards of cities and boroughs into election districts of compact and contiguous territory, and fixing and changing their boundaries, 499.

No. 46 (Senate No. 16).
Authorizing court to appoint substitutes to act for fiduciaries, executors, administrators, and trustees in decedents' estates, for those in military service, 205.

No. 69.
Amending Act, 1917, providing for payment of certain amounts of salaries or wages of officers, or employes in military service, into School Employes' Retirement Fund, 451.

No. 71.
Amending "School Employes' Retirement Law," 1917, defining rights and obligations of certain members of School Employes' Retirement Association, 451.

Constitutional Points of Order raised by, on
The General Assembly cannot be in session with only one house, and the transaction of business, under present circumstances is unconstitutional, 706. Withdrawn, 708, 709.

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Interrogations by, concerning
Adjournment, 708.

Bill No. 1, providing for apportionment of the Commonwealth into Congressional Districts, 67.

Bill No. 107, amending Act, 1935, suspending Personal Property Tax during present war emergency, 495.

Special Session of 1942, whether or not the same is in Session, 704.

Member of Conference Committee, 690.

BROWN, HOMER S.—Continued.

Member of Select Committee on Special Session Legislation, 34.

Member of Special Committee, 369.

Motion by, for
House to discharge Committee of Conference on Bill No. 37 (Senate No. 35), authorizing construction, replacing or repairing by Department of Highways, of bridges necessary for National Defense in cities of third class, 700.

Motion by, to
Take from table, Bill No. 105 (Senate No. 60), regulating weights of motor vehicles to aid national defense, 589.

Questions of Parliamentary Inquiry raised by, on
Whether all the amendments offered to Bill No. 105 (Senate No. 60), regulating weights of motor vehicles to aid national defense, have been withdrawn, 589.

Whether, if there was business to come before the House, the House could transact the business of the General Assembly, 708.

Whether or not, a House resolution could bind the Joint State Government Commission, an agency created by a joint act of the House and Senate, 613.

Whether the Special Session of the General Assembly convened by the Governor in 1942 is still in session, 704.

Remarks by, on
Adjournment, and conducting House business after the Senate has adjourned, 707, 708.

Bill No. 1, providing for apportionment of the Commonwealth into Congressional Districts, 67.

Bill No. 14 (Senate), authorizing Governor to suspend or modify operation of laws in whole or in part, under certain circumstances, during period United States is at war, in accordance with recommendations of State Council of Defense, 88.

Bill No. 37 (House No. 35), authorizing construction, replacing or repairing by Department of Highways, of bridges necessary for National Defense in cities of third class, 700.

Bill No. 62, prescribing temporary war provisions with respect to administration of certain provisions of the school laws, 688. 689.

Bill No. 107, amending Act, 1935, suspending Personal Property Tax during present war emergency, 495, 496.

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Referred to Select Committee on Special Session Legislation, 271.
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CERTIFICATES, birth, for persons seeking employment in industries engaged in production of war equipment; outlining method of speeding up obtaining of

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CHAPMAN, LEROY E., Senator from Venango and Warren Counties (Forty-Eighth District).

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CHERVENAK, MICHAEL C., Jr., Representative from Cambria County (Second District).

Amendment offered by, to
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Bill introduced by
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Resolution concurrent offered by
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CHEYNEY TRAINING SCHOOL FOR TEACHERS, BOARD OF TRUSTEES OF THE: Albert L. Bailey, Jr., William M. Maier, James M. Brittain, Alfred H. Williams; Nominated as Members of, 17. Referred, 17. Reported and confirmed, 191.

CHUDOFF, EARL, Representative from Philadelphia County (Twenty-Third District).

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No. 19.
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No. 22.
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Referred to Select Committee on Special Session Legislation, 143.
Reported with amendment, 205.
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COCHRAN, HARRY, Representative from Fayette County (Second District).

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COHEN, MARSHALL M., Representative from Lancaster County (First District).

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COHEN, REUBEN E., Representative from Philadelphia County (Thirteenth District).

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Bills introduced by
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COLEMAN, EDWARD J., Senator from Lackawanna County (Twenty-Second District).

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Amending Constitution of Pennsylvania, Article 3, Section 13, by Joint Resolution, prohibiting extending terms of public officers, or increasing or diminishing salaries, after elections; or regulating salaries of appointed officers and employes of local governments after appointment other than school districts, 45.

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Resolution recommending discharging all per diem employes of the General Assembly, should the Assembly recess at any time during the present Special Session for a period of more than one week, (Senate) concurrent, Serial No. 106; 219, 220.

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Referred to Committee on Appropriations, 315.
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FALKENSTEIN, FRANCIS J., Representative from Philadelphia County (Fifth District).

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"FINNEGAN BILL": (see Constitution of Pennsylvania, Senate Bill No. 3).

FINNERTY, JOHN J., Representative from Philadelphia County (Eighteenth District).

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Signed by President, 507.
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Dispense with Rule 21, and to proceed to consideration of House amendments to Bill No. 60, (House No. 105) regulating weights or motor vehicles to aid national defense, 609.

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LEE, EDWIN A., Representative from Philadelphia County (Fifteenth District).

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Member of Select Committee on Special Legislation, 34.

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LEE, THOMAS H., Representative from Philadelphia County (Fourteenth District).

Member of Special Committee, 351.

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LEONARD, LOUIS, Representative from Allegheny County (Sixth District).

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Member of Conference Committee, 652.

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LEVY, J. HAROLD, Representative from Philadelphia County (Twelfth District).

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Member of Special Committee, 149.

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Member of Special Committee, 351.

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Bill reported by
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Member of Conference Committee, 690.

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Member of Select Committee on Special Legislation, 34.

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LONGO, JOSEPH A., Representative from Northampton County (First District).

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LOVETT, JAMES E., Representative from Westmoreland County (Second District).

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Member of Conference Committee, 611.

Member of Select Committee on Special Legislation, 34.

Member of Special Committees, 149, 369.

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Member of Special Committees, 149, 351.

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MALLERY, CHARLES R., Senator from Blair and Huntingdon Counties (Thirtieth District).

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No. 52.
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No. 72.
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No. 73.
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No. 76.
Providing for repayment before induction or enlistment, of part of cost of motor vehicles' registrations by persons inducted or enlisting in the Army, Navy, or Marine Corps of the United States, 392.

Interrogation by, concerning
Resolution recommending discharging all per diem employes of the General Assembly," should the Assembly recess at any time during the present Special Session for a period of more than one week, (Senate) concurrent, Serial No. 106; 215.

Member of Conference Committee, 605.

Member of Special Committee, 660.

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Remarks by, on
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Resolutions offered by
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Resolution concurrent offered by
Authorizing adjournment of the Legislature until March 9, 1942; 114. Returned from House concurred in, 136. Concurred in by House, 133.

Roll call, 1.

MALLOY, JAMES J., Representative from Luzerne County (Seventh District).

Member of Select Committee on Special Legislation, 34.

Member of Special Committee, 149.

Motion by, to
Recommit to Select Committee on Special Session Legislation, Bill No. 98 (Senate No. 64) amending Act, 1942, making appropriation for Extraordinary Session of the Legislature assembled February seventeenth, one thousand nine hundred forty-two, 612.

Resolution offered by
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Resolution reported by
Paying tribute to Corporal John J. Duffy for his heroism during service, (House) No. 3, Serial No. 10; 533.

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MARKS, FRED, Representative from Berks County (First District).

Bill introduced by
No. 8.
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Member of Conference Committee, 532.

Motion by, to
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MAXWELL, H. J., Representative from Westmoreland County (Third District).

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No. 67.
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No. 108.
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MARTINSBURG HIGH SCHOOL, Senior Class, welcomed to Senate, 539. To House, 563.

MARTS, DR. ARNAUD C.; Executive Director of the State Council of Defense; Qualifications cited, 129.

MASEKA, MAJOR V. H., welcomed to House, 401.

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McCARTHY, MR. JOHN A. M.: Communication from, thanking Senators for confirming appointment to State Civil Service Commission. 652.

McCLANAGHAN, FRANCIS X., Representative from Philadelphia County (Tenth District).

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Bills introduced by
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No. 76.
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Member of Special Committee, 351.

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McCREESH, JOHN J., Senator from Philadelphia County (Fourth District).

Member of Special Committee, 660.

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McDERMOTT, JAMES J., Representative from Lehigh County (First District).

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Member of Select Committee on Special Legislation, 34.

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Member of Special Committee, 149.

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McINTOSH, JOSEPH J., Representative from Cumberland County.

Member of Special Committee, 33.

Resolution called up by
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Resolutions offered by
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McKINNEY, JOHN H., Representative from Venango County.

Member of Special Committee, 149.

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McLANAHAN, ROBERT J., Representative from Beaver County (Second District).

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Member of Special Committee, 149.

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MELCHIORRE, CHARLES, Representative from Philadelphia County (Fourth District).

Bill called up by
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Bill re-reported by
No. 58.
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Member of Conference Committee, 612.

Member of Select Committee on Special Session Legislation, 34.

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Motion by, to
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Resolution called up by
Paying tribute to Corporal John J. Duffy for his heroism during service (House) No. 3, Serial No. 10; 585.

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Requesting Department of Public Works of the City of Philadelphia to inspect, repair and replace gas and water facilities as a protection to the citizens of said City, 501, 502. Referred, 502. Reported, 519. Called up and adopted, 586.

Resolution reported by
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Member of Select Committee on Special Session Legislation, 34.

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MILLER, ROBERT M., Senator from Luzerne County (part of) (Twentieth District).

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No. 46.
Authorizing Governor, with approval of Department of Wharves, Docks and Ferries of Philadelphia, to suspend for a limited time, laws relating to movement and anchorage of vessels carrying certain explosives, 304.

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MODELL, HERMAN M., Representative from Philadelphia County (Twenty-Second District).

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Member of Special Committee, 369.

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Member of Special Committee, 665.

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Congratulating Hon. James H. Tate on his birthday, 703.

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MOONEY, THOMAS P., Representative from Allegheny County (Second District).

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Member of Special Committee, 149.

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MORTIMER, C. A., Secretary-Treasurer of Pennsylvania Federation of Sportsmen's Clubs: (see Pennsylvania Federation of Sportsmen's Clubs).

MOTOR LICENSE TAXES: (see Constitution of Pennsylvania).

MOTOR POLICE, COMMISSIONER OF THE PENNSYLVANIA: Lynn G. Adams, Nominated, 17. Referred, 17.

MOTOR POLICE, THE: Resolution requesting Commissioner of Motor Police to inform House of status of examinations given to members of, (House) No. 15, Serial No. 33; 162. Referred, 162. Reported, 451. Called up and adopted, 535.

MOTOR POLICE, PENNSYLVANIA: (see Motor Vehicles. Rubber Tires).

MOTOR POLICE RETIREMENT FUND, PENNSYLVANIA: (see Officers and Employes).

MOTOR VEHICLE LICENSE FEES: (see Constitution of Pennsylvania).

MOTOR VEHICLE OPERATORS' LICENSES to show record for safe driving, to encourage carefulness in the operation and conservation of the same; providing for

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MOTOR VEHICLE REGISTRATION FEES: (see Constitution of Pennsylvania).

MOTOR VEHICLE REGISTRATION PLATES; amending "Vehicle Code," 1929, arranging for issuance of one only to conserve metal.

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MOTOR VEHICLES: (see School Buses. Weight Limitation).

MOTOR VEHICLES OPERATORS' LICENSES and payment of license fees; amending "Vehicle Code," 1929, exempting persons in military or naval service of the United States during the period of the present war, from requirement of renewing

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MOTOR VEHICLES; amending "Vehicle Code," 1929, reducing speed limit of, during existence of state of war, between the United States and any foreign country.

Senate Bill No. 63.
Read in place in Senate by Mr. Thomas for Mr. T. B. Wilson, 299.
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MOTOR VEHICLES, and tries or tubes therefor; amending "Penal Code," 1939, prohibiting taking or stealing, and further regulating penalties therefor.

House Bill No. 30.
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MOTOR VEHICLES, certain owned by political subdivisions, volunteer fire departments and Pennsylvania Motor Police; providing that for a certain limited period, registration plates shall not be issued or required for

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MOTOR VEHICLES, licenses for issued to persons enlisted or drafted into military or naval service; permitting special operating and renewal privileges concerning

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Referred to Committee on Finance, 278.
Reported without amendment, 367.
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MOTOR VEHICLES; modifying existing laws regarding weights of; and permitting overweight and oversize, to expedite transportation of materials for national defense.

Senate Bill No. 60.
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Referred to Committee on Highways, 286.
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MOTOR VEHICLES' plates or tags as evidence of payment of any license or registration fee; suspending and modifying existing law providing for requiring use of

Senate Bill No. 42.
Read in place in Senate by Mr. Edmonds, 158.
Referred to Committee on State Government, 158.
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Referred to Select Committee on Special Session Legislation, 271.
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Approved and signed by Governor, April 27, 1942. Act No. 24.

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Reported without amendment, 426.
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ACRI, JAMES J., confirmed, 10.

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ADLER, MISS LEAH H., confirmed, 15.

AILEY, MONT L., confirmed, 11.

ALEXANDER, GEORGE W., confirmed, 314.

ALLEN, MISS DOROTHY C., confirmed, 16.

ALLEN, MISS NELLE M., confirmed, 14.

ALMA, SISTER MARIA, confirmed, 389.

ALOFF, JACK, confirmed, 9.

AMES, CLYDE A., confirmed, 15.

AMOROSO, SALVATORE, confirmed, 13.

ANDERSON, CHARLES S., confirmed, 15.

ANDERSON, MRS. MARIE C., confirmed, 8.

ANDERSON, MISS VIRGINIA C., confirmed, 9.

ANDREAS, MISS JANET R., confirmed, 15.

ANSPACH, W. M., confirmed, 14.

APPLEBAUM, GEO. E., confirmed, 8.

APPLEBY, J. DONALD, confirmed, 15.

ARCARA, MRS. NELLIE C., confirmed, 15.

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ARMSTRONG, MISS CATHARINE, confirmed, 10.

ARNOLD, DAVID K., confirmed, 314.

ASHBY, MISS E. R., confirmed, 14.

AUNGST, HARVEY J., confirmed, 627.

AURAND, W. F., confirmed, 471.

AURSLER, RUSSELL H., confirmed, 10.

AVIOLI, PETER J., confirmed, 471.

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BACHMAN, ROBERT S., confirmed, 11.

BACKORA, R. P., confirmed, 413.

BACORMAC, MISS EDITH E., confirmed, 314.

BAILEY, MRS. IRENE L., confirmed, 314.

BAKER, MISS EDYTH M., confirmed, 9.

BALWAY, MISS HAZEL F., confirmed, 258.

BANAS, MICHAEL A., confirmed, 314.

BANE, DONALD M., confirmed, 8.

BARBER, ELLSWORTH, confirmed, 15.

BARBER, JOHN, confirmed, 11.

BARBER, JOS. E., confirmed, 12.

BARNHART, MISS A. CATHERINE, confirmed, 14.

BARRET, MISS ELAINE, confirmed, 114.

BARRON, MISS ANNA M., confirmed, 12.

BATES, GEORGE J., confirmed, 10.

BATES, MISS HELEN A., confirmed, 16.

BATTIS, MRS. ALICE, confirmed, 11.

BAUER, D. S., confirmed, 14.

BAUER, EDWIN C., confirmed, 365.

BAUER, ROBT. E. A., confirmed, 277.

BAUR, E. J., confirmed, 257.

BAYLIN, MISS MARGARET D., confirmed, 14.

BECK, HERBERT J., confirmed, 11.

BECKES, MISS JEAN F., confirmed, 14.

BELLMAN, MISS NEVADA M., confirmed, 9.

BENJAMIN, MISS JEAN, confirmed, 378.

BENNER, MISS E. RUTH, confirmed, 11.

BENSON, J. E., confirmed, 389.

BERGER, ERNEST A., confirmed, 12.

BERGER, MISS EVELYN M., confirmed, 13.

BERGMAN, R. C., confirmed, 9.

BERKEY, MRS. R. M., confirmed, 9.

BERLINGER, WILLIAM G. Jr., confirmed, 12.

BERMAN, MISS GERTRUDE, confirmed, 15.

BERMAN, LAWRENCE, confirmed, 13.

BERRY, WILLIAM L., confirmed, 9.

BERTOVICH, JOSEPH, confirmed, 13.

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BIALEK, STANLEY H., confirmed, 16.

BIBERMAN, MRS. ESTHER Y., confirmed, 471.

BINGHAM, ROBERT J., confirmed, 8.

BIRCKS, JOHN W., confirmed, 12.

BISHER, MISS LILA, confirmed, 11.

BISKER, MISS MARGET G., confirmed, 16.

BLACK, JOHN P., confirmed, 44.

BLACKBURN, MRS. SYLVIA W., confirmed, 10.

BLAIR, MISS SARA L., confirmed, 9.

BLAKE, DENIS A., confirmed, 10.

BLAKE, MISS SARAH E., confirmed, 12.

BLIGH, MRS. MILDRED M., confirmed, 257.

BLOOD, MISS ELSIE M., confirmed, 9.

BLUMBERG, SAMUEL M., confirmed, 314.

BOCHICCHIO, MISS MARY D., confirmed, 365.

BOLAND, LAWRENCE F., confirmed, 9.

BOLLINGER, LLOYD V., confirmed, 13.

BOONE, MISS MIRIAM, confirmed, 93.

BORBIDGE, MRS. JANE C., confirmed, 12.

BOSCHERT, M. H., confirmed, 8.

BOSTON, ROBERT D., confirmed, 9.

BOWDEN, MISS MARY M., confirmed, 13.

BOWEN, JOHN W., confirmed, 14.

BOWERS, C. E., confirmed, 13.

BOWLES, MISS KATHARINE F., confirmed, 12.

BOWMAN, JOHN R., confirmed, 8.

BOYLE, MISS SARAH R., confirmed, 11.

BRADLEY, MRS. DOROTHY L., confirmed, 11.

BRANCATO, MISS ANNA M., confirmed, 209.

BRANDOLINI, T. A., confirmed, 365.

BRANDT, ROBERT J., confirmed, 12.

BRECKBILL, MRS. ELIZABETH, confirmed, 413.

BRENNAN, MISS CEAL M., confirmed, 365.

BRIGGS, MISS LOTTIE J., confirmed, 11.

BRIGHT, W. HARRY, confirmed, 12.

BRITT, MRS. MARY C., confirmed, 444.

BROCKEL, MISS LULU K., confirmed, 12.

BROGE, MISS LAURA, confirmed, 135.

BROUTHERS, MISS THELMA J., confirmed, 114.

BROWN, CHARLES F., confirmed, 627.

BROWN, CHARLES I., confirmed, 10.

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BRUESTLE, ANDREW W., confirmed, 13.

BRUNNER, E. A., confirmed, 8.

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BUNCE, JOSEPH R., confirmed, 10.

BUOB, FRED P. Jr., confirmed, 12.

BUPP, MISS HELEN E., confirmed, 13.

BURICK, MISS OLGA, confirmed, 9.

BURKE, EDMOND F., confirmed, 12.

BURKETT, D. Y., confirmed, 16.

BURNS, JOHN P., confirmed, 13.

BURROUGH, MISS BETTY I., confirmed, 13.

BUTTERWORTH, MRS. KATHRYN H., confirmed, 12.

BYLAND, MISS BETTY J., confirmed, 8.

BYRD, MISS ERCELLE G., confirmed, 11.

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CALIG, GEORGE LOUIS, confirmed, 8.

CAMARA, MRS. CLARA P., confirmed, 12.

CAMERON, J. MORTON, confirmed, 135.

CAMPBELL, A. E., confirmed, 11.

CAMPBELL, R. EUGENE, confirmed, 9.

CAMPBELL, SAMUEL C., confirmed, 471.

CAMPBELL, WILLIAM M., confirmed, 10.

CARBERRY, MRS. KATHRYN T., confirmed, 13.

CARLSON, CHARLES, confirmed, 135.

CARNEY, RAYMOND A., confirmed, 12.

CARRIGAN, ROBERT J., confirmed, 94.

CARROLL, MRS. CAROLYN L., confirmed, 15.

CARSON, MISS DOROTHY F., confirmed, 12.

CARTER, MISS MILDRED H., confirmed, 10.

CARVER, GOODWIN, confirmed, 12.

CASAZZA, MISS JENNIE D., confirmed, 13.

CASLEY, MISS MIRIAM, confirmed, 8.

CASSEDY, JAMES K., confirmed, 413.

CAVENEY, MISS KATHRYN, confirmed, 389.

CAVERLY, JAMES A., confirmed, 15.

CHALLIS, H. S., confirmed, 313.

CHANEY, SAMUEL B., confirmed, 258.

CHANTLER, MRS. MARGARET L., confirmed, 9.

CHEPIGAN, RALPH W., confirmed, 94.

CHURCHILL, MISS JOSEPHINE A., confirmed, 14.

CICCHITTI, MISS YOLANDA L., confirmed, 15.

CIOTOLA, JOS. A., confirmed, 8.

CIRINO, MISS JOHANNA, confirmed, 9.

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CLAFFEY, JAMES F., confirmed, 413.

CLAIR, WILLIAM A., confirmed, 12.

CLAPPER, MRS. VERA M., confirmed, 13.

CLARK, JAMES A., confirmed, 257.

CLARK, MISS MARY RUTH, confirmed, 314.

CLARK, RANDOLPH M., confirmed, 9.

CLARKE, MICHAEL J., confirmed, 209.

CLAWSON, MRS. SARA B., confirmed, 13.

CLEAR, CHARLES C., confirmed, 8.

CLEARY, MRS. EVA S., confirmed, 314.

CLEMENTS, MRS. MARIE R., confirmed, 11.

CLOKEY, SAMUEL, confirmed, 11.

COFFIN, DONALD R., confirmed, 114.

COHEN, MISS ESTHER, confirmed, 627.

COHEN, MEYER, confirmed, 314.

COHEN, MICHAEL M., confirmed, 12.

COHEN, NATHANIEL F., confirmed, 44.

COHEN, SYLVAN M., confirmed, 12.

COLE, MRS. LAURA D., confirmed, 444.

COLEMAN, T. G., confirmed, 258.

COLEY, J. FRANK, confirmed, 14.

COLLINS, ARTHUR F., confirmed, 12.

COLLINS, JAMES H., confirmed, 14.

COLLINS, JUDSON S., confirmed, 12.

COMPTON, WALTER F., confirmed, 168.

CONNERS, RAYMOND J., confirmed, 12.

CONNOLLY, MISS CATHERINE E., confirmed, 8.

CONOVER, SAMUEL D., confirmed, 8.

CONRAD, MRS. REBECCA GENE, confirmed, 10.

CONWAY, T. RAYMOND, confirmed, 390.

COOK, MRS. AGNES J., confirmed, 8.

COOK, DEAN F., confirmed, 13.

COOK, MISS M. JANET, confirmed, 79.

COOK, PERRY J., confirmed, 10.

COOPER, BEN S., confirmed, 9.

COOPER, ELI L., confirmed, 15.

COOPER, GORDON, confirmed, 10.

CORTESE, F. B., confirmed, 444.

COUP, MRS. KATHERINE P., confirmed, 258.

CRAWFORD, HAROLD R., confirmed, 11.

CREAGER, MRS. HENRIETTA W., confirmed, 10.

CREE, JOHN J., confirmed, 12.

CREIGHTON, S. J., confirmed, 113.

CRIBBS, JOHN R., confirmed, 14.

CRIMMINS, JOSEPH M., confirmed, 11.

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CROCKER, MISS EDNA M., confirmed, 9.

CROUCH, HARRY R., confirmed, 10.

CROWE, MISS MADELINE M., confirmed, 10.

CROWELL, MISS JUNE L., confirmed, 13.

CRUMM, MRS. EDNA, confirmed, 257.

CULLEN, MISS ESTHER M., confirmed, 8.

CUNNINGHAM, H. M., confirmed, 8.

CUNNINGHAM, J. P., confirmed, 11.

CUSTER, MISS FRANCES E., confirmed, 113.

CYWINSKI, JOSEPH V., confirmed, 113.

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DALES, EARL F., confirmed, 80.

DALFONSO, CHAS. R., confirmed, 13.

DALZELL, MRS. ETHEL E., confirmed, 9.

DAMERAU, RICHARD W., confirmed, 11.

DANAHEY, MISS ROSE, confirmed, 313.

DANKER, JOSEPH C., confirmed, 94.

DAVENPORT, MRS. ANNA T., confirmed, 9.

DAVIDSON, MISS AGNES N., confirmed, 277.

DAVIES, EDWARD M., confirmed, 80.

DAVIES, THOMAS G., confirmed, 15.

DAVIS, MRS. MYRTLE B., confirmed, 13.

DAVIS, WILLIAM K., confirmed, 365.

DEAN, MARSHALL H., confirmed, 10.

DEATRICK, MRS. ELINOR S., confirmed, 10.

deFONTENY, MISS IRENE M., confirmed, 12.

DEGENHARDT, HERBERT C., confirmed, 113.

DEGLER, JOHN C., confirmed, 314.

DeLANEY, MISS MIRIAM, confirmed, 444.

DELP, ERNEST M., confirmed, 15.

DEMPSEY, THEODORE, confirmed, 13.

DENKHAUS, GEORGE W., confirmed, 314.

DENSON, MRS. SHIRLEY V., confirmed, 80.

DePINTO, DANIEL, confirmed, 9.

DERR, E. ROBT., confirmed, 9.

DERRICKSON, MISS ELIZABETH M., confirmed, 10.

DETRICK, MISS MABEL, confirmed, 14.

DEVINE, HARRY T., confirmed, 472.

DIAMOND, MISS LILLIAN L., confirmed, 12.

DICKINSON, FRANCIS M., confirmed, 12.

DICKSON, MRS. HELEN S., confirmed, 15.

DIEHL, MRS. HILDA M., confirmed, 11.

DIETRICH, MRS. GERTRUDE B., confirmed, 9.

DILL, WILLIAM F., confirmed, 413.

DIMMIG, MISS MARIAN B., confirmed, 378.

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DiOLIO, ADAM R., confirmed, 390.

DIXON, MISS GERTRUDE M., confirmed, 10.

DOAK, JOSEPH, confirmed, 12.

DOHERTY, MISS ETHEL M., confirmed, 12.

DOHERTY, WILLIAM A., confirmed, 15.

DOMINICK A., RUGGIERO, confirmed, 114.

DOMSON, CHARLES L., confirmed, 12.

DONER, ISADORE, confirmed, 12.

DONNELLY, MRS. ESTHER, confirmed, 8.

DONNELLY, PAUL A., confirmed, 444.

DONOHOE, MISS KATHRYNE M., confirmed, 15.

DORAN, EIWOOD S., confirmed, 12.

DOUGHERTY, DANIEL L., confirmed, 13.

DOUGHERTY, JOHN J., confirmed, 135.

DOUGHERTY, MISS MARY T., confirmed, 472.

DOUGHERTY, N. F., confirmed, 113.

DOUGLAS, WM. G., confirmed, 14.

DOUGLASS, FRANK E. Jr., confirmed, 12.

DOWNEY, WILLIAM J., confirmed, 9.

DOWNS, MRS. SARAH T., confirmed, 15.

DOXEY, MRS. M. GROGAN, confirmed, 13.

DOYLE, WM. J. Jr., confirmed, 12.

DRANOFF, MRS. MADELINE K., confirmed, 44.

DRIZIN, HENRY, confirmed, 14.

DUCKWORTH, FERGUS E. Jr., confirmed, 8.

DUKES, THOMAS J., confirmed, 12.

DUNN, JOHN J., confirmed, 12.

DUNN, WILLIAM F. Jr., confirmed, 79.

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DUSHNEY, MISS MILDRED A., confirmed, 10.

DWYER, EDWARD R., confirmed, 365.

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EARLY, W. BURTS, confirmed, 12.

EBERWEIN, GEO. H., confirmed, 15.

EBY, JOSEPH B., confirmed, 9.

ECKEL, MISS MAY H., confirmed, 9.

ECKERSLEY, ROBERT N., confirmed, 10.

EDDINGER, CHESTER C., confirmed, 114.

EGER, JOSEPH S., confirmed, 8.

EGLI, MRS. ANN, confirmed, 9.

EGOLF, MRS. GRACE I., confirmed, 12.

EICHENSER, B., confirmed, 9.

EIFLER, RAYMOND E., confirmed, 8.

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EISENSMITH, MISS VERA M., confirmed, 13.

ELDER, GEORGE F. S., confirmed, 12.

ELDER, MISS MILDRED H., confirmed, 15.

ELLIOTT, MISS AGNES B., confirmed, 113.

ELLIOTT, HAROLD B., confirmed, 114.

ELLIOTT, JAMES A., confirmed, 11.

ELLIS, MRS. ESSIE L., confirmed, 13.

EMERY, MRS. MARAGARET S., confirmed, 13.

ENDERS, M. G., confirmed, 11.

ENGLER, MRS. MARY R., confirmed, 113.

ENOCH, MISS ADELINE E., confirmed, 11.

ERDLEY, MISS EDITH, confirmed, 14.

ERNST, MISS MARGARET J., confirmed, 11.

ESHELMAN, H. J., Jr., confirmed, 13.

ESHELMAN, W. C., confirmed, 10.

EVANS, MRS. AGNES S., confirmed, 198.

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EVERSON, WILLIAM E., confirmed, 12.

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EWING, HORACE E., confirmed, 8.

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FARLEY, GEORGE E., confirmed, 414.

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FARRELL, MISS AGNES M., confirmed, 12.

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FAVO, MRS. SARAH A., confirmed, 14.

FEDELI, JAMES A., confirmed, 8.

FEIGEL, HERBERT G., confirmed, 472.

FENZA, HENRY, confirmed, 10.

FERACO, A. J., confirmed, 11.

FERGUSON, EDWARD J., confirmed, 11.

FERGUSON, JOHN J., confirmed, 12.

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FIELD, EUGENE M., confirmed, 12.

FIELD, THOMAS H., confirmed, 14.

FINDURA, STEPHEN A., confirmed, 14.

FINK, HENRY, confirmed, 10.

FINTON, MISS ALICE G., confirmed, 14.

FINUSANE, MISS CATHERINE M., confirmed, 13.

FISCHER, JOHN B., confirmed, 15.

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FLACKER, HARRY, confirmed, 12.

FLETCHER, F. P., confirmed, 8.

FLICK, MANUEL A., confirmed, 12.

FLOOD, SAMUEL C., confirmed, 15.

FLOYD, MRS. EVELYN W., confirmed, 390.

FLUSSI, HARRY V., confirmed, 11.

FOLTZ, J. J., confirmed, 9.

FORMAN, MILTON, confirmed, 11.

FOSBENNER, NELSON L., confirmed, 15.

FOX, HAROLD A., confirmed, 12.

FOX, MISS JEANNETTE M., confirmed, 15.

FRACK, WILLIAM A., confirmed, 79.

FRANCE, GEORGE C., confirmed, 9.

FRANK, H. ALBERT, confirmed, 12.

FRANKEL, DAVID, confirmed, 15.

FRANKLIN, MISS SUELLA, confirmed, 15.

FRANKS, MISS HELEN G., confirmed, 9.

FRASER, MISS ELIZABETH P., confirmed, 11.

FRANZ, MRS. GERTRUDE, confirmed, 10.

FRIES, DESMOND, confirmed, 44.

FRIZELL, JOSEPH F., confirmed, 12.

FUERY, CHARLES J., confirmed, 15.

FULFORTH, MRS. EMILY D. C., confirmed, 80.

FULLER, MISS MARJORIE I., confirmed, 297.

FULMER, MISS M. LUCILLE, confirmed, 258.

G

GAFFNEY, MISS MARY C., confirmed, 44.

GAHUSE, JOEL, confirmed, 414.

GALLAGHER, MISS LILLIAN B., confirmed, 413.

GALLAHER, GEO. F., confirmed, 9.

GANDOLFI, JOSEPH E., confirmed, 413.

GANOE, PAUL A., confirmed, 11.

GARAN, MISS MARGARET, confirmed, 13.

GARDNER, FRANK O., confirmed, 8.

GARFINKEL, ALFRED E., confirmed, 79.

GARNER, WALTER G., confirmed, 11.

GARVEY, JAMES R., confirmed, 8.

GATES, MISS MARION, confirmed, 13.

GAUSE, HENRY C., confirmed, 11.

GEBRACHT, ARTHUR, confirmed, 167.

GEISINGER, MAHLON H., confirmed, 413.

GELINSKY, FRANK S., confirmed, 10.

GEORGE, MISS M. DIANE, confirmed, 8.

NOTARIES PUBLIC—Continued.

GEORGE, MRS. REGINA F., confirmed, 9.
GIBBONEY, MRS. VERTIE C., confirmed, 10.
GIBBONS, MRS. E. VANBRUNT, confirmed, 15.
GIBSON, MISS MABEL C., confirmed, 9.
GIFT, MRS. ELIZABETH A., confirmed, 297.
GIGER, MISS GRACE A., confirmed, 114.
GILBERT, MISS JEAN R., cnofirmed, 413.
GILLESPIE, MRS. FRANCES LAW, confirmed, 9.
GINGHER, MRS. M. M., confirmed, 10.
GIRARD, VICTOR F., confirmed, 427.
GIULIANO, WILLIAM M., confirmed, 365.
GLUCH, JOHN J., confirmed, 13.
GOHN, MISS SHIRLEY M., confirmed, 13.
GOLDEN, MISS J. A., confirmed, 14.
GORR, MISS W. MINERVA, confirmed, 13.
GOTTSCHALK, TIMOTHY M., confirmed, 11
GOVEKAR, MISS JENNIE, confirmed, 9.
GOWLAND, ROBERT T., confirmed, 11.
GRACEY, A. C., confirmed, 113.
GRAHAM, MRS. LOIS B., confirmed, 389
GREEN, ARTHUR F., confirmed, 471.
GREEN, MISS JEANNETTE, confirmed, 12.
GREENBARG, MISS RUTH V., confirmed, 12.
GREENBERG, LEON I., confirmed, 168.
GREENE, MISS MILDRED B., confirmed, 16.
GREENHALGH, EMIL L., confirmed, 9.
GRIEB, WILLIAM A., confirmed, 472.
GRIEDER, MISS ELSIE F., confirmed, 258.
GRIEWAHN, HENRY F., confirmed, 10.
GRIFFIN, WILLARD A. Jr., confirmed, 10.
GRIGGS, MISS THERESA C., confirmed, 12.
GRIM, HENRY K., confirmed, 14.
GRIMALDI, M. J., confirmed, 15.
GROS, CHARLES J., confirmed, 15.
GROSCOST, MISS LUCILLE, confirmed, 9.
GROSKIN, MISS HANNAH, confirmed, 14.
GROSS, ALFRED H., confirmed, 10.
GROSS, CHRIST, confirmed, 12.
GROSSMAN, MISS LILLIAN, confirmed, 10.
GROTE, MISS HELEN M., confirmed, 11.
GROTZ, MISS CAROLINE M., confirmed, 12.
GROZMAN, MISS RAE, confirmed, 9.
GRUBB, EDWARD J., confirmed, 15.
GUNSON, MSS RUTH M., confirmed, 12.

NOTARIES PUBLIC—Continued.

H

HAAS, BENJAMIN, confirmed, 15.
HAAS, MISS DOROTHY M., confirmed, 14.
HAAS, HENRY C., confirmed, 9.
HAEFNER, MISS MARY M., confirmed, 44.
HAIDLE, MRS. S. MARIE, confirmed, 14.
HALKA, JOSEPH A., confirmed, 12.
HALL, JOHN C., confirmed, 11.
HALL, WALTER C., confirmed, 9.
HALLEY, MRS. ESTELLA M., confirmed, 15.
HAMBURG, MRS. DOROTHY C., confirmed, 471.
HAMILTON, MISS MARIE S., confirmed, 14.
HAMM, PAUL M., confirmed, 14.
HAMMER, RICHARD E., confirmed, 80.
HANDY, MRS. RUBY M., confirmed, 14.
HARING, MISS KATHRYN X., confirmed, 198.
HARKNESS, MRS. MARIE B., confirmed, 9.
HARPER, A. C., confirmed, 10.
HARRIS, JULIAN J., confirmed, 12.
HARRIS, WILLIAM P., confirmed, 168.
HARTZ, MRS. DOROTHY M., confirmed, 14.
HARVEY, CHARLES T., confirmed, 10.
HARVEY, MRS. MARY A., confirmed, 10.
HARZE, HUBERT J. Jr., confirmed, 15.
HASKINS, E. E., confirmed, 13.
HAWS, EDWARD, confirmed, 209.
HAYCRAFT, MRS. MAE C., confirmed, 10.
HAYS, EDWIN S. S., confirmed, 15.
HAZEN, VICTOR L., confirmed, 10.
HEASLEY, MRS. AGNES A., confirmed, 10.
HEATH, MISS NORA S., confirmed, 11.
HEAVELOW, JOHN C., confirmed, 12.
HECK, GEO. H., confirmed, 209.
HECKERT, MRS. CATHERINE A., confirmed, 93.
HEFFELFINGER, MISS JULIA K., confirmed, 15.
HEFFERNAN, D. BERNARD, confirmed, 12.
HEFFRON, MRS. ELEANOR G., confirmed, 14.
HEIGES, CURVAN B., confirmed, 11.
HEILMAN, JACOB L., confirmed, 94.
HELFENBINE, FRANK H., confirmed, 14.
HELLER, MISS DOROTHEA L., confirmed, 12.
HELLER, F. E., confirmed, 11.
HENNESSY, MRS. BERTHA K., confirmed, 9.
HENNING, FRED H., confirmed, 365.
HENRY, HARRY S., confirmed, 12.

NOTARIES PUBLIC—Continued.

HEPLER, MISS MARJORIE D., confirmed, 258.
HERLEY, LOUIS P., confirmed, 10.
HERMAN, MRS. MIRIAM R., confirmed, 12.
HERMANSDORFER, A. F., confirmed, 8.
HERRINGTON, MRS. MARY R., confirmed, 10.
HERSCH, CHARLES H., confirmed, 135.
HESS, H. SHERRICK, confirmed, 14.
HESS, JOHN J. Jr., confirmed, 14.
HESSE, MISS ELSIE E., confirmed, 8.
HETLER, MISS BEATRICE, confirmed, 16.
HETZEL, WM. H., confirmed, 8.
HIBBS, WILLIAM T., confirmed, 158.
HICKS, R. H., confirmed, 8.
HILDEBRAND, MISS FERNELEY I., confirmed, 11.
HILL, E. M., confirmed, 15.
HILL, MISS EDNA M., confirmed, 114.
HILLEGASS, LESTER G., confirmed, 113.
HILLENBRAND, S. R., confirmed, 9.
HILLSMAN, MRS. HAZEL D., confirmed, 13.
HOCKELBERG, ROY P., confirmed, 9.
HOENEL, MISS PAULINE, confirmed, 10.
HOFFMAN, CHARLES, confirmed, 10.
HOFFMAN, EDWARD L., confirmed, 8.
HOFFMAN, JOHN M., confirmed, 8.
HOFFMAN, MISS M. LOUISE, confirmed, 11.
HOFFMAN, MARTN L., confirmed, 15.
HOFFMAN, MISS WILMA V., confirmed, 8.
HOFMANN, MISS HAZEL D., confirmed, 13.
HOKE, HUGH H., confirmed, 16.
HOLLAND, MRS. M. K., confirmed, 14.
HOLLIS, MISS BETTY, confirmed, 277.
HOLMES, JOHN L., confirmed, 10.
HOLSTEIN, MISS MARJORIE H., confirmed, 12.
HOLSTRUM, WALTER N., confirmed, 94.
HOOD, RAYMOND A., confirmed, 413.
HOPKINS, C. C., confirmed, 9.
HOPKINS, HENRY C., confirmed, 10.
HORTH, FLOYD M., confirmed, 10.
HORWITZ, EZRIL, confirmed, 159.
HOSMER, MISS ANN, confirmed, 8.
HOUCK, CHAS. G., confirmed, 16.
HOUSE, RAY W., confirmed, 113.
HOWER, ROBERT V., confirmed, 9.
HUBER, MISS FREDA M., confirmed, 16.
HUBER, MISS KATHARINE A., confirmed, 10.

NOTARIES PUBLIC—Continued.

HUGHES, EDWARD M., confirmed, 14.
HURTAK, MISS M. A., confirmed, 313.
HUNT, MRS. NAOMI, confirmed, 14.
HUNTER, MISS MARY S., confirmed, 15.
HUTTINGER, EDW. W. Jr., confirmed, 8.

I

IANNACCONNE, MISS LOUISE L., confirmed, 12.
IFFT, FRED T., confirmed, 9.
INCOLLINGO, MICHAEL, confirmed, 15.
IRVINE, LYNN McCREA, confirmed, 10.
IRWIN, FOREST B., confirmed, 472.

J

JACKSON, MRS. BERTHA E., confirmed, 14.
JACKSON, E. THORNTON Jr., confirmed, 12.
JACKSON, MISS MARY ANNA, confirmed, 43
JANKER, MISS A. ROSE, confirmed, 257.
JENKINS, J. CLIFFORD, confirmed, 413.
JOHNSON, MISS ALICE E., confirmed, 12.
JOHNSON, MRS. MARTHA W., confirmed, 14.
JOHNSON, MAURICE M., confirmed, 11.
JOHNSON, NED, confirmed, 16.
JOHNSON, RUFUS B., confirmed, 15.
JOHNSTON, HOWARD B., confirmed, 15.
JOHNSTON, WADE, confirmed, 365.
JOLLIFFE, MRS. MARIE E., confirmed, 8.
JOLLOWSKY, MRS. IDA, confirmed, 13.
JONES, MISS ANNA M., confirmed, 11.
JONES, DONALD S., confirmed, 8.
JONES, H. S., confirmed, 8.
JONES, JAMES G., confirmed, 9.
JONES, MRS. JOSEPHINE F., confirmed, 12
JONES, R. J., confirmed, 8.
JONES, MISS RUTH L., confirmed, 9.
JORDAN, MISS ALMA A., confirmed, 8.
JUNE, CHARLES K., confirmed, 8.

K

KAPLAN, MISS GERTRUDE, confirmed, 12
KARSCHNER, HOWARD, confirmed, 9.
KATZ, MISS LEAH, confirmed, 277.
KEAR, MRS. RAE F., confirmed, 444.
KEARNS, MISS CAROL M., confirmed, 11
KEICHEL, MISS ELSIE, confirmed, 15.
KELCHNER, RALPH E., confirmed, 79.
KELLER, MISS EVELYN L., confirmed, 15
KELLER, MISS R. JANE, confirmed, 80.

NOTARIES PUBLIC—Continued.
KELLER, WILLIAM S., confirmed, 12.
KELLOW, MRS. ESTHER C., confirmed, 540.
KELLOW, WARREN J., confirmed, 15.
KELLY, MISS VIRGINIA A., confirmed, 257.
KELSCH, NORBERT S., confirmed, 9.
KEOUGH, LOUIS F., confirmed, 14.
KERBER, R. L., confirmed, 114.
KERNS, MRS. ANNA MAY, confirmed, 505.
KERR, S. L., confirmed, 10.
KERSTETER, MISS GRACE E., confirmed, 11.
KERSTEIN, LAWRENCE J., confirmed, 9.
KESSINGER, MRS. CATHERINE C., confirmed, 593.
KETTERING, MISS ELIZABETH V., confirmed, 11.
KIMBEL, RODMAN S., confirmed, 15.
KIMBEL, WM. K., confirmed, 12.
KING, ANDREW, confirmed, 9.
KING, MISS LILLIAN B., confirmed, 13.
KIRK, MISS RACHEL K., confirmed, 9.
KLEIN, WILLIAM H., confirmed, 12.
KLINGEL, JOS. V., confirmed, 15.
KNOUSE, H. W., confirmed, 14.
KOCH, HARRY G, confirmed, 9.
KOCHEL, WARREN W., confirmed, 14.
KOHLHAAS, MISS IDA A., confirmed, 313.
KOONTZ, MRS. HELEN N., confirmed, 257.
KOPPELMAN, DANIEL, confirmed, 80.
KORBA, E. W., confirmed, 80.
KOSTENBAUDER, HARRY Jr., confirmed, 10.
KRAMER, EDWARD F., confirmed, 10.
KRAMER, DANIEL N., confirmed, 15.
KRATZINGER, MRS. CATHARINE, confirmed, 12.
KRAUSS, PAUL A., confirmed, 12.
KREBS, MRS. ESTHER C., confirmed, 472.
KRINER, ARTHUR F., confirmed, 44.
KROTZER, MISS EDITH M., confirmed, 12.
KROUT, C. D., confirmed, 13.
KUHN, ANDREW C., confirmed, 314.
KULONDA, MISS ANNE, confirmed, 9.

L

LADNER, MRS. MARY L., confirmed, 11.
LAFFERTY, JOHN A., confirmed, 16.
LAING, J. W., confirmed, 10.
LAMPE, MISS JANE, confirmed, 9.
LAMPERT, WALTER J., confirmed, 8.
LANDBERG, JOHN N., confirmed, 12.

NOTARIES PUBLIC—Continued.
LANDIS, SAMUEL F., confirmed, 15.
LANE, FRANKLIN L., confirmed, 135.
LANGAN, MRS. ANNA K., confirmed, 16.
LANGER, A. O., confirmed, 15.
LANGHAM, MISS LOUISE E., confirmed, 9.
LAPP, MISS EDITH M., confirmed, 258.
LARKIN, EDWARD M., confirmed, 167.
LaROSS, MISS ANNA MAE, confirmed, 94.
LAUGHERY, CHARLES W., confirmed, 15.
LAUGHLIN, MRS. VERYL R., confirmed, 10.
LAUTENBACH, MISS CLARA M., confirmed, 16.
LAVIN, MRS. ESTHER J., confirmed, 168.
LAWLER, MISS MARY R., confirmed, 11.
LAWRENCE, MRS. MARION L., confirmed, 10.
LAYSER, MISS FERNE R., confirmed, 11.
LEABHART, J. W., confirmed, 9.
LeCLAIR, ARTHUR A., confirmed, 13.
LEHMAN, MRS. MABEL S., confirmed, 258.
LEIBER, MITCHELL, confirmed, 11.
LEICHER, WILLIAM, confirmed, 9.
LEIS, PAUL A., confirmed, 14.
LENETSKY, PHILIP, confirmed, 314.
LESHER, HAROLD, confirmed, 15.
LESTER, MISS DOROTHY V., confirmed, 9.
LETKI, MISS CECELIA, confirmed, 14.
LEVIN, PHILIP, confirmed, 16.
LEWIS, FRED W., confirmed, 94.
LEWIS, ROY, confirmed, 16.
LIND, MRS. SARA E., confirmed, 80.
LINDBERG, MISS PAULINE H., confirmed, 8.
LINGLE, RALPH A., confirmed, 12.
LININGER, MISS RUTH A., confirmed, 11.
LINKER, MISS MARY A., confirmed, 13.
LIVERMORE, ARTHUR C., confirmed, 378.
LIVINGSTONE, H. P., confirmed, 15.
LOCK, PHILIP, confirmed, 12.
LOGAN, E. B., confirmed, 8.
LOGAN, MISS HELEN G., confirmed, 9.
LONG, MISS LILLIAN M., confirmed, 13.
LONG, MRS. SARA J., confirmed, 11.
LOUIS, MRS. CLARA E., confirmed, 80.
LOURIMORE, FRED, confirmed, 158.
LUDESCHER, MISS DORIS M., confirmed, 114.
LUDINE, JOHN F., confirmed, 471.

NOTARIES PUBLIC—Continued.

LUPCO, JOS. A., confirmed, 11

LUTTON, HARRY H., confirmed, 13.

LUX, MISS CATHERINE M., confirmed, 627.

LYNCH, MISS JANE A., confirmed, 9.

LYNCH, RALPH H., confirmed, 93.

LYNN, LEO L., confirmed, 9.

LYON, MRS. FRANCES K., confirmed, 10.

M

MacDONALD, GEORGE H., confirmed, 12.

MACFARLAND, ALFRED S., confirmed, 277.

MACHESNEY, A. S., confirmed, 135.

MACK, MISS GRACE E., confirmed, 12

MACKIEWICZ, ADAM F., confirmed, 258.

MACLAUGHLIN, MISS EDNA M., confirmed, 8.

MacPEEK, MRS. MARION C., confirmed, 11.

MADDEN, LAWRENCE J. Jr., confirmed, 12

MADDOCK, THOMAS, confirmed, 378.

MAI, MRS. TERESA M., confirmed, 80.

MAINS, CHARLES V., confirmed, 11.

MAKIBBIN, MISS BETTY, confirmed, 9.

MALAVECKY, CHARLES A., confirmed, 11.

MALLOY, LEO J., confirmed, 12.

MALONEY, MAX B., confirmed, 10.

MALONEY, REGIS J., confirmed, 14.

MARCINO, WILLIAM M., confirmed, 12.

MARCUS, MRS. MARIE H., confirmed, 297.

MARK, MISS MARTHA J., confirmed, 16.

MARSHALL, JOHN H., confirmed, 9.

MARTIN, CHARLES B., confirmed, 11.

MARTIN, H. H. Jr., confirmed, 10.

MARTIN, MRS MARGARET D., confirmed, 15.

MARTIN, MISS MARY T., confirmed, 168.

MARTSOLF, PHILIP, confirmed, 9.

MASTERS, J. C., confirmed, 11.

MATHEWS, JOHN J., confirmed, 16.

MATHEWSON, CRAIG C., confirmed, 11.

MATHIESON, D. LLOYD, confirmed, 413.

MATSKO, MISS ANNE F., confirmed, 9.

MATTSON, MISS BEATRICE, confirmed, 12.

MAUGER, WALTER E., confirmed, 12.

MAURER, LEWIS S., confirmed, 15.

MAURER, MRS. RUTH G., confirmed, 14.

MAURHOFF, OLIVER M., confirmed, 14.

MAXWELL, MISS LILLIAN E., confirmed, 12.

MAYERS, STANLEY P., confirmed, 12.

NOTARIES PUBLIC—Continued.

MAYFIELD, JOHN H., confirmed, 14.

MAZZEO, MISS ROSE, confirmed, 16.

McAFEE, MISS NANCY L., confirmed, 13.

McALLISTER, MISS IDA, confirmed, 8.

McBETH, ARTHUR R., confirmed, 9.

McBRIDE, MRS. MAXINE W., confirmed, 11.

McCAFFERTY, MISS MARGARET C., confirmed, 277.

McCAHAN, W. H., confirmed, 9.

McCALL, JOHN, confirmed, 12.

McCANN, MISS ANNA E., confirmed, 8.

McCARNEY, MRS. MARGARET T., confirmed, 15.

McCLAIN, MISS MARY A., confirmed, 627.

McCLOY, JOHN S., confirmed, 13.

McCLUNG, MRS. DIRCE S., confirmed, 413.

McCORMICK, MISS G. L., confirmed, 13.

McCRADY, LEVI C., confirmed, 314.

McCREA, JOHN, confirmed, 13.

McCULLOUGH, MISS ANNE, confirmed, 10.

McDADE, MISS TERESA A., confirmed, 10.

McDERMOTT, MISS MARY B., confirmed, 8.

McDONAL, EDGAR F., confirmed, 9.

McDOUGALL, MRS. BERTHA H., confirmed, 8.

McGINNIS, MISS MARIE A., confirmed, 8.

McGRATH, MISS MARGARET M., confirmed, 94.

McINTYRE, MISS FLORENCE B., confirmed, 11.

McKAY, MISS CATHERINE M., confirmed, 11.

McKINLEY, D. F., confirmed, 8.

McKIVIGAN, MISS GRACE, confirmed, 9.

McPEAK, MISS MARGARET V., confirmed, 12.

MEADE, AMBROSE J., confirmed, 313.

MECHLING, MISS JOSEPHINE J., confirmed, 10.

MEDDOCK, MRS. RUBY Y., confirmed, 12.

MEEHAN, MISS WINIFRED, confirmed, 444.

MEGAY, HAROLD W., confirmed, 11.

MEHOVICS, MISS HELEN G., confirmed, 9.

MEIER, MRS. KATHERINE G., confirmed, 9.

MEISER, MISS MAE I., confirmed, 11.

MELLOR, JESS B., confirmed, 314.

MENEFEE, SAM W. Jr., confirmed, 10.

MENEPACE, CHARLES M., confirmed, 11.

MENGELE, MISS CATHERINE, confirmed, 365.

MENNELL, VERNON G., confirmed, 9.

MENTZER, MISS MENA D., confirmed, 15.

MENZIES, ROBERT FORGAN, confirmed, 12.

MERTZ, MRS. MARGARET G., confirmed, 11.

NOTARIES PUBLIC—Continued.

MESSINGER, ARLAND I., confirmed, 14.
METZGAR, LLOYD T., confirmed, 11.
MEYER, OSCAR J., confirmed, 9.
MICHAELWITZ, MISS SARA N., confirmed, 135.
MICK, MRS. EDNA M., confirmed, 390.
MIELCAREK, JOSEPH, confirmed, 15.
MILEWSKI, MISS MARY MARCIA, confirmed, 471.
MILLER, ALBERT H., confirmed, 94.
MILLER, MISS BEATRICE M., confirmed, 11.
MILLER, MRS. DOROTHY F., confirmed, 16.
MILLER, EARL R., confirmed, 198.
MILLER, MISS IRENE F., confirmed, 14.
MILLER, JOHN I., confirmed, 9.
MILLER, MISS MARGARET C., confirmed, 11.
MILLER, MRS. MARGARET V., confirmed, 390.
MILLHOUSE, MRS. ELSIE, confirmed, 11.
MILLINGTON, RAYMOND L., confirmed, 12.
MINNICK, JOSEPH D., confirmed, 93.
MISCAVIGE, ANTHONY V., confirmed, 11.
MITCHELL, MISS MARY A., confirmed, 314.
MITCHELL, S. KEENE Jr., confirmed, 11.
MITTELMAN, SAMUEL K., confirmed, 10.
MOESTA, MISS EMMA M., confirmed, 12.
MOFFAT, T. R., confirmed, 11.
MOLL, MISS MINNIE I., confirmed, 8.
MOLLOY, MISS MARGARET R., confirmed, 9.
MOLTER, RAYMOND E., confirmed, 94.
MONSON, ROBERT B., confirmed, 12.
MONTEFUSCO, JOHN, confirmed, 16.
MOONEY, JAMES L., confirmed, 8.
MOORE, MISS EDITH E., confirmed, 10.
MOORE, MRS. ESTHER C., confirmed, 11.
MOORE, EUGENE N., confirmed, 9.
MOORE, JOHN C., confirmed, 159.
MOORE, JOHN W., confirmed, 10.
MOORE, JOSEPH B., confirmed, 168.
MORONEY, MISS LOYOLA, confirmed, 257.
MORRISON, FRANK A., confirmed, 9.
MORRISON, RAYMOND F., confirmed, 12.
MORROW, GILBERT L., confirmed, 9.
MOSER, MISS MARGARET A., confirmed, 11.
MOSHIER, LEON S., confirmed, 14.
MOYER, MRS. EMMA F., confirmed, 11.
MOYER, MISS ORPHA, confirmed, 12.
MUELLER, C. H., confirmed, 9.

NOTARIES PUBLIC—Continued.

MUIR, MISS RUTH C., confirmed, 15.
MULLEN, MRS. MARY E., confirmed, 12.
MUMMA, ORBIA S., confirmed, 389.
MUNDY, MISS SUSAN, confirmed, 79.
MUNZ, MISS DOLORES A., confirmed, 10.
MURDOCK, CRESSON D., confirmed, 16.
MURPHY, MISS DOROTHY V., confirmed, 10.
MURPHY, MISS FRANCES A., confirmed, 12.
MURPHY, MRS. MARIE C., confirmed, 8.
MURRAY, C. R., confirmed, 8.
MURRAY, MISS GARE A., confirmed, 12.
MURRAY, MICHAEL D., confirmed, 14.
MUSHLER, MISS FLORENCE L., confirmed, 16.
MUZYK, MISS OLGA, confirmed, 8.
MYERS, ANDREW J. Jr., confirmed, 15.
MYERS, MRS. MARGAET T., confirmed, 44.

N

NAGLE, ANDREW J., confirmed, 15.
NAGLE, MRS. YVETTE F., confirmed, 168
NALITZ, MISS JEAN ANN, confirmed, 8.
NEELY, THOMAS W. Jr., confirmed, 314.
NEFF, MISS ALICE, confirmed, 198.
NEFF, HARRY L., confirmed, 14.
NELSON, R. B., confirmed, 10.
NEWCOMER, MISS MARJORIE, confirmed, 80.
NORRIS, MISS DOROTHY J., confirmed, 16.
NORTHAMER, HARRY R., confirmed, 114.
NOSKIN, MISS BEATRICE R., confirmed, 16.
NUGENT, JAMES S. HALON, confirmed, 80.
NULTON, MISS LOUISE, confirmed, 389.
NURNBERG, MISS EVELYN, confirmed, 11.

O

OATES, JOHN F., confirmed, 16.
OBERHOLTZER, EARLE M., confirmed, 11.
O'CONNOR, PATRICK F., confirmed, 14.
O'DAY, MRS. BETTY WHITE, confirmed, 11.
O'DONOGHUE, MISS C., confirmed, 12.
O'DONNELL, JOHN J., confirmed, 15.
OHL, G. R., confirmed, 10.
OJA, MISS ELVIRA W., confirmed, 10.
O'KANE, MRS. PAULINE, confirmed, 9.
O'KEEFE, FRANCIS P., confirmed, 314.
O'LAUGHLIN, JOHN M., confirmed, 80.
OLSON, MISS LILLY C., confirmed, 10.
OLIVER, LOUIS, confirmed, 113.

NOTARIES PUBLIC—Continued.

OLVER, FRED A., confirmed, 10.

O'NEILL, ELMER D., confirmed, 114.

O'SHEA, MRS. VIOLA B., confirmed, 9.

OSSIP, SYDNEY, confirmed, 158.

OSTERSTOCK, MISS FAN M., confirmed, 15.

OTT, GEORGE W., confirmed, 444.

OTTEY, ALBIN P., confirmed, 10.

OURS, MRS. DOROTHY, confirmed, 9.

OVERLY, TRUMAN H., confirmed, 390.

OVINGTON, GEORGE III, confirmed, 16.

P

PAGANO, MRS. ROSE A., confirmed, 12.

PAGE, M. L., confirmed, 10.

PANDOLFI, LIVIO, confirmed, 12.

PARKER, WILLIAM P., confirmed, 14.

PATERSON, ALBERT, confirmed, 168.

PATNIK, MISS IRENE E., confirmed, 314.

PATRICK, J. J., confirmed, 8.

PATTISON, THOS. T., confirmed, 12.

PATTERSON, MISS FLORA A., confirmed, 10.

PATTERSON, MRS. JEAN B., confirmed, 114.

PATTERSON, WILLIAM L., confirmed, 15.

PAUL, WILLIAM J., confirmed, 16.

PAYONK, JOSEPH F. Jr., confirmed, 15.

PEACOCK, JAS. C., confirmed, 14.

PEARSON, MISS G. E., confirmed, 314.

PEASLEY, CHARLES E., confirmed, 277.

PECK, G. PAUL, confirmed, 80.

PECKMAN, WAYNE F., confirmed, 14.

PELL, MISS JOSEPHINE, confirmed, 13.

PELTZ, HENRY, confirmed, 258.

PERKINS, MRS. ALYCE D., confirmed, 15.

PETERMAN, MISS CAROLYN, confirmed, 365.

PETERS, HIRAM M., confirmed, 16.

PETERS, J. C., confirmed, 10.

PETRIE, MRS. VIRGINIA H., confirmed, 8.

PETTIT, SILAS W., confirmed, 12.

PFEIFFER, JOSEPH A., confirmed, 11.

PHILLIPS, J. CHARLES, confirmed, 11.

PHILLIPS, MISS EMILY A., confirmed, 11.

PHILLIPS, MISS IRNA A., confirmed, 14.

PHILLIPS, RAYMOND A., confirmed, 12.

PICCONE, ARTHUR J., confirmed, 11.

PIERCE, MRS. IRENE M., confirmed, 15.

PIERPONT, J. R., confirmed, 13.

NOTARIES PUBLIC—Continued.

PILSTON, GEO. Jr., confirmed, 8.

PINGELLI, VINCENT A., confirmed, 11.

PIRRAGLIA, JOSEPH F., confirmed, 314.

POET, MILTON F., confirmed, 9.

POGAN, MISS GERTRUDE, confirmed, 14.

POLLEY, KENNETH L., confirmed, 15.

POMERANTZ, MISS ESTHER M., confirmed, 44.

POMILIO, JOHN WILLIAM, confirmed, 414.

POORMAN, ERNEST, confirmed, 11.

PORTENIER, D. E., confirmed, 10.

PORTER, HAROLD A., confirmed, 10.

PORTER, KENNETH, confirmed, 10.

POTTS, ROBERT T., confirmed, 11.

POWERS, MARTIN J., confirmed, 12.

PRATHER, JOHN B., confirmed, 14.

PRICE, ERNEST R., confirmed, 79.

PRICE, JONES D., confirmed, 11.

PRINGLE, ROBERT L., confirmed, 14.

PUGH, MRS. VERNICE M., confirmed, 277.

Q

QUINN, MISS MARY A., confirmed, 10.

R

RAFFERTY, DANIEL J., confirmed, 12.

RAMSEY, HARRY E., confirmed, 505.

RANWATS, MISS JOSEPHINE M., confirmed, 593.

RANKIN, A. K., confirmed, 13.

RANKIN, W. P., confirmed, 9.

RAPSEY, MISS N. SUE, confirmed, 593.

RASTATTER, EUGENE J., confirmed, 15.

RASTELLI, MISS MARY, confirmed, 427.

RAUDENBUSH, MRS. MARY, confirmed, 11.

RAUTH, ALBERT G., confirmed, 13.

RAY, MRS. ANNA W., confirmed, 414.

REAGLE, J. HOMER, confirmed, 471.

REAPE, MARTIN J., confirmed, 11.

REBMAN, MRS. M. CATHARINE, confirmed, 80.

RECTENWALD, HARRY, confirmed, 9.

REED, HARRY W., confirmed, 258.

REEP, MISS MILDRED A., confirmed, 314.

REESER, DICK M., confirmed, 16.

REGESTER, ALVIN J., confirmed, 8.

REHM, WILLIAM C., confirmed, 15.

REINBOLD, MISS MARION E., confirmed, 10.

RENNINGER, MISS V. G., confirmed, 10.

RESHES, EMANUEL J., confirmed, 114.

NOTARIES PUBLIC—Continued.

RESSLER, JAMES F., confirmed, 9.

REYNOLDS, MRS. WINIFRED V., confirmed, 16.

RICE, MISS MARGARET H., confirmed, 10.

RICHARDS, MISS M. ALICE, confirmed, 9.

RICHARDS, MRS. GLADYS MALE, confirmed, 209.

RICHARDS, MRS. MARGARET M., confirmed, 8.

RICHMOND, VICTOR J., confirmed, 15.

RICKARDS, MISS DOROTHY, confirmed, 15.

RIDDLE, WM. L., confirmed, 44.

RIESING, MRS. MARY F., confirmed, 16.

ROBB, MRS. MARJORIE D., confirmed, 14.

ROBINSON, MISS EDNA M., confirmed, 114.

ROBINSON, MISS JEAN, confirmed, 14.

ROBINSON, MISS MARGARET J., confirmed, 11.

ROBINSON, ROBERT A., confirmed, 167.

RODENBOH, ELWOOD H., confirmed, 10.

RODGER, MISS ELEANOR, confirmed, 389.

ROGERS, FOREST R., confirmed, 10.

ROGNER, MISS ETHEL D., confirmed, 9.

ROHRDAN, WALTER J., confirmed, 13.

ROMITO, ANDREW S., confirmed, 198

ROOP, ALBERT L., confirmed, 414.

ROSEN, GEORGE, confirmed, 16.

ROSEN, MORRIS, confirmed, 10.

ROSENSTEIN, MRS. DOROTHY, confirmed, 414.

ROSS, FRANKLIN L., confirmed, 15.

ROTH, MISS HELEN G., confirmed, 8.

ROWE, MRS. ELIZABETH R., confirmed, 94.

RUBIN, MAX J., confirmed, 258.

RUBIN, MORTON A., confirmed, 12.

RUMMEL, MISS MARGARET, confirmed, 14.

RUPP, CLARENCE J., confirmed, 10.

RUSSELL, MRS. KATHRYN L., confirmed, 15.

RUSSELL, MISS S. V., confirmed, 14.

RUTMAN, MISS FRANCES H., confirmed, 11.

RYAN, MISS MARY JANE, confirmed, 9.

RYLAND, J. J., confirmed, 9.

RZEPSKI, STANLEY C., confirmed, 16.

S

SABLES, MISS ELIZABETH T., confirmed, 198.

SALEN, MISS MARJORIE L., confirmed, 10.

SALISBURY, ELIJAH T., confirmed, 258.

SALLY, JACK J., confirmed, 16.

SANDERS, JOSEPH T., confirmed, 14.

SANKEY, MISS MARGARET J., confirmed, 79.

NOTARIES PUBLIC—Continued.

SAWYER, MRS. MABEL C., confirmed, 12.

SCHAAF, ROBERT A., confirmed, 10.

SCHANBACHER, MISS ALICE L., confirmed, 15.

SCHAUB, GERARD W., confirmed, 167.

SCHIAVO, LOUIS, confirmed, 413.

SCHICK, MISS EVELYN A., confirmed, 168.

SCHIMMEL, MRS. ALICE M., confirmed, 10.

SCHMIDT, MISS FRIEDA, confirmed, 80.

SCHNEEBERG, CHAS., confirmed, 11.

SCHOFIELD, GEORGE J. Jr., confirmed, 378.

SCHNEIDER, CHARLES W., confirmed, 11.

SCHNEIDER, BERNARD F., confirmed, 14.

SCHERTLER, JOSEPH O., confirmed, 8.

SCHRECK, EDWARD G., confirmed, 80.

SCHREIBER, MISS FRIEDA J., confirmed, 9.

SCHROEDER, JOSEPH A., confirmed, 390.

SCHULTZ, MRS. CHARLOTTE F., confirmed, 168.

SCHURGOT, EMIL, confirmed, 12.

SCHWABENBAUER, MISS BEATRICE M., confirmed, 505.

SCHWARTZ, MRS. ANNA B., confirmed, 12.

SCHWARTZER, MISS LOUISE, confirmed, 11.

SCHWATT, MRS. HAZEL W., confirmed, 10.

SCHWING, EMIL C., confirmed, 93.

SCIULLO, MISS VERA, confirmed, 9.

SCOTT, MRS. ADA R., confirmed, 8.

SCOTT, MISS ELVERIA G., confirmed, 8.

SCOTT, MISS FRANCES A., confirmed, 80

SCULLIN, ROBERT E., confirmed, 16.

SCURICH, FRANK, confirmed, 14.

SEARIGHT, NORTON B., confirmed, 14.

SEGAL, MISS SARA B., confirmed, 16

SEIDERS, C. L., confirmed, 627.

SEILER, W. L., confirmed, 198.

SEITZINGER, WILLIAM, confirmed, 79

SEITZ, RUSSELL, confirmed, 113.

SELL, ROLAND J., confirmed, 8.

SENATORE, FRANK A., confirmed, 11.

SEVERLING, EDWARD L., confirmed, 389.

SEWERS, MISS BETTY M., confirmed, 15.

SEYLER, MISS IDESSA, confirmed, 389.

SEYLER, MRS. KATHRYN M., confirmed, 9.

SHADLE, LUTHER W., confirmed, 12.

SHAFFER, CLARENCE R., confirmed, 390.

SHAFFER, MISS IRMA M., confirmed, 11.

SHAFFNER, MISS CATHERINE L., confirmed, 113.

NOTARIES PUBLIC—Continued.

SHANK, CHARLES E., confirmed, 14.
SHANKS, PAUL D., confirmed, 14.
SHAW, DICKSON C., confirmed, 9.
SHEEN, MRS. E. E., confirmed, 11.
SHIRK, NORMAN S., confirmed, 9.
SHOLES, EBER C., confirmed, 9.
SHOTWELL, MRS. BLANCHE K., confirmed, 11.
SHOTZBERGER, MISS ELIZABETH, confirmed, 15.
SHULTZ, MISS ALICE M., confirmed, 15.
SHULTZ, JOHN D., confirmed, 15.
SILVERT, MRS. FRANCES F., confirmed, 16.
SIMON, HARRY L., confirmed, 15.
SIMONS, MISS DOROTHY, confirmed, 14.
SIMONS, WILLIAM H., confirmed, 10.
SIMPSON, MISS BEATRICE M., confirmed, 10.
SIMS, MISS MARY, confirmed, 12.
SIPOTZ, JULIUS G., confirmed, 168.
SISTER MARIA ALMA, confirmed, 389.
SKAROFF, HERMAN L., confirmed, 11.
SKAPIK, MARTIN S. J., confirmed, 9.
SKILLCORN, WILLIAM Sr., confirmed, 16.
SKONETZNI, EDWARD A., confirmed, 8.
SLOOP, MISS LOIS E., confirmed, 8.
SMALLWOOD, PERCY S., confirmed, 12.
SMILEY, ELMER, confirmed, 12.
SMITH, A. BRUCE, confirmed, 15.
SMITH, DARWIN D., confirmed, 13.
SMITH, D. C., confirmed, 314.
SMITH, FRED E., confirmed, 11.
SMITH, GEORGE V., confirmed, 10.
SMITH, HARRISON M., confirmed, 11.
SMITH, MISS MAYME, confirmed, 15.
SMITH, THOMAS T., confirmed, 9.
SMITH, WALTER J., confirmed, 12.
SNYDER, HOWARD L., confirmed, 80.
SOETE, HENRY G., confirmed, 16.
SOKOLIC, MISS FREDA, confirmed, 12.
SOOK, GEORGE L., confirmed, 10.
SPANGENBERG, MRS. RUTH E., confirmed, 168.
SPEAKMAN, VERNON B., confirmed, 14.
SPENCE, MRS. FRANCES C., confirmed, 113.
SPEVAK, ENGELBERT C., confirmed, 390.
SPIGLER, MRS. LENORA S., confirmed, 11.
SPINE, P. R., confirmed, 8.
SPRANKLE, GEORGE D., confirmed, 15.

NOTARIES PUBLIC—Continued.

SPRANKLE, MISS LORA J., confirmed, 10.
SPURLOCK, WILLIAM F., confirmed, 9.
STAHL, SIMON J., confirmed, 11.
STAHLMAN, HAROLD C., confirmed, 257.
STALEY, MISS DOROTHEA M., confirmed, 13.
STAMMELBACH, ALBERT E., confirmed, 9.
STANOVICH, MRS. PAULINE C., confirmed, 93.
STAPLES, MISS GLORIA H., confirmed, 14.
STARK, MISS EDNA B., confirmed, 8.
STEFANY, MISS ANNA E., confirmed, 135.
STEIN, MRS. ESTHER V., confirmed, 12.
STEINHARDT, MRS. IDA S., confirmed, 15.
STEPHENSON, MISS HELEN G., confirmed, 80.
STEVENSON, MISS V., confirmed, 16.
STEWART, MISS ETHEL E., confirmed, 10.
STEWART, J. P., confirmed, 8.
STICKRETH, MRS. H. A., confirmed, 10.
STITELER, G. WILSON, confirmed, 80.
STOREY, MISS MARY T., confirmed, 14.
STORMER, ROY C., confirmed, 43.
STORY, AUSTIN, confirmed, 14.
STRAUSE, MISS ALMA E., confirmed, 313.
STRICHKO, ANDREW E., confirmed, 14.
STRIPAY, MISS ANN M., confirmed, 11.
STROUT, MRS. MADELINE ARNTS, confirmed, 15.
STUDT, MRS. JESSIE B., confirmed, 9.
STUEMPFLE, HAROLD J., confirmed, 16.
SULLIVAN, T. GERALD, confirmed, 9.
SUNDER, C. E., confirmed, 16.
SWAN, R. KENNETH, confirmed, 8.
SWAN, MISS PAULINE H., confirmed, 43.
SWEENEY, MISS M. EILEEN, confirmed, 10.
SWINGLE, MISS HELEN M., confirmed, 11.
SZPAKOWSKI, MISS EMMA F., confirmed, 13.

T

TABB, MISS WINIFRED M., confirmed, 10.
TAIT, MISS RUTH A., confirmed, 16.
TALLARICO, MISS SINIA J., confirmed, 11.
TANTLINGER, FRANK, confirmed, 13.
TAYLOR, MISS FLORENCE A., confirmed, 14.
TAYLOR, MEYER, confirmed, 12.
TAYLOR, MISS N. ELIZABETH, confirmed, 114.
TAYLOR, MISS S. ELIZABETH, confirmed, 11.
TEMPLIN, MISS LEAH M., confirmed, 114.
TENOR, THEODORE A., confirmed, 9.

NOTARIES PUBLIC—Continued.

TEUFEL, MISS FLORENCE C., confirmed, 13.

THATCHER, ALBERT J., confirmed, 9.

THAYER, RICHARD L., confirmed, 8.

THOMAS, D. E., confirmed, 11.

THOMAS, MRS. ELSIE BOORSE, confirmed, 11.

THOMAS, MISS EVELYN, confirmed, 8.

THOMPSON, F. H., confirmed, 444.

THOMPSON, MISS HELEN L., confirmed, 14.

THOMPSON, PAUL L., confirmed, 10.

TICKNOR, MRS. ESTHER J., confirmed, 12.

TIFFANY, HERBERT T., confirmed, 9.

TIPTON, MISS EVELYN I., confirmed, 8.

TOMASHOSKY, MISS CATHARINE, confirmed, 80.

TOMLINSON, MRS. MARY, confirmed, 12.

TOEPFER, MISS MARGARET A., confirmed, 11.

TRAFICANTE, PHILLIP J., confirmed, 12.

TROXELL, CLAIR G., confirmed, 314.

TRUST, CHARLES L., confirmed, 314.

TUMMINELLO, MRS. MARY, confirmed, 9.

TURNER, MRS. BESSIE C., confirmed, 12.

U

UHLMAN, HARRY W., confirmed, 12.

UMBARGER, ROBERT C., confirmed, 16.

UMSTEAD, MISS DOROTHY B., confirmed, 11.

UPDEGROVE, J. ARTHUR, confirmed, 10.

V

VANDERGRIFT, MISS C. MYRTLE, confirmed, 80.

VAN OSTEN, THOMAS W., confirmed, 12.

VILLANI, SALVATORE, confirmed, 314.

VORPE, E. J., confirmed, 14.

VOUGHT, FRED B., confirmed, 646.

W

WAGAMAN, MISS A. VIOLA, confirmed, 314.

WAGNER, EDWARD E., confirmed, 12.

WAGNER, MISS MILDRED F., confirmed, 11.

WAGONER, MRS. INEZ, confirmed, 9.

WALDMAN, EDWARD J. Jr., confirmed, 313.

WALKER, BENJ. E., confirmed, 16.

WALLACE, MISS ANNA T., confirmed, 14.

WALT, LEON, confirmed, 13.

WALTER, JOHN J., confirmed, 16.

WALTER, LLOYD A., confirmed, 10.

WALTERS, MISS HELEN B., confirmed, 8.

WALTHER, A. P., confirmed, 10.

WALTON, CLYDE C., confirmed, 11.

WALTON, MERCER D., confirmed, 390.

NOTARIES PUBLIC—Continued.

WARFEL, JOSEPH L., confirmed, 10.

WARFIELD, GORDON R., confirmed, 10.

WARNER, WILLIAM H., confirmed, 80.

WARWICK, SAMUEL C., confirmed, 10.

WASHER, MISS DORIS L., confirmed, 80.

WASHINGTON, GEORGE, confirmed, 15.

WATKINS, ROBERT B., confirmed, 14.

WEAVER, C. K., confirmed, 16.

WEBBER, JOHN A., confirmed, 9.

WEBBER, MRS. MAE I., confirmed, 11.

WEBER, MISS BERTHA, confirmed, 80.

WEBER, MISS LYDIA K., confirmed, 9.

WECHT, CHARLES C., confirmed, 12.

WEED, MISS FREIDA R., confirmed, 314.

WEIGLEY, MISS CATHARINE M., confirmed, 9.

WEINING, HARRY H., confirmed, 15.

WEINSTEIN, SAMUEL, confirmed, 159.

WEISS, DAVID H., confirmed, 13.

WELCH, MRS. EMMA B., confirmed, 365.

WELSH, MRS. MIRIAM A., confirmed, 16.

WELSH, ROBERT C., confirmed, 12.

WENGER, JOHN H., confirmed, 15.

WERSHAW, MRS. MARY N., confirmed, 12.

WHALEN, JOHN B., confirmed, 14.

WHINNA, MISS LORETTA D., confirmed, 378.

WHITAKER, MISS ELEANOR M., confirmed, 472.

WHITAKER, KENNETH R., confirmed, 8.

WHITCOMB, MISS ELSIE E., confirmed, 13.

WHITE, MISS CHARLOTTE M., confirmed, 313.

WIEGAND, MRS. MARY, confirmed, 198

WIELEBSKI, WALTER A., confirmed, 414.

WIESMANN, AUGUST H., confirmed, 12.

WIGGINS, W. W., confirmed, 8.

WIKLER, MISS ESTHER, confirmed, 12.

WILDER, MRS. FRANCES B., confirmed, 10.

WILKINS, MISS ALICE M., confirmed, 8.

WILLIAMS, MRS. ALICE C., confirmed, 10.

WILLIAMS, JOHN V., confirmed, 390.

WILLIAMS, MISS MARY, confirmed, 11.

WILLIAMSON, MSS DOROTHY E., confirmed, 12.

WILSON, MRS. ANNE H., confirmed, 14.

WILSON, MRS. CAROLINE D., confirmed, 11.

WILSON, ROSS L., confirmed, 12.

WILLS, M. E., confirmed, 9.

WINCHELL, MISS ELSIE M., confirmed, 10.

NOTARIES PUBLIC—Continued.

WINTERS, MRS. CHARLOTTE B., confirmed, 365

WIRTH, MISS LEONA B., confirmed, 11.

WISE, MISS GRACE A., confirmed, 505.

WISNER, MISS MIRIAM E., confirmed, 10.

WIXTED, MISS MARY M., confirmed, 135

WOESSNER, CHARLES F., confirmed, 9

WOLBERT, HORACE C., confirmed, 80.

WOLF, MRS. MARGARET M., confirmed, 10.

WOLPERT, JOSEPH T., confirmed, 16.

WONSETTLER, C. GLENN, confirmed, 14.

WOODBURN, RALPH E., confirmed, 16.

WOODS, HARRY C., confirmed, 15.

WOODWARD, HARRY E., confirmed, 16.

WORLEY, J. HOWARD, confirmed, 9.

Y

YANCICK, PAUL S., confirmed, 16

YARNALL, EDMUND M., confirmed, 159.

YARNELL, W. ROBERT, confirmed, 80.

YECIES, SIDNEY, confirmed, 8.

YOBLIN, HENRY A., confirmed, 44.

YORTIS, MRS. GERTRUDE S., confirmed, 9.

YOST, F. G., confirmed, 9.

YOUNG, ROBT. G., confirmed, 314.

YOUNG, MRS. M. HELEN, confirmed, 258.

YOUNG, W. E., confirmed, 277.

YOUNGER, MISS CORA L., cnfirmed, 540.

YOUNGK, WM. E., confirmed, 8.

YUNK, E. H., confirmed, 9.

Z

ZALEN, MISS ANN, confirmed, 8.

ZARKER, A. B., confirmed, 10.

ZEFT, BENJAMIN, confirmed, 16.

ZEHNER, MRS. ISABEL, confirmed, 14.

ZIEGLER, ALLEN W., confirmed, 9

ZIEGLER, EDWIN H., confirmed, 13.

ZIFF, MRS. HANNAH R., confirmed, 12.

ZINCK, MRS. FLORENCE K., confirmed, 10.

ZINSSER, WALTER T., confirmed, 13.

ZIRIN, DAVID S., confirmed, 12.

ZUKOWSKA, MISS WILHELMINA H., confirmed, 277.

ZVEE, EINBINDER, confirmed, 15.

NUNEMACHER, WILLIAM B., Representative from Clinton County.

Motion by, to
Dispense with further reading and to approve Journal, 665.

Roll call, 32.

NURSES: (see Certificates, birth).

O'BRIEN, JOSEPH M., Representative from Philadelphia County (Nineteenth District).

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No. 50.
Amending Act, 1936, suspending State tax on liquor during the war emergency, 224.

Bills reported by
No. 64.
Concerning conservation of fish supply, 291.

No. 98 (Senate No. 64).
Amending Act, 1942, making appropriation for Extraordinary Session of the Legislature assembled February seventeenth, one thousand nine hundred forty-two, 499.

No. 109.
Prhibiting workers in defense and war activities from engaging in political activities, for limited period, 464.

No. 116.
Promoting interstate cooperation by regulating use conservation and protection of water resources in the Delaware River Basin, 519.

No. 121 (Senate No. 84).
Amending "Vehicle Code," 1929, arranging for issuance of one only motor vehicle registration plate to conserve metal, 590.

Member of Select Committee on Special Session Legislation, 34.

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Remarks by, on
Bill No. 29, relating to air raid precautions and the prevention of sabotage in cities of first class, 349.

Resolution called up by
Requesting Commissioner of Motor Police to inform House of status of examinations given to members of The Motor Police, (House) No. 15, Serial No. 33; 535.

Resolutions offered by
Congratulating Hon. Edward Duffy and Mrs. Duffy on the birth of twins, 591.

Congratulating Hon. Leon J. Kolankiewicz upon his fiftieth birthday, 503. Remarks on, by Kilroy, 503.

Resolutions reported by
Authorizing appointment of a Committee to study laws of the Commonwealth relating to transportation, storage and handling of explosives and to report to House thereon, (House) No. 42, Serial No. 72; 519.

Congratulating Anthracite Emergency Committee on the results of their coal purchase plan; and memorializing the Committee to continue its work, (House) No. 30, Serial No. 51; 451.

Congratulating City of Bethlehem on its 200th anniversary, (House) No. 31, Serial No. 52; 311.

Roll call, 32.

OCCUPATIONS: (see Professions and Occupations. Public Instruction, Department of).

O'CONNOR, ALBERT L., Representative from Cambria County (Second District).

Amendments offered by, to
Bill No. 1, providing for apportionment of the Commonwealth into Congressional Districts, 55. Laid on table, 56. Withdrawn, 56.

Congratulated on birthday, 621.

Declared out of order, 56.

Member of Select Committee on Special Legislation, 34.

Member of Special Committee, 33.

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Remarks by, on
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Request by, for
Unanimous consent to address the House, 56.

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Authorizing appointment of a committee to investigate stream and water pollution (House) No. 12, Serial No. 24; 291.

Thanks Members for birthday resolution, 621.

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O'DARE, JAMES J., Representative from Philadelphia County (Eighth District).

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Adjourn, 465.

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OFFICERS AND EMPLOYES of the Commonwealth engaged in Army or Navy service; amending Act, 1917, further regulating payments to dependents of, and deductions payable to State Employes' Retirement Fund, or Pennsylvania Mo-for Police Retirement Fund; and limiting conditions of resumption of office or employment of

House Bill No. 117.
Read in place in House by Mr. Turner, 501.
Referred to select Committee on Special Session Legislation, 501.
Reported without amendment, 518.
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Remarks on, by
Turner, 577.

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O'HARA, S. M. R., Secretary of the Commonwealth: Orders for Special Elections issued to, 30-32, 87.

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OLD AGE ASSISTANCE: Resolution (Senate) concurrent Serial No. 105, concerning administration of civil service in, 5-7.

O'MULLEN, JOSEPH J., Representative from Philadelphia County (Twelfth District).

Motion by, to
Adjourn, 112.

Resolutions offered by
Congratulating Hon. Leon J. Kolankiewicz upon his fiftieth birthday, 503. Remarks on, by Kilroy, 503.

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O'NEILL, HARRY P., Representative from Lackawanna County (Fourth District).

Bills introduced by
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Changing the provisions of Unemployment Compensation Law, 1936, 1937, P. L. 2897, and rights, obligations and procedure thereunder, 106.

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No. 47.
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No. 74.
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Member of Conference Committee, 619.

Member of Select Committee on Special Legislation, 34.

Member of Special Committees, 34, 120.

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Extending sympathy of House to Brigadier-General Robert M. Vail and family, upon death of his mother, 350. Letter Acknowledging resolution, 482.

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O'NEILL, JOHN N.; chairman, Legislative Committee, Pennsylvania State Association of County Commissioners: Communication from, urging consideration of legislation pertaining to Civilian Defense, 63.

OSTEOPATHIC PHYSICIANS AND SURGEONS; amending "Osteppathic Practice Law", 1909, further regulating the time necessary for graduation and admission to practice as

House Bill No. 42.
Read in place in House by Mr. R. E. Reese, 188.
Referred to Select Committee on Special Session Lgislation, 188.
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O'ROURKE, DR. VERNON A.: (see Swarthmore College Class, etc).

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OWENS, THOMAS A., Representative from Cambria County (Second District).

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Adjourn, 538.

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Congratulating Hon. Albert L. O'Connor on his birthday, 621.

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Referred to Committee on State Government, 27.
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Geltz, 280.
Jaspan, 284-286.
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PAROLE: addresses on, 456-460. Governor's Communication to House concerning, 500.

PAROLE: Communication from Governor James to House of Representatives concerning Senate Bill No. 13, regarding, 500.

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Petitioning the War Department of the United States Government to install a Reserve Officers' Training Corps at Lincoln University, (House) by Messrs. Shepard and Brown, 454. Referred, 463. Reported, 590. Called up and adopted, 672.

Recommending abandonment for the "duration" of policy of suspending commercial operators' licenses for speeding, in cases of first offence, (House) by Bretherick, 437. Referred, 437.

Recommending and demanding increases in public assistance grants commensurate with the increase in the cost of living, (House) by Messrs. Cordier and Melchiorre, 51. Referred, 62. Reported, 164. Called up and adopted, 182-184.

Recommending charging a filing fee for all resolutions, except condolence resolutions, (House) by Messrs. Cadwalader and Haines, 624. Referred, 624.

Recommending continuation by The Joint State Government Commission, investigation instituted under resolution (Senate) Serial No. 10, concerning the salvaging of the waste paper in the State Departments, (Senate) by Wade, 280. (see also Resolution Serial No. 18).

Recommending investigation of the Bureau of Vital Statistics by the Members of the House of Representatives, (House) by Moran, 111. Referred, 111.

Recommending reduction or elimination of toll charges in Pennsylvania for Army and Navy vehicles for the "duration," (House) by Messrs. Rausch and Auker, 162. Referred, 162.

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Requesting Department of Public Works of the City of Philadelphia to inspect, repair and replace gas and water facilities as a protection to the citizens of said City (House) by Messrs. Melchiorre and D'Ortona, 501, 502. Referred, 502. Reported, 519. Called up and adopted, 586.

Requesting elimination of all discrimination in the employment of negroes in industry, (House) by E. F. Thompson, 110. Referred, 110. Reported, 451. Called up and adopted, 535, 536.

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Requesting Governor to issue a supplemental proclamation permitting consideration of the subject of increasing salaries of all school teachers in third and fourth class school districts, (House) by Messrs. Maxwell and O'Neill, 110. Referred, 110.

Requesting Governor to summon a non-partisan Committee to study the problem of the St. Lawrence Waterway, (Senate) by Mallery, 260. Referred, 260. Reported, 298. Called up and adopted, 299, 300.

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Requesting Public Utility Commission to defer all applications for rate increases by passenger transportation utilities for the "duration," (House) by O'Mullen, 178. Referred, 178.

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Requesting resignation of Coroner Herbert M. Goddard of Philadelphia County, and his Chief Deputy, Matthew H. Roth, from the Board of Trustees of the Eastern State Penitentiary, (House) by Monks, 386. Referred, 386. Reported, 499. Called up and adopted, 536. Remarks on, by Messrs. Monks and Turner, 536.

Requesting Secretary of Department of Public Assistance to increase all grants commensurate with the increase in the cost of living, (Senate) by McCreesh, 47. Referred, 47.

Requesting Secretary of Highways to correct traffic situation on State Highway, Route No. 191, in Philadelphia, (House) by Falkenstein, 382. Referred, 382.

Requesting State Council of Defense to inaugurate a program for collection and sale of scrap mental, (House) by P. N. Jones, 162. Referred, 162.

Requesting survey of conditions, equipment and safety of all school buildings (House) by Levy, 467. Referred, 467.

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Urging Governor to issue a proclamation designating May 1, 1942 as Americanism Day, (House) by Tarr, 230. Referred, 230. Reported, 451. Called up and adopted, 536.

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Authorizing adjournment of the Legislature: Senate until February 23, 1942; and the House until February 24, 1942, (Senate) by Kephart, 46. Returned from House concurred in, 59. Concurred in by House, 60.

Authorizing adjournment of the Legislature until March 2, 1942; (Senate) by Carr, 95. Returned from House concurred in, 100. Concurred in by House, 111.

Authorizing adjournment of the Legislature until March 9, 1942; (Senate) by Mallery, 114. Returned from House concurred in, 136. Concurred in by House, 133.

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Authorizing appointment of a Joint Legislative Commission to study all phases of State taxation and revenue, (House) by Cordier, 62. Referred, 62.

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Authorizing appointment of a Joint Legislative Committee to study and investigate the adequacy of public assistance grants in relation to recent increased costs of living, (House) by Van Allsburg, 51. Referred, 61, 62.

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Authorizing payment of mileage to Members of General Assembly (House) by Achterman, 146. Concurred in by Senate, 136. Returned from Senate concurred in, 161. Approved and signed by Governor, 163. Pamphlet Laws Resolution No. 3.

Authorizing payment of salaries and mileage to Members and employes of the General Assembly, (House) by Achterman, 677. Amended and adopted in Senate, 649. Returned to House concurred in as amended, 690, 691. House concurs in amended resolution, 691. Senate informed House concurs in amended resolution, 653.

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Authorizing payment of salaries to House and Senate per diem employes, (House) by Achterman, 146. Concurred in by Senate, 136. Returned from Senate concurred in, 161. Approved and signed by Governor, 163. Pamphlet Laws Resolution No. 4.

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Directing Civilian Conservation Corps officials concerning disposition of equipment, (House) by Cordier, 289. Referred, 289.

Directing Governor and State Council of Defense to take necessary measures to prevent closing of Pennsylvania Maritime Academy, (House) by Messrs. Cullen and Rush, 375. Referred, 375.

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Recalling from Governor, Senate Bill No. 42, suspending and modifying existing law providing for requiring use of motor vehicles' plates or tags as evidence of payment of any license or registration fee, (Senate) by Edmonds, 444. Concurred in by House, 454. Returned from House concurred in, 449. Approved and signed by Governor,. 472. Bill returned to Senate, 472.

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Recommending reduction or elimination of toll charges in Pennsylvania for Army and Navy vehicles for the "duration," (Senate) by Messrs. Shapiro and Crowe, 137. Referred, 138.

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SCHOOL EMPLOYES' RETIREMENT ASSOCIATION; amending "School Employes' Retirement Law," 1917, defining rights and obligations of certain members of, engaged in active military service

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WILSON, THOMAS B., Senator from McKean, Potter and Tioga Counties (Twenty-Fifth District).

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